



**ATTIKO METPO A.E.**

**TITLE OF THE TENDER: “THESSALONIKI METRO DEVELOPMENT  
STUDY (TMDS)”**

**RFP-361/19 A.Σ. 81337**

**INVITATION TO TENDER  
– OPEN PROCEDURE**

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**CHAPTER A**

**ARTICLE 1 INTRODUCTION – AWARDING AUTHORITY INFORMATION**

- 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 Law 1955/91, as this is amended through article 35 of L. 3202/03 (and articles 121 and 145 of Law 4070/12 is the design, construction, running, operation and development of the Urban Railway Network of Attica and Thessaloniki Region and, in general, of the Electric Railway of Attica and Thessaloniki Region (with the exception of OSE Railway Network) as well as of the TRAMWAY network in whole Greece.

AM announces an international electronic Tender based on the open procedure and invites all interested economic operators to submit offers, in accordance with the stipulations of this Invitation to Tender and its associated documents for the conclusion of a Contract for Thessaloniki Metro Development Study (TMDS).

- 1.2** The Awarding Authority, Owner of the Supply and Employer for the Contract to be concluded is ATTIKO METRO S.A. (AM).

Title	ATTIKO METRO S.A.
Postal Address	191-193 Messogion Avenue,
City	Athens
Postal Code	11525
Contact Person	Aikaterini Saiti
Tel. No.	210 - 6792473
Fax No.	210 – 6726126
Geographical Area of the Agency	EL 30
Geographical Area of the Execution of the Contract	EL 522

**ARTICLE 2 TITLE OF THE TENDER AND TENDER DOCUMENTS - CLARIFICATIONS**

- 2.1** The title of the Tender is: **“THESSALONIKI METRO DEVELOPMENT STUDY (TMDS)”**. This title, accompanied by the reference code **RFP-361/19**, shall be shown on all Envelopes and Sub-envelopes of the Offers.

- 2.2** The CPV Code of the Contract is 71311230-2 “Railway Engineering Services”.

- 2.3** The Documents concerning the subject Electronic Tender shall be posted on ESIDIS web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) and shall be as follows:

1. European Single Procurement Document (ESPD)
2. This Document entitled “Invitation to Tender”, along with its Appendices
3. The Document entitled “Financial Form”
4. The Document entitled “Conditions of Contract”

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**5. The Document entitled “Technical Description of Scope and Study Preparation Specifications”**

In addition, the Tender Documents shall be posted on AM's web page [www.ametro.gr](http://www.ametro.gr) and any information regarding the Tender shall be provided by Mrs. K. Saiti, Tel. No. 210-6792473, during working hours from 09.00 to 15:00h.

Interested Parties are given the option, prior to the submission of Offers, to submit questions and request clarifications electronically regarding the tender documents at the web page for this specific tender, via ESIDIS web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) by **10.05.19 at 11:00h**.

It is stressed that for submitting a request for the provision of supplementary information – clarifications, economic operators must be registered in the system; in other words, they must possess the required credentials for Login (username and password) granted to them. The electronic file containing the questions related text must bear a digital signature.

AM shall collect all questions that will be submitted through the web page and shall proceed to the issuance of a Clarifications Document, which shall be posted on ESIDIS web site by **23.05.19 at 11:00h** at the latest.

It is stressed that responses shall be provided only to those questions that have been submitted electronically.

It is stressed that any supplementary information regarding the Tender documents, as well as AM's written clarifications on questions filed by the interested parties concerning the Tender Documents and procedure shall be all posted at the same time on AM's web page [www.ametro.gr](http://www.ametro.gr).

The Clarifications Document may include additions or clarifications on the terms of this Invitation that might be required. The clarifications of the aforesaid Document shall complement and be incorporated into the Tender Document and are considered to be an integral part of the Invitation.

The Bidders are not entitled to invoke verbal responses or clarifications given by the Service conducting the tender.

**ARTICLE 3 PRECONDITIONS FOR VALID PARTICIPATION – ELECTRONIC SUBMISSION OF OFFER FOLDER**

**3.1** Offers shall be submitted by the interested parties electronically, via ESIDIS [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal in an electronic folder of the sub-system, in line with the provisions of Ministerial Decision 117384 (FEK 3821B') and the stipulations of this Invitation, by the final deadline and until the time determined in article 14 of this Invitation.

The time of the submission of offers and any other electronic communication, through the system, shall be automatically confirmed by the system through electronic time stamps, in line with article 9 of Ministerial Decision 117384 (FEK 3821B').

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In order to participate in the subject procedure, the interested economic operators must possess a digital signature to be granted to them by the authority certified to provide digital signatures and register into the electronic system (ESIDIS – Web Portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr)) following the registration procedure described in article 5, paragraphs 1.2 – 1.4 stipulated in the Joint Ministerial Decision No. 117384/26.10.2017 (3821B) “Settling technical issues regarding the award of public contracts for works, designs, and provision of technical and other similar scientific services, using the individual tools and procedures of ESIDIS”.

By exception, foreign economic operators are not obliged to sign the back up documentation stipulated herein using an advanced electronic signature; instead, they can authenticate this documentation by any other appropriate means, should the use of advanced digital signature in public contracts related procedures is not mandatory in their country of origin. In these cases, the offer shall be accompanied by a legal statement certifying that the use of advanced digital signature is not foreseen in the country of origin or that the use of advanced digital signature for participation in public contracts related procedures is not mandatory in the country of origin.

Economic operators’ associations shall submit Common Offers, which shall be necessarily signed digitally either by all economic operators forming the association or by a representative of theirs, lawfully authorized to this end. At the penalty of the offer’s rejection, the offer shall necessarily specify the extent and the type of each member’s participation (including their share of fee) in the association, as well as the association’s representative / coordinator.

**3.2** The electronic folder of the Offer shall include:

- a. One sub-folder\* named “Back-up Documentation for Participation” (includes the information required in line with article 21.1 of this Invitation)  
(Category: Technical”),  
and
- b. One sub-folder\* named “Financial Offer” (includes the information to be duly filled in line with article 21.2 of this Invitation).

Sub-folder: category of attached files in the system.

**3.3** When submitting his offer, the Bidder shall mark – through the appropriate field of the system, the confidential information contained in his offer, in line with the stipulations of article 12, Law 4412/16.

In this case, in the pertinent sub-folder (category), the Bidder shall submit a justification in the form of a digitally signed .pdf file and shall explicitly refer to all relevant law provisions or administrative acts imposing the confidentiality of the specific information, attaching same (justification) to his electronic offer. Information regarding unit prices, offered quantities and financial offer are not characterized as confidential.

In case information is submitted in ZIP files, the Bidder must submit the part of information that he wishes to indicate as confidential, in line with the above, in separate .pdf electronic files of or in a separate ZIP file.

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**3.4**

Users – economic operators shall submit the above (sub)folders via the sub-system, as described below:

- a. The data and back-up documentation included in the (sub)folder with the indication “Participation back-up documentation” are those indicated in article 21.1 of this Invitation and shall be electronically submitted by the economic operator in .pdf files; should they be prepared / produced by this economic operator, they shall bear an approved advanced digital signature or an advanced digital signature documented by approved certificates, in line with paragraph 3 of article 8 of the Joint Ministerial Decision No. 117384/26.10.2017;
- b. Bidders shall compile their financial offer by filling in the respective special electronic form of the sub-system and by attaching – in the electronic field named “Electronic Offer Attachments” (Add Attachment Category Commercial) and in the respective sub-folder – all information of their Offer in a .pdf format.
- c. Subsequently, through the relevant sub-system, bidders shall produce the electronic files (“Reports”) of the Participation Back up documentation and Financial Offer in .pdf files. These files shall be signed by the bidders either using an advanced approved digital signature or an advanced digital signature documented by approved certificates, in line with paragraph 3 of article 8 of the Joint Ministerial Decision 117384/26.10.17, and shall be attached to the respective (sub)-folders of the offer. Once the offer is submitted to the system, the sub-system makes automated checks for the verification of the electronic offer in relation to the produced electronic files (Participation Back up documentation and Financial Offer) and on condition that these checks are successful, the Offer is submitted to the sub-system. Otherwise, the offer is not submitted and the sub-system will generate an error message on the user interface of the Bidders for the Bidders to make the necessary corrections.
- d. If the back up documentation for participation and the financial terms are not depicted in their entirety in the special electronic forms of the sub-system, bidders shall attach – digitally signed – the relevant electronic files, in line with the terms of this Invitation.
- e. The sub-system generates an electronic confirmation that the offer has been submitted; this confirmation is sent to the economic operator via an e-mail.

**3.5**

**Withdrawal of the Offer**

Bidders are entitled to request withdrawal of a submitted offer prior to the final deadline for the submission of offers by addressing to the Awarding Authority a written request in a .pdf file, having an advanced approved digital signature or an advanced digital signature documented by approved certificates, in line with paragraph 3 of article 8 of the Joint Ministerial Decision 117384/26.10.17, by action “On Line Discussions” of the sub-system. Further to the pertinent resolution of the Awarding Authority, which accepts the relevant request of the bidder, a certified user of Awarding Authority proceeds to the rejection of the relevant electronic offer in the sub-system prior to the final deadline for the submission of offers. Subsequently, the economic operator is entitled to re-

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submit an offer, via the sub-system, until the final deadline for the submission of offers.

- 3.6**      **Within three (3) working days** upon the electronic submission of the aforesaid information and back up documentation – at the penalty of disqualification - Bidders must submit to AM (**submission to AM's DCC by 15:00**) in a printed format and in a sealed envelope the electronic offer related information, which must be delivered in originals, in line with Law 4250/2014. Such information and back up documentation must include: the participation letter of guarantee, the original documents which have been issued by private agencies and are not ratified by a lawyer, as well as the documents bearing the Apostile Stamp. In case of private documents, these can be accepted as simple photocopies, on condition they are accompanied by a legal statement verifying their accuracy,

In particular, CVs of the Specialized personnel stipulated in paragraph 21.1.4 herein, which are part of the Participation Back up Documentation sub-folder must be submitted in printouts if they do not bear an approved electronic signature. The aforesaid CVs can be submitted either in originals or in photocopies, on condition they are accompanied by a legal statement verifying their accuracy.

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. Taking also into account the stipulations of article 80, Law 4412/2016, as amended by article 43 Law 4605/2019.

The aforementioned information and back up documentation shall be deposited to the Document Control Center (DCC) of AM, in line with the above; they shall be accompanied by a document drafted by the bidder listing in detail the submitted back up documentation. The relevant sealed envelope bearing the indication: **“Participation Back-up Documentation”** shall necessarily bear the following label and and shall be accompanied by a **cover letter on the outside** of the envelope.

**BACK-UP DOCUMENTATION FOR PARTICIPATION IN THE TENDER**  
*(The company name – mailing address – telephone & fax numbers  
of the bidder and, in case of an association, the particulars of all  
its members)*

**FOR THE TENDER:**

**“THESSALONIKI METRO DEVELOPMENT STUDY (TMDS)”**

**(Reference Code RFP-361/19)**

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

**Attention: Tender Committee**

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

**Any delayed submission of an offer envelope**, in line with the above, results in the **disqualification** of the bidder.

#### **ARTICLE 4 ELECTRONIC UNSEALING AND EVALUATION OF OFFERS PROCEDURE – PRELIMINARY APPEALS**

- 4.1** The tender is carried out by the Committee appointed by AM's BoD Resolution. This Committee shall be responsible for the conduct of the tender from the unsealing of the offers related stage until the stage of submitting a Recommendation to AM's Board of Directors for the award of the Tender to the lowest bidder or for the cancellation of the tendering process and shall evaluate and opine on any matter to arise from the awarding procedure up to contract conclusion, including the required opinions on issues to arise during the examination of any appeals from the Authority responsible for the Examination of Preliminary Appeals (AEPP)

After the final deadline for the submission of offers, as determined in article 14 herein, and prior to the electronic unsealing, the relevant participants list, as produced by the Sub-system, shall be communicated to the Bidders by AM.

#### **4.2 Electronic Unsealing Procedure**

The electronic unsealing of the offers shall be conducted at the time foreseen in article 14.2 herein, via AM's Tender Committee, certified by the System. More specifically, the Tender Committee shall proceed to the electronic unsealing of the sub-folder “Back Up Documentation for Participation” and of the sub-folder “Financial Offer”.



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The Tender Committee posts on the website “Attachments of Electronic Tender” the relevant list of the Bidders classified as per the lowest bid, so that the Bidders can be relatively informed.

Further on, as per the lowest bids’ order of classification, the Tender Committee shall proceed to the checking of the offered price and the Financial Offer is rejected, if the requirements of article 21.2 herein are not fulfilled.

Once corrected, if necessary, all financial offers are recorded in the Committee’s Proceedings which shall be signed by its members.

Further on, on the same day, the Tender Committee shall check the back-up documentation for participation, as per article 21.1 herein, per the lowest bids’ order of classification, starting from the lowest bidder. It is stressed that, in line with article 21.1.4 herein, one of the items of the back-up documentation for participation sub-folder, which must be checked by the Tender Committee, consists in the CVs of the Specialized personnel of Group K1, as stipulated in article 20.2.3 herein. For this reason, the proposed specialised personnel must be evaluated based on the submitted CVs via the pass/fail system; the tender committee, in this case, shall examine whether the individuals proposed fulfill or not the minimum requirements for experience, as described in the Table included in article 20.2.3. If the minimum requirements for experience are not fulfilled, then the offer of the Bidder shall be rejected.

If, due to the great number of offers and the checking of the Letters of Guarantee, the checking process cannot be completed on the same day, then the subject procedure shall continue in the next working days.

Prior to the completion of the preparation of its Proceedings, the Tender Committee shall communicate with the issuing authorities indicated on the submitted letters of guarantee, in order to certify their validity. If a forgery is identified, then the candidate shall be disqualified from the tender and a criminal complaint shall be brought forth to the District Attorney.

The procedure described above shall be recorded in the Tender Committee Proceedings, to be signed by the Chairman and its members.

Once the Tender Committee completes the compilation of the relevant Proceedings it presents it before AM’s BoD for approval.

Then, following the issuance of AM’s BoD Resolution approving the Proceedings of the Tender Committee, the BoD shall communicate it to all Bidders granting them access rights to the information submitted by the remaining Bidders.

Bidders can file preliminary appeals against the aforesaid AM’s BoD Resolution, in line with the provisions of article 4.5 herein.

During the review of the sub-folders “Participation back-up Documentation – Financial Offer”, the Tender Committee reserves the right, at its sole discretion, to request electronically, through the system, clarifications and additions exclusively on the submitted data, in line with article 4.4 herein.

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Bidders submitting electronically via the system incomplete data for which the Tender Committee requested the provision of additions – clarifications within a reasonable deadline, and failing to provide same or providing incomplete data shall be excluded.

**If no appeals are filed against the results or further to the examination of any appeals filed**, AM shall invite the Lowest Bidder to submit the back-up documentation for the award of the tender as per the provisions of article 4.4 herein.

In case of offers of equal prices, i.e. offers bearing exactly the same price, AM shall select the Contractor through a drawing lots procedure to take place before the Tender Committee and in the presence of the Economic Operators, who submitted the offers bearing exactly the same price, on a date and at a time to be notified to the bidders, by action “On Line Discussions” of the sub-system.

#### **4.3 Awarding Procedure**

4.3.1 Upon completion of the offers evaluation procedure, as per the stipulations of the previous articles, AM shall invite the provisional Contractor by action “On Line Discussions” to submit within a ten (10) – day period the back-up documentation specified in article 23 herein.

The back-up documentation of the provisional Contractor shall be electronically submitted by the economic operator by action “On Line Discussions”.

Within three (3) working days from the electronic submission of the aforesaid documentation, the economic operator shall mandatorily submit to AM, in a printed format and in a sealed envelope, the documentation that must be submitted in originals, as per the provisions of article 11, paragraph 2 of Law 2690/1999 “Code of Administration Procedure”, as amended through the provisions of article 1, paragraph 2, Law 4250/2014.

4.3.2 If the Back-Up Documentation for the Award is not submitted or if it is ascertained that deficiencies exist, and the provisional contractor submits a request before the Tender Committee - within the deadline provided for in paragraph 4.3.1 - for the extension to the submission deadline, accompanied by back up documents proving that he has applied for the provision of these back up documents, then AM shall extend the back up documents submission deadline for as long as it takes for the competent authorities to provide the subject documentation.

4.3.3 If during the review of the aforesaid back-up documentation, it is ascertained that the information provided in the ESPD is false or inaccurate, or if the required originals or copies of the back-up documentation are not submitted within the prescribed time-period, or if the back-up documentation submitted lawfully and in due time do not prove that there are no reasons for the bidder’s disqualification – by virtue of article 19 - or that one or more of the qualitative selection criteria requirements are fulfilled in line with article 20 herein, then the offer of the provisional contractor is rejected and his letter of guarantee for participation becomes payable; moreover, the tender is awarded to the bidder

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whose the most advantageous offer in terms of finance on the basis of price comes next, adhering to the aforementioned procedure.

If the Awarding Authority is timely and appropriately informed about any alterations in the preconditions that the provisional contractor had declared that he fulfilled through the ESPD, which (alterations) were effected - or for which (alterations) the provisional contractor has been notified - after his declaration and until the date he was notified / called upon to submit the awarding back up documentation of article 23 (subsequent alterations) his participation letter of guarantee that had been submitted, in accordance with article 15, shall not be payable in favour of the Awarding Authority. .

4.3.4 If none of the bidders submitted a true or accurate declaration or none of the bidders submits one or more of the required back up documentation or none of the bidders proves that he fulfils the qualitative selection criteria stipulated in article 20 herein, then the awarding procedure shall be cancelled.

4.3.5 The procedure related to the review of the back up documentation shall be completed with the compilation of Proceedings by the Committee, which make reference to any supplementation of the back up documents, per the stipulations of paragraph 4.3.2, and their transmittal by action “On Line Discussions” to AM’s BoD for it to make a Resolution either on the rejection of the offer or on the award of the Contract or on the cancellation of the procedure. The results of the review of the back up documentation shall be approved by the resolution for the award.

4.3.6 Upon approval of the aforementioned Proceedings of the Tender Committee, the awarding resolution along with a copy of all the proceedings shall be communicated by AM to each Bidder who is not finally disqualified – except the provisional Contractor – via action “On Line Discussions”, in line with the applicable provisions in the framework of the pertinent electronic procedure for the conclusion of contracts. AM shall also post the back-up documentation of the provisional contractor in the area “Attachments of the Electronic Tender”.

Preliminary appeals can be filed against the aforesaid AM BoD Resolution, in line with paragraph 4.6 of this article.

**4.4 Clarifications on the submitted documents**

Within a seven (7)-day period as of the notification date of the related invitation, in line with the stipulations of article 310 Law 4412/16 and article 13 of the Joint Ministerial Decision No. 117384/26.10.17, during the offers’ evaluation procedure, AM can call upon the economic operators, by action “On Line Discussions” of the sub-system, to supplement or clarify the documents or back documentation they have already submitted, including their financial offer.

Any clarification or supplementation submitted by the bidders or candidates without AM’s pertinent request, shall not be taken into account.

#### **4.5 Preliminary Appeals – Provisional court protection**

Every interested party to whom the award of this contract was or had been of his interest and who has or had suffered any damage or is likely to suffer any damage due to legal acts or omissions of the part of AM, in violation of the European Union legislation or the national legislation, shall be entitled to file a preliminary appeal before the AEPP against AM's legal acts or omissions, specifically determining all legal and actual complaints that justify the interested party's application.

If an appeal is filed against any acts on the part of AM, then the deadline for filing the preliminary appeal shall be as follows:

- (a) within a ten (10)-day period, as of the communication of the contested act to the interested economic operator, if the subject act was communicated to him either by electronic means or by fax, or
- (b) within a fifteen (15)-day period, as of the communication of the contested act to the aforesaid economic operator, if the subject act was communicated to him by other communication means, otherwise
- (c) within a ten (10)-day period as of date when the economic operator takes full, actual or presumed cognizance of the act that harms his interests.

Especially as regards the filing of an appeal against an Invitation, full cognizance of the subject act is presumed after the lapse of fifteen (15) days as of the publication on KIMDIS.

In case of omission, then the deadline for filing the preliminary appeal shall be fifteen (15) days as of the date that follows the day the contested omission was effected.

Based on the provisions of p.d. 39/2017, the preliminary appeal shall be electronically filed to AM by action “On Line Discussions” of the sub-system, using the standardized form, by selecting the option “Preliminary Appeal” and by attaching the respective document, according to paragraph 3, article 8 of J.M.D 117384/26.10.2017.

For reasons of admissibility of the preliminary appeal's filing, a fee shall be paid in favor of the Greek State by the party who files the subject appeal, as per the specific stipulations of article 363 Law 4412/2016; this fee shall be returned to the subject party if his appeal is accepted either in its entirety or partially or in case AM withdraws its contested act or proceeds to the appropriate action before AEPP issues a decision pertaining to the aforementioned appeal.

The deadline for filing the preliminary appeal and its filing do obstruct the conclusion of the contract at the penalty of cancellation, which is ascertained through the AEPP's decision further to the filing of an appeal, in line with article 368, Law 4412/2016.

As to the remaining issues, the filing of the preliminary appeal does not obstruct the progress of the tendering procedure, unless interim protective measures are required, by virtue of article 366, Law 4412/2016. The above shall not apply to the cases of paragraph 2, article 364, Law 4412/2016, as amended by Law 4605/2019.

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By action “On Line Discussions”, AM:

- (a) communicates the preliminary appeal to every interested party, as per the provisions of item (a), paragraph 1, article 365 of Law 4412/2016 and item (a), paragraph 1, article 9 of P.D. 39/2017;
- (b) notifies, provides access to all information about the tender and transmits to AEPP all items stipulated in item (b), paragraph 1, article 365 of Law 4412/2016, as amended by Law 4605/2019, in line with paragraph 1, article 9 of p.d. 39/2017.

AEPP gives a ruling on the soundness of the contested actual and legal allegations contained in the appeal, as well as of AM's allegations and, in case of intervention, of the allegations of the party who has intervened, and makes a decision either accepting (either in total or in part) or rejecting the said appeal; this decision is issued within an exclusive deadline of twenty (20) days, as of the date when the subject appeal is examined.

Filing of preliminary appeal constitutes the prerequisite for filing the means of redress pertaining to the application for suspension and to the application for cancellation – per article 372 Law 4412/2016 – against the legal acts or omissions of the part of AM.

The party who has a legitimate interest in this matter, may request the suspension of the execution of AEPP's decision and its cancellation before the competent court. AM is also entitled to file the same means of redress if AEPP accepts the preliminary appeal. By the means of redress pertaining to the application for suspension and to the application for cancellation, it is assumed that, along with the decision of AEPP, the legitimacy of all acts or omissions on the part of AM concerning the aforesaid decision is also contested, if the aforesaid decision, acts and omissions is issued or are executed respectively until the discussion of the application for suspension or until the first discussion of the application for cancellation.

Filing the application for suspension does not depend on the previous filing of the application for cancellation. The application for suspension is filed before the competent court within a delaine of ten (10) days following the notification or comprehensive cognizance of the decision on the preliminary appeal and is discussed within thirty (30) days at the latest as of its filing. The precondition for filing the application for suspension is the payment of the fee provided for by the stipulations of article 372, paragraph 4, Law 4412/2016.

The application for suspension does obstruct the signing of the contract, unless the competent court decides otherwise, through the provisional order.

**ARTICLE 5 ANNULMENT OF THE TENDERING PROCESS**

- 5.1** The tender shall be completed upon approval of its results and its award by AM's BoD.
- 5.2** Through its BoD resolution and further to the Tender Committee's relevant opinion, AM can annul the contract awarding process in the following cases:
- a) if the procedure proved to be fruitless, 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 none of the Bidders arrives to sign the contract.
- 5.3** The contract awarding process can also be annulled through AM BoD resolution and further to the Tender Committee's relevant opinion in the following cases:
- a) for irregular conduct of the tender procedure, provided that the result of the tender is affected by the irregularity;
  - b) if the financial and technical parameters related to the awarding process have essentially changed and the execution of the contractual scope no longer interests AM;
  - c) if the contract cannot be executed due to force majeure;
  - d) the offer is considered disadvantageous – in terms of finance;
  - e) if the validity of the offers expires and if the bidders do not accept to provide the required extensions;
- 5.4** 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.
- 5.5** As to the remaining issues, applicable shall be the provisions of article 3.17 of Law 4412/16.
- 5.6** In case of cancellation or annulment of the tender, the participants do not have any right of compensation for any reason whatsoever.

**ARTICLE 6 CONCLUSION AND SIGNING OF THE CONTRACT**

- 6.1** Upon the occurrence of the lawful results of the award resolution, in line with article 105 Law 4412/16, as valid, and upon completion of the preliminary review of the contract by the Court of Auditors, if required, in line with article 35 and 36 of Law 4129/2013, the provisional contractor in case of pre-contractual review or in case of filing of a preliminary appeal against the awarding resolution, shall submit a legal statement (further to his being invited to this end), which is signed as per the provisions of Article 79A Law 4412/2016, stating that no subsequent alterations have been raised as far as he is concerned, per the sense of article 104 of Law 4412/2016. The legal statement shall be reviewed by the Tender Committee, which shall compile a Proceedings accompanying the contract. The award resolution is communicated, by action “On Line Discussion” of the sub-system to the

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provisional contractor,, who is called upon to present himself to sign the contract within a **deadline of twenty (20) days** upon communication of a special electronic invitation addressed to him by action “On Line Discussion” of the sub-system.

**6.2**

The contract is signed – on the part of the Contractor – by the Bidder’s representative, already authorized as of the award stage, who initials and stamps all sheets of the contract documents. The Contract about joint ventures or consortia shall be signed by the Legal Common Representative appointed at the time the Offer was submitted, should this person is legally authorized to this end.

In order to sign the Contract, the selected Contractor has to deposit:

- A Good Performance Letter of Guarantee, in line with article 15 herein;
- A Certificate issued by the Insurance Company (-ies) about the insurance coverage, in line with the stipulations of article 9 of the Conditions of Contract. The original insurance policies shall be submitted by the Contractor within a twenty (20) calendar day – period upon the contract signing, along with the payment receipt of the first installment of premiums.
- The legal statement included in the Joint Ministerial Decision No. 20977/23.08.2007 (B’ 1673) made by the Ministers of Development and State, “Back up Documentation for keeping registries by virtue of Law 3310/2005, as amended via Law 3414/2005”.
- On the basis of his competent bodies, the Contractor must also appoint his representative for the execution of the Contract. The Contractor’s representative must reside or stay in Athens. The decision on the appointment shall be also accompanied by the representative’s statement of acceptance.

The representative’s appointment and statement of acceptance shall be unconditional and shall extend to all issues pertaining to the execution of the contract (e.g. payments, accounts, taking delivery of instructions, exchange of correspondence, taking delivery of Letters of Guarantee, etc.).

Before signing the Contract, in case of a Joint Venture or Consortium, the Contractor shall also submit a Notary Act for the establishment of the Joint Venture/Consortium; the following shall be **necessarily** included therein:

- (a) Acceptance for the joint participation in the execution of the Contract, the percentage by which each Company participates in the Joint Venture/Consortium (same as in the submission of the offer);
- (b) Statement indicating that the contracting companies participating in the Joint Venture/Consortium are jointly and indivisibly responsible before AM for any issue related to the execution of the Project;
- (c) Appointment of the Joint Venture/Consortium common representative (physical entity) before AM and of his alternate.

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**Statements of the Representative and his Alternate, whereby they accept their appointment, shall accompany the Notary Act for the Establishment of the Joint Venture/Consortium.** 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.

Five (5) days prior to the signing of the Contract and in view of avoiding any delays, the Contractor should provide draft of the required back up documentation to be reviewed by AM.

Should the deadline for the signing of the Contract elapses idle on the appointed Contractor's fault, who, despite having been called, does not show up for the signing of the Contract or does not submit the required guarantees, or fails to comply with his obligations as stipulated in this document, then he is declared forfeited, his letter of guarantee for participation becomes payable in favor of AM (while the prior notification to him of a special invitation is not required) and applicable shall be the procedure stipulated in paragraph 4.3 concerning the Bidder who has submitted the lowest price that follows. If none of the Bidders come to sign the subject contract, the awarding procedure is annulled. AM reserves the right not to award the Tender and cancel it (in line with article 5 herein), without this constituting any kind of obligation for any compensation to any interested party.

**ARTICLE 7: CONTRACTUAL DOCUMENTS**

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

1. The Private Agreement
2. This Invitation to Tender with its Attachments and the Clarifications Document that may be issued
3. The Financial Offer of the Contractor
4. The Conditions of Contract document (CC)
5. The document entitled “Technical Description of Scope and Study Preparation Specifications”

**ARTICLE 8: LANGUAGE OF THE TENDER PROCEDURE**

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

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



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Any public and supporting documents concerning foreign Companies can be submitted in the form of a ratified photocopy either by a legal certified document by the Consular authorities in the country of the bidder or by the original document affixing the “Apostille” stamp, as per the Hague Convention dated 05.10.61. This ratification shall be effected by an attorney, in the sense of articles 454 of the Code for Civil Procedure and article 53 of the Code of Attorneys.

Foreign private documents shall be accompanied by their translation in the Greek language; they must be ratified either by a person in charge by virtue of the stipulations of the national legislation or by a person lawfully authorized in the country where the subject documents have been compiled.

**8.3** The prevailing wording shall be always in Greek. Any eventual objections shall be submitted into the Greek language.

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

**ARTICLE 9: APPLICABLE LEGISLATION**

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

- a) the provisions of Book II (articles 222 to 338), Law 4412/16,
- b) articles 182 to 199 of Law 4412/16 shall additionally apply for the execution of the Contract
- c) the terms of the Contract and
- d) the Civil Code shall additionally apply.

**ARTICLE 10: PRESUMPTION ENSUING FROM THE PARTICIPATION IN THE TENDER PROCEDURE**

The participation in the tender procedure constitutes proof that the bidder has taken full cognizance of this Invitation and the remaining information and that he accepts them without any reservation.

**CHAPTER B'**

**ARTICLE 11: SCOPE AND REQUIRED PERSONNEL– OVERALL PRE-ESTIMATED FEE  
– DURATION - FUNDING**

**11.1 General**

The main features of the contract scope are referred to in the documents, which are stipulated in article 7 of this Invitation and which accompany same.

In order to investigate the needs for new Metro Projects after the implementation of the Metro Base Line and the Extension to Kalamaria, and in view of preparing a Metro Development Plan for Thessaloniki in the framework of an updated Transportation Plan for the city, with year 2040 as the year marking the 20-year time horizon for planning, AM intends to assign the Contract for Thessaloniki Metro Development Study, which will specify the trips demand and the need for the construction of the corresponding infrastructure projects in Thessaloniki

**11.2 Scope of the Contract**

**Background**

The Thessaloniki Metro works currently under execution were designed on the basis of the General Transport and Traffic Study for the city of Thessaloniki, assigned by Thessaloniki Organization (ORTHE) and completed in 2000.

Since then, no other study of such magnitude and extent has been undertaken for the city of Thessaloniki. In view of the needs for the Thessaloniki Metro Extension to Kalamaria, AM, in cooperation with SASTH (Board of Urban Transport for Thessaloniki), prepared the necessary studies (Feasibility Study, 2011), having dully updated the trips demand data, 2016 being the target planning year.

In view of exploring the needs for the construction of new Metro projects after the completion of the Metro Base Line and the Metro Extension to Kalamaria, and in view of establishing a Metro Network Development Plan for Thessaloniki in the framework of an updated Transport Plan for the city of Thessaloniki, establishing the year 2040 as the 20-year planning horizon, a new General Transport Study must be prepared in the framework of Thessaloniki Metro Development Study (TMDS), which shall determine the trips demand and the need for the construction of the corresponding infrastructure projects in Thessaloniki.

**Scope of Thessaloniki Metro Development Study (TMDS)**

The Thessaloniki Metro Development Study is a General Transportation Study, aiming at configuring a Transport Plan in the framework of a medium-long term Transportation Planning for the city of Thessaloniki (target years 2030 and 2040).

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The Study Area of the Thessaloniki Metro Development Study includes the Urban Cluster of Thessaloniki and the surrounding Suburban Zone, with a total population rising approximately to 991,847 residents (Greek Statistical Authority - ELSTAT census, 2011), a figure corresponding to approximately 89% of the population of the Prefecture of Thessaloniki (1,110,551 residents).

The scope of the TMDS includes the following:

- a) Capturing of the current status governing the operation of transport systems in the Study Area and the attributes or parameters defining the demand and supply of these systems.
- b) Analysis of the current status and development of the relevant Data Bases.
- c) Development of alternative scenarios for transport infrastructure networks in the framework of the medium/log-term Plan for the Development of the Study Area and the transport systems.
- d) Development of a Transport Model for the city of Thessaloniki, namely of the mechanism for simulating the transport service in the Study Area and the elements that define the transport system's demand and supply parameters, in order to assess the alternative scenarios of the transport networks, in view of selecting the optimum Metro Network Development Plan in the framework of an integrated Transport Plan.

It is stressed that the scope and obligations on the part of the Contractor are described in detail in the document entitled “Technical Description of Scope and Study Preparation Specifications”.

### **11.3**

#### **Contractor's Personnel**

The Contractor is obliged to make available the personnel requested – both in terms of number and in terms of specialization – to fulfill the Contract requirements. However, due to the specialized scope of the Contract, the Contractor is obliged to make available **as a minimum** the specialized personnel indicated in Table A of this paragraph.

The personnel required as a minimum is distinguished in two groups, group K1 and group K2, as follows:

- **Group K1**: Members of personnel belonging to this group must be available to the Bidders during the Tendering process and, more specifically, their CVs must be submitted in the Back Documentation for Participation sub-folder, in line with article 21.1.4 of this Invitation. The CVs shall be evaluated in line with the provisions of article 4.2. As concerns associations, the required personnel may derive either cumulatively or by one of the members of the association.
- **Group K2**: Members of personnel belonging to this group must be available after the contract signing, while their CVs shall be submitted by the Contractor to AM for approval, by virtue of article 6 of the Conditions of Contract.

**TABLE A: CONTRACTOR’S SPECIALIZED PERSONNEL**

<b>S/N</b>	<b>Position in the Project</b>	<b>Number of persons</b>	<b>Minimum Specialization / Experience</b>
	<b>GROUP K1</b>		
K1.1	Transport Engineer, General Coordinator	1	Transport Engineer, General Coordinator of the entire Project (Phases A’ and B’), who: <ul style="list-style-type: none"> <li>○ Should possess a general experience of at least 15 years in Transportation Studies, out of which, at least 7 years in the management, administration, coordination and preparation of one – as a minimum – out of the similar studies a1, a2, a4, a6 and a8, stipulated in article 20.2.2 of the Invitation.</li> <li>○ Should have prepared at least one (1) General Transportation Study of (medium / long term) Strategic Planning.</li> </ul>
K1.2	Urban Economist	1	Economist responsible for processing socio-economic forecasts characteristics (related to population, employment, job positions, private vehicles propriety index, etc.), who: <ul style="list-style-type: none"> <li>○ Should possess an experience of at least 10 years in issues concerning urban development, urban economy and in transportation related financial issues;</li> <li>○ Should have prepared as Urban Economist at least one (1) study of a relevant scope (see article 20.2.2, similar studies a7),</li> </ul>
K1.3	Urban Planner	1	Urban Planner responsible for participating in the processing of socio-economic forecasts characteristics, who: <ul style="list-style-type: none"> <li>○ Should possess an experience of at least 12 years in urban planning studies;</li> <li>○ Should have prepared at least one (1) study of a relevant scope (see article 20.2.2, similar studies a7),</li> </ul>
K1.4	Transport Engineer	1	Transport Engineer, possessing at least 15 years of experience in preparing traffic – transport studies, <ul style="list-style-type: none"> <li>○ out of which, at least 7 years in studies - being the person responsible for / the participant for the development of Transportation models of strategic planning, and</li> <li>○ of at least 5 years of experience as user of the VISUM software.</li> </ul>
K1.5	Transport Engineer	1	Transport engineer responsible for coordinating the Household Survey, who: <ul style="list-style-type: none"> <li>○ Should possess general experience of at least 10 years in transportation studies,</li> <li>○ Out of which, at least 5 years in the coordination, management and preparation of</li> </ul>

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			<p>one – as a minimum – out of the similar surveys / studies a2, a3, a4 of article 20.2.2 of the Invitation;</p> <ul style="list-style-type: none"> <li>Should have prepared at least one (1) Transportation Survey in Households in the framework of a General Transportation Study of Strategic Planning.</li> </ul>
K1.6	University Graduate Scientist Engineer or other Specialization	1	<p>Scientist possessing actual experience of at least 12 years in Stated Preference Surveys,</p> <ul style="list-style-type: none"> <li>out of which, at least 5 years in Stated Preference Surveys, in the framework of Transportation Studies.</li> </ul>
	<b>GROUP K2</b>		
K2.1	Transport Engineer	1	<p>One (1) Transport Engineer, possessing at least 15 years of experience in Transportation Studies, and, especially, in processing and development of urban networks of transportation systems in at least one General Transportation Study of (medium / long term) Strategic Planning .</p>
K2.2	Transport Engineer	2	<p>Two (2) Transport Engineers responsible for Coordinating the two Surveys, namely, Road-side Trip Surveys, and Surveys in Public Transport Modes, possessing at least 15 years of experience in Transportation Studies, out of which in at least one study, these persons must have acquired the subject experience in the coordination, management and preparation of similar surveys (see article 20.2.2, similar studies a2, a3, a4)</p>
K2.3	Transport Engineer	5	<p>Five (5) Transport Engineers possessing at least 5 years of actual experience in Transportation Studies and having at least one participation in similar studies and surveys (see article 20.2.2, similar studies a1, a2, a3, a4, a5, a6 and a8).</p>
K2.4	Statistical Engineer	1	<p>One (1) Statistical Engineer, possessing at least 10 years of experience and specialization in statistic analysis related issues and having at least one participation in similar studies (see article 20.2.2, studies a4).</p>
K2.5	Social science expert	1	<p>One (1) Social Science Expert, possessing at least 10 years of experience in social surveys.</p>
K2.6	University Graduate Scientist Engineer or other Specialization	1	<p>One (1) University Graduate Scientist Engineer or other Specialization, possessing at least 5 years of experience in Stated Preference Surveys.</p>
K2.7	University Graduate Scientist Engineer or other Specialization	1	<p>Engineer - Systems Analyst responsible for software creating, possessing at least 10 years of experience in software development and, in particular, 3 years of experience as a minimum in software development on tablets.</p>

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K2.8	University Graduate Scientist Engineer or other Specialization	1	Engineer - Geographic Information System (GIS) and Data Base Analyst responsible to develop the Data Bases, possessing at least 10 years of experience in Data Base Management Systems (DBMS).
K2.9	Transport Engineer	2	Two (2) Transport Engineers, possessing at least 5 years of experience in traffic – transport standards related issues, with participation in at least one similar study (see article 20.2.2, similar studies a1 and a6) as users of the VISUM software.
K2.10	Transport Engineer	1	One (1) Transport Engineer responsible for processing socio-economic forecasts' characteristics possessing at least 15 years of experience in transportation studies, out of which (studies) he/she must have participated in the relevant scope of work (see article 20.2.2, similar studies a1 and a7).

**11.4** The pre-estimated fee rises to the amount of **2,990,000.00 €**, **contingencies included and VAT excluded**, and is allocated as follows:

1. **2,600,000.00€** for services corresponding to design category 10 (Traffic Works Designs)
2. **390,000.00€** for contingencies.

The study has been integrated into AM's Study Plan and the contract shall be funded by the Public Investment Program and more precisely by the NNumbered Project “Designs for the New Extensions of the Athens and Thessaloniki Metro” (2017ΣΕ06540000).

It is stressed that the Contract shall be subject to legal retention, in line with the stipulations of article 4.4 of the Conditions of Contract.

**11.5** The overall deadline for the completion of the scope of the Contract is set to **seven hundred and forty (740)** calendar days starting from the date that a written instruction will be given by AM, as per article 3.1.1 of the Conditions of Contract.

**ARTICLE 12 PROCEDURE FOR THE SELECTION OF THE CONTRACTOR –  
CRITERION FOR THE AWARD OF THE CONTRACT**

**12.1** The Contractor shall be selected on the basis of the open procedure, in line with article 264 of Law 4412/16.

**12.2** The criterion for the Contract award shall be the most advantageous offer, in financial terms, only on the basis of price.

**ARTICLE 13: OFFERS – OFFER VALIDITY PERIOD**

**13.1** The offers shall be compiled in accordance with the requirements of this Invitation.

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- 13.2** Every Bidder is allowed to submit only one Offer.
- 13.3** No alternative offers shall be accepted, nor any offers for part of the contract scope of the services.
- 13.4** The offers shall be in effect for a period of **three hundred and sixty (360) days** after the expiry of the deadline for the submission of the Offers. Prior to the expiration of the offer's validity period, the Awarding Authority is entitled to request Bidders to extend their Offer's and their Participation Letter of Guarantee validity period.

**ARTICLE 14 EXPIRY OF THE DEADLINE FOR THE ELECTRONIC SUBMISSION OF THE OFFERS**

- 14.1** The deadline for the submission of the offers to the Awarding Authority is set to be **29.05.19 at 11.00 h.**

Offers submitted **after the above deadlines** are rejected, as per article 3 herein.

- 14.2** **The electronic unsealing** of the Offers shall be effected on **30.05.19 at 11:00h.**

If it is not technically feasible for the sub-system to operate due to incidents of force majeure, AM shall introduce immediately all necessary measures, in particular those measures concerning adherence to deadlines entailing legal consequences, such as filing of objections, preliminary appeals – without prejudice to the provisions of para. 4, article 8, Presidential Degree 39/2017 – questions, clarifications, back-up documentation for the award of the tender, unsealing of the offers and mainly for satisfying the minimum possible time period for the submission of the offers especially by shifting the final deadline and its relevant publication. The sub-system's inability shall be certified by the Administrator of the sub-system and then, through its justified Resolution, AM shall settle all issues related to the continuation of the procedure for the conclusion of the contract by shifting – if necessary – the final deadline for the submission of the offers by at least by three (3) working days counting from the working day that follows the date of the rectification of the sub-system's technical infeasibility and, in any case, on the basis of the time period during which the sub-system was not in operation due to its technical failure .

In case of provisional technical malfunction of the sub-system, the sub-system Administrator shall introduce immediately all necessary measures mainly for satisfying the least possible time period for the submission of the offers, in particular by providing a reasonable extension to the final time for the submission of the offers, within the same final deadline for the submission of the offers. The sub-system's technical malfunction is certified on the basis of the relevant log files of the system by the sub-system Administrator. In case rectification of the sub-system's technical malfunction is impossible, leading thus to the inability for submitting offers, despite the reasonable extension granted to the final time for the submission of the offers, the Administrator of the sub-system shall certify same and then, through the issuance of its justified Resolution, AM shall settle all issues related to the continuation of the Tender, as foreseen in the previous paragraph.

## **ARTICLE 15 LETTERS OF GUARANTEE**

### **15.1 Participation Letter of Guarantee**

For participating in the Tender, along with their Offer, the Bidders shall submit a Participation Letter of Guarantee equal to the amount of **59,800.00 €**, which corresponds to two percent (2%) of the pre-estimated value of the Contract, VAT excluded.

This Letter of Guarantee shall be valid for a time period of **390 days** from the expiry of the deadline for the submission of the offers.

If the Offer is submitted by a consortium / 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 / association and not in favour of separate individual members.

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 or funding institutions or insurance companies, in the sense of cases (b) and (c) of paragraph 1, article 14, Law 4364/2016, 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 A1 of Appendix A 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 A2 of Appendix A 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.

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.

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.



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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.

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:

- (a) if the deadline for filing a legal appeal elapses idle or further to the issuance of a resolution on an appeal filed against the awarding resolution, and
- (b) if the deadline for filing legal actions for provisional court protection elapses idle or further to the issuance of a resolution on them, in line with the applicable provisions

As regards the previous awarding stages, the Letter of Guarantee shall be returned to the Bidders in the following cases:

- (a) if their offer has been expired and it has not been renewed and
- (b) if their offer has been rejected and on condition that no legal appeal or any legal means have been filed or if the deadline for exercising any legal appeal or legal means has been elapsed idle or if waiving from any right for exercising them applied or if the aforesaid have been rejected irrevocably.

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 4.5 and 6 of this Invitation.

**15.2**

**Good Performance Letter of Guarantee**

The Contract award calls for the selected Contractor - upon the Contract signing - to deposit a good performance letter of guarantee, **amounting to 5% on the overall Financial Offer of the Contractor, contingencies included and VAT excluded**, as per Sample A3 **of Appendix A** of this document.

The Good Performance Letter of Guarantee must guarantee, in its entirety and without any distinction, the due, complete, workmanlike and timely implementation of the contract scope, in strict adherence to the requirements, specifications, terms and conditions of the contract. The aforesaid LoG shall cover all requirements on the part of AM against the Contractor either for any violation of the contract terms or for undue execution of the contract or for any claim on the part of AM due to the imposition of a penal clause against the Contractor, or for the payment of compensation. However, this LoG does not

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release the Contractor from his obligation to compensate AM, in case AM suffers any damage over the amount of guarantee.

At any given time, AM is entitled to claim through its written notice addressed to the Issuing Bank payment of the amount of the Good Performance Letter of Guarantee – either in full or in part – in order to satisfy its claims against the Contractor, which derive from this contract and which are due to non-adherence of his contractual obligations.

All letters of guarantee shall be issued and kept in favour of AM, at the exclusive expense of the Contractor.

In the event of contract amendment as per article 132, Law 4412/2016, leading to an increase of the contract value, prior to the amendment, the Contractor shall submit a supplementary guarantee whose amount will rise to a percentage of 5% of the increase, VAT excluded.

**ARTICLE 16 CONTRACTOR’S FEE – METHOD OF PAYMENT**

The elements that make up the Contractor’s fee, the retention and the remaining financial surcharge, the method of payment and all relevant details and terms are described in article 4 of the Conditions of the Contract.

**ARTICLE 17 PUBLICITY – PUBLICATION EXPENSES**

**17.1** Publication in the Official Journal of the European Union.

The Invitation of this Contract was transmitted for publication in **the Publication Services of the European Union on .....**

**17.2** Publication in Greece:

The contract Invitation is posted on KIMDIS.

The full text of this Invitation shall be posted on KIMDIS (Central Electronic Registry for Public Contracts) and all Tender Documents shall be posted on AM’s web page ([www.ametro.gr](http://www.ametro.gr)).

Summary of this Invitation to Tender shall be published in the Greek Press, in DIAVGEIA, as well as in AM’s web page ([www.ametro.gr](http://www.ametro.gr)).

**17.3** In any case, the expenses related to the publication of the Invitation in the Greek Press shall be borne by the Contractor, and they are collected with the first payment certificate of the contract.

**CHAPTER C'**

**ARTICLE 18 ELIGIBLE TO PARTICIPATE**

Eligible to participate in the Tender are natural or legal entities or their associations, whose business activities concern the preparation of studies falling under the category stipulated in article 11.4 herein, that are established:

- a) in a member – state of the European Union, or
- b) in a member – state of the European Financial Area (EFA), or
- c) in third countries that 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 related to the EU of the aforesaid PPA, or
- d) in third countries that do not fall under the above items and have concluded a bilateral or multilateral agreement with the European Union.

AND

They prove that they fulfil the terms of this Invitation.

In case of associations, such as consortia or joint ventures, the following shall be valid:

Each natural or legal entity shall be eligible to participate in the Tender only in one bidding scheme either individually or as a member of an association. In any other case, all Bidders, in which the common member participated, **shall be disqualified** from the tendering procedure.

In order to participate in the Tender in the form of associations, the Bidders shall not be obliged to be vested with a specific legal form. However, the Association 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 legalization documents concerning the establishment of the association should prove that the members of the Joint Venture or the Consortium are jointly and severally responsible before AM, as regards the execution of the Contract.

**ARTICLE 19 REASONS FOR DISQUALIFICATION – ARTICLES 73 AND 74, LAW 4412/16**

- 19.1** Each 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 an irrevocable decision against the economic operator for each of the reasons stipulated in paragraphs 19.1.1. up to 19.1.6.

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More specifically, in cases from 19.1.1. up to 19.1.6, economic operators must be disqualified too if the entity to the detriment of whom an irrevocable condemnatory decision was issued is as member of the administrative, managerial or supervisory body of the subject economic operator or if this entity is vested with the power for representation, decision making or supervising the aforesaid body. The disqualification related provision applies to:

- a) their administrators (in case of General Partnership Companies, Limited Liability Companies or Limited Partnership Companies), and
- b) the Managing Director and all members of the Board of Directors (in case of a Société Anonyme);
- c) the members of the BoD (in case of cooperation).

- 19.1.1 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 (EE L 300 dated 11.11.2008, page 42).
- 19.1.2 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.
- 19.1.3 Fraud, in the sense of article 1 of the Convention on the protection of the European Communities' financial interests (EE C 316 dated 27.11.1995, page 48), which was ratified by law 2803/2000 (A' 48).
- 19.1.4 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.
- 19.1.5 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).
- 19.1.6 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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- 19.2** Each Economic Operator **is disqualified** from any participation in the contract conclusion procedure:
- 19.2.1 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 and/or.
- 19.2.2 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.
- 19.2.3 With regard to items 19.2.1 and 19.2.2 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.
- 19.2.4 With regard to items 19.2.1 and 19.2.2 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.
- 19.2.5 If AM is aware of the fact that or if AM can prove, using the appropriate means, that to the detriment of the Bidder and within a time period of two (2) years before the expiry of the deadline for the submission of the offer: aa) three (3) acts on fines have been imposed to him from the competent inspection bodies of the Labour Inspection Authority for violations of the labour legislation, characterized, in line with Ministerial Decision 2063/Δ1632/2011 (B' 266), as applicable each time, as “significant” or “extremely significant” violations, as these (violations) have ensued cumulatively further to three (3) inspections conducted or bb) two (2) acts on fines have been imposed to him from the competent inspection bodies of the Labour Inspection Authority for undeclared work, as these (violations) have ensued further to two (2) inspections conducted. It is necessary that the penalties described under items aa and bb must have a final and binding effect.
- 19.3** **In addition**, each Economic Operator **is disqualified** from any participation in the contract conclusion procedure if any of the following cases exist, namely:
- 19.3.1 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.
- 19.3.2 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.

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- 19.3.3 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.
- 19.3.4 If there is a conflict of interests in the sense of article 24, Law 4412/16, that cannot be addressed through less intrusive means.
- 19.3.5 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.
- 19.3.6 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.
- 19.3.7 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 in line with article 23 herein, by virtue of article 79 of Law 4412/16.
- 19.3.8 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.
- 19.3.9 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.
- 19.3.10 If the economic operator (or the company that this economic operator represents) is subject to a penalty for disqualification from public contracts, in line with the provisions of article 74, Law 4412/16.
- 19.3.11 If the economic operator is subject to the preconditions for implementation of paragraph 4 article 8 Law 3310/2005, as valid (national reason for disqualification).
- 19.4** If the economic operator does not fulfil the selection criteria stipulated in article 20 of this Invitation and is not capable of providing the justification documents for the award of the tender, as these are specified in article 23 of the Invitation.
- 19.5** For all cases mentioned above, the Bidder shall submit the ESPD, as a preliminary proof that he fulfils the requirements of this article, as per the stipulations of article 21.1.2.

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The Bidder to be appointed as the Lowest Bidder is obliged, prior to the Contract conclusion, to submit all pertinent certificates for which the ESPD has been submitted, in line with article 23 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.

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.

Any Bidder falling under the cases referred to in paragraphs 19.1.1 up to 19.1.6, 19.2 and 19.3 can submit information in order to prove that the measures he has introduced suffice for him to demonstrate his reliability, despite the fact that he is subject to disqualification. If this information is deemed to be sufficient, then the subject Bidder shall not be disqualified from the contract conclusion procedure. The measures to be introduced by the Bidders shall be evaluated in combination with the graveness and the special occasions of the penal offence or breach. If the measures are deemed to be insufficient, the rationale for this decision shall be notified to the Bidder. Any Bidder who is disqualified from the contract conclusion procedure or concession award procedure by virtue of a irrevocable decision cannot make use of the aforesaid option during the disqualification period specified in the aforesaid decision in the member-state in which this decision applies.

**ARTICLE 20 SELECTION CRITERIA**

In order to participate in the Tender, economic operators must fulfil the selection criteria stipulated in this article in addition to the requirements of article 19.

The European Single Procurement Document (ESPD), stipulated in Article 74 of Law 4412/16, which consists of an updated legal statement, entailing the consequences of Law 1599/1986 (A' 75) of Article 21.1.4, included in the Envelope “Back-up Documentation for Participation”, is the preliminary proof, in replacement of the required certificates. The Bidder who will be appointed as the provisional lowest bidder must submit all relevant back-up documentation (back-up documentation for the award of the Tender) for which he has filed the ESPD before he is called upon to sign the contract. The relevant back-up documentation is included in article 23 herein. It is stressed that the back-up documentation included in article 21.1.4, which are necessary to prove the requirements of article 20.3 herein, have already been submitted in the Participation Back Documentation Sub-Folder.

**20.1****Competence to exercise professional activities**

Bidders must be registered in the relevant professional registry kept in the country where they are established and more precisely:

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20.1.1. As far as Greece is concerned, Bidders must be registered in the Greek Registries of Designers or Engineering Firms in design (study) category 10 – Transportation Studies, as stipulated in article 11.4,

or

20.1.2 Bidders established in other member-states of the EU must be registered in one of the corresponding professional or commercial registries kept in the member-state where they are established, **as stipulated in Annex XI, Appendix A, Law 4412/16,**

or

20.1.3 Bidders established in member-states of the EFTA or in third countries that have signed and ratified the Government Procurement Agreement (GPA) – to the extent that Annexes 1, 2, 4, 5 and the general notes of Appendix I related to the EU of the GPA apply to the tendered contract or in third countries not falling under the aforementioned clause that have signed a bilateral or a multilateral agreement with the Union, must be registered in the professional/commercial Registries kept in the country they are established.

20.1.4 In case of economic operators associations, the requirements stipulated in article 20.1 must be fulfilled by each member of the association.

**20.2 Technical and Professional Competence**

**20.2.1 Staffing Requirements**

**For each economic operator that participates in the tendering process, either individually or as a member of an association, it is required, as a minimum, that its executives** possess the following experience in the respective design categories presented in paragraph 11.4, as per article 39 of L. 3316/2005, as follows:

For design category 10, the following are required:	At least two (2) designers of twelve (12) years of experience, one (1) designer of eight (8) years of experience and four (4) designers of four (4) years of experience in this category.
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In case more designers of greater experience are made available, the requirements for designers of less experience are reduced, respectively. The total resulting equivalent personnel must correspond to the stipulations of paragraphs 4 and 6, article 39 L.3316/2005.

The term “Executives” means the executives of a company, who are either shareholders of the subject company or are permanently employed by this company based on a salaried/dependent labor agreement.



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**20.2.2 Experience Requirements - Similar Services**

Each Bidder must have prepared studies similar to the tendered ones within the the period extending from 2004 up to 2019.

Similar studies are the types of studies as described in the following list.

<b>List of Major Studies</b>	
a1)	General Transportation Studies of (medium – long term) Strategic Planning,
a2)	Road-side Trip Surveys
a3)	Surveys and Measurements in Public Transportation Modes (buses, metro)
a4)	Trip Surveys in Households
a5)	Surveys of Stated Preference
a6)	Development of Transportation Models of Strategic Planning
a7)	Socio-economic figures' forecasts studies in the framework of Programs of Medium – long term Planning
a8)	Transportation Studies for Traffic Management with the use of a Model.

Bidders must prove their experience in at least one study falling under category a1 or a4 or a6 or in at least two studies (of different category) out of categories a2, a3, a5, a7 and a8.

In case of an association, the requirements pertaining to the experience indicated in this article can be fulfilled cumulatively.

**20.2.3 Requirements in Specialised Personnel**

In line with article 11.3 herein, during the Tendering process stage Bidders must have at their disposal the six (6) specialized individuals (K1.1, K1.2, K1.3, K1.4, K1.5 and K.1.6) of Group K1, who must fulfill the minimum experience related requirements, as specified in the following Table.

**TABLE A: CONTRACTOR's SPECIALIZED PERSONNEL**

<b>S/N</b>	<b>Position</b>	<b>Number of persons</b>	<b>Minimum Specialization / Experience</b>
	<b>GROUP K1</b>		
K1.1	Transport Engineer, General Coordinator	1	Transport Engineer, General Coordinator of the entire Project (Phases A' and B'), who: <ul style="list-style-type: none"> <li>○ Should possess a general experience of at least 15 years in Transportation Studies, out of which, at least 7 years in the management, administration, coordination and preparation of one – as a minimum – out of the similar studies a1, a2, a4, a6 and a8, stipulated in article 20.2.2 of the Invitation.</li> <li>○ Should have prepared at least one (1) General Transportation Study of (medium / long term) Strategic Planning.</li> </ul>

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K1.2	Urban Economist	1	Economist responsible for processing socio-economic forecasts characteristics (related to population, employment, job positions, private vehicles propriety index, etc.), who: <ul style="list-style-type: none"> <li>○ Should possess an experience of at least 10 years in issues concerning urban development, urban economy and in transportation related financial issues;</li> <li>○ Should have prepared as Urban Economist at least one (1) study of a relevant scope (see article 20.2.2, similar studies a7),</li> </ul>
K1.3	Urban Planner	1	Urban Planner responsible for participating in the processing of socio-economic forecasts characteristics, who: <ul style="list-style-type: none"> <li>○ Should possess an experience of at least 12 years in urban planning studies;</li> <li>○ Should have prepared at least one (1) study of a relevant scope (see article 20.2.2, similar studies a7),</li> </ul>
K1.4	Transport Engineer	1	Transport Engineer, possessing at least 15 years of experience in preparing traffic – transport studies, <ul style="list-style-type: none"> <li>○ out of which, at least 7 years in studies - being the person responsible for / the participant for the development of Transportation models of strategic planning, and</li> <li>○ of at least 5 years of experience as user of the VISUM software.</li> </ul>
K1.5	Transport Engineer	1	Transport engineer responsible for coordinating the Household Survey, who: <ul style="list-style-type: none"> <li>○ Should possess general experience of at least 10 years in transportation studies,</li> <li>○ Out of which, at least 5 years in the coordination, management and preparation of one – as a minimum – out of the similar surveys / studies a2, a3, a4 of article 20.2.2 of the Invitation;</li> <li>○ Should have prepared at least one (1) Transportation Survey in Households in the framework of a General Transportation Study of Strategic Planning.</li> </ul>
K1.6	University Graduate Scientist Engineer or other Specialization	1	Scientist possessing actual experience of at least 12 years in Stated Preference Surveys, <ul style="list-style-type: none"> <li>○ out of which, at least 5 years in Stated Preference Surveys, in the framework of Transportation Studies.</li> </ul>

In case of an association, the requirements pertaining to the specialized personnel indicated in this article can be fulfilled cumulatively.

It is stressed that the back up documentation needed to prove fulfillment of the requirements of this paragraph (i.e. the CVs of the proposed specialized

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personnel) must be submitted in the Back up Documentation for Participation sub-folder (paragraph 21.1.4) for them to be evaluated by the Tender Committee, according to article 4.2 herein.

Bidders shall take into account that in case the proposed specialized personnel comprises individuals not belonging to the bidder (such as persons with individual designer licenses not integrated into the Bidder's license), these individuals are considered to be “third party” resources even if they have established cooperation relations with the bidder. In these cases, the bidder, to be appointed as the lowest bidder, must submit the documentation stipulated in article 23.7 herein in the Award Back Up Documentation folder.

**20.3 Relying on the capacity of other operators**

The Bidders can invoke and make use of the 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.

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

In case Bidders invoke financial and credibility resources of third parties, these third parties shall be solidly and wholly responsible with the Contractor before AM for the resources they make available to the subject bidders.

**In the Sub-Envelope “Participation Back up Documentation” Bidders shall incorporate the ESPD of the operators, whose qualifications they invoke.**

Moreover, in order to prove the borrowed experience, in the “Awarding Back up Documentation” Bidders shall incorporate the items required in article 23.7 herein.

The statements and documentation of the bidder and the third parties, whose resources are invoked by the bidder, shall constitute the content of the Contract.

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

Under the same terms, an association of economic operators can rely of the capacities of those participating in the association or on other economic operators.

CHAPTER D'

ARTICLE 21: CONTENT OF THE OFFER ENVELOPE

The offer envelope shall include at the penalty of **disqualification** three (3) electronic sub-folders. Namely:

- a. the sub-folder **“Participation Back up documentation”**,
- b. the sub-folder **“Financial Offer”**.

The envelope must specifically include the following:

**21.1 “PARTICIPATION BCK UP DOCUMENTATION ” SUB-FOLDER**

**At the penalty of disqualification**, the electronic sub-folder shall contain the following:

**21.1.1 The European Single Procurement Document (ESPD)**

- 21.1.1.1** The European Single Procurement Document (ESPD) of article 79, Law 4412/2016, which includes an updated Legal Statement of Law 1599/86 (A' 75) providing preliminary evidence replacing the certificates issued by public authorities or third parties, to the effect that the subject economic operator fulfils the requirements of articles 19 and 20 of this document.

**INSTRUCTIONS ON HOW TO FILL IN THE EUROPEAN SINGLE PROCUREMENT DOCUMENT**

1) The awarding authority:

- (a) creates the ESPD for the tender in the website <https://ec.europa.eu/tools/espd>
- (b) once the ESPD is created, the file is exported
- (c) the exported file is in .xml format and is not readable. The file is posted in AM's website together with the other documents of the Invitation to Tender.

2) The bidding economic operator must proceed to the following actions:

- (a) download the file from ESIDIS, save it on his computer and then navigate to the web page <https://ec.europa.eu/tools/espd>.

From this web page, click “Import ESPD” in order to upload the file for the specific ESPD of the tender, already downloaded from ESIDIS.

- (b) In this web page, fill in and select the relevant fields already defined by the awarding authority, as well as the fields for preparation date and place.
- (c) Click “Print”. The file is shown in a printable format and you can now print it in **pdf** format. In a Microsoft Windows environment, the eESPD can be printed as a PDF file using Chrome browser (endowed with an integrated function for printing PDF files). Otherwise, you can use any other software for creating PDF files available for free on the internet. In a Mac OSX or Linux environment, the eESPD can be printed from all web browsers.
- (d) Sign digitally the printed **pdf** file.

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- (e) Incorporate the ESPD file in **.xml** and **.pdf** format into his offer folder containing the back up documentation for participation.

The Tender Committee evaluates the ESPD using the **pdf** file or by downloading the **.xml** file in the web page it created it

- 21.1.1.2 The bidding associations submit the ESPD for each of their members.
- 21.1.1.3 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.
- 21.1.1.4 For all natural entities who are members of the administrative, managerial or supervisory body of an economic operator or if this entity is vested with the power for representation, decision making or supervising the aforesaid body, a European Single Procurement Document (ESPD) shall be submitted that must be signed by each one of the aforesaid entities or by the representative of the economic operator, in line with paragraph 13, article 107 Law 4497/2017. The representative of the economic operator for the implementation of the above shall be his legal representative, as this arises from the statutes in force or the proceedings for representation at the time of submission of the offer or of the request for participation or the natural entity duly authorised to represent the economic operator for procedures related to execution of contracts or for the specific procedure related to the execution of the contract.

**The ESPD, on a per case basis, can be signed up to ten (10) days before the deadline for the submission of offers.**

The statement included in Appendix C - Sample C2 “GDPR Statement of Consent”, shall be submitted separately by each economic operator and shall be signed by his legal representative

- 21.1.2 **The Participation Letter of Guarantee** as per the stipulations of article 15.1 herein.
- Bidders not submitting any Letter of Guarantee shall be disqualified from the tender without further review of the contents of their Sub-folder.
- 21.1.3 The statement included in Appendix C - Sample C2 “GDPR Statement of Consent”, shall be submitted separately by each economic operator and shall be signed by his legal representative.
- 21.1.4 **CVs** of the entire specialized personnel of Group K1 (6 persons) stipulated in article 20.2.3, filled in according to Sample C1 of Appendix C herein.

**21.2 FINANCIAL OFFER SUB-FOLDER**

The electronic sub-folder “Financial Offer” contains the following:

- 21.2.1 The Financial Offer, which is prepared by filling in the overall expenditure of the entire Project before VAT, as derives from AM’s “Overall Financial Offer Form”, in the respective special electronic form of the system. Subsequently, the system creates a relevant electronic file in **.pdf** format, which is digitally signed and submitted by the bidder. The information contained in the special electronic form of the system and the produced electronic file, which is digitally signed, must coincide. In any other case, the system produces a relevant message and the bidder is called upon to create anew the electronic **.pdf** file.

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21.2.2 Moreover, the Bidder attaches to a separate electronic file, in a .pdf format, the “Financial Offer Form” that shall be digitally signed by:

- a) the Bidder himself (in case of natural entity), or
- b) the legal representative (in case of legal entity), or
- c) all members of the association lawfully represented or by the appointed common representative (in case of a joint venture / consortium).

In any other case, the financial offer is considered to be unfounded.

The “Financial Offer Form” must contain the particulars of the Bidder and the Offer’s Table must be filled in.

In case there is a difference between the price written in full and the price written in numbers, the price written in full prevails. The amount of the offered fee also includes a percentage of fifteen per cent (15%) which is the contingencies item and it is added to the amount of the offered fee, so as the overall offered contract value derives.

Writing in full of the individual reduction percentages prevails over the writing in numbers.

If certain items related to the financial offer are omitted (except for the ones entailing disqualification), if there are differences between the price written in full and the price written in numbers or if accounting errors in sums, products or round up are identified, then the Tender Committee shall correct the subject errors and shall write the correct financial offer.

Any correction, deletion, reference to or any alteration of the text of the Financial Offer Form and/or comments, conditions, or terms on it, shall be considered as reservations on the terms of the Tender and shall result in the rejection of the Financial Offer of the Bidder who expresses same.

21.2.3 In addition, in case of an association of economic operators, a **statement** digitally signed either by all economic operators forming the association or by their representative, lawfully authorized to this end shall be attached to the electronic sub-folder of the financial offer, at the penalty of rejection of the offer. The subject offer shall necessarily specify the extent and the type of participation of every member of the association, including the allocation of their fee, as well as the association’s representative / coordinator.

**ARTICLE 22: AWARD CRITERION**

The criterion for contract award is “the most advantageous offer from a financial point of view” based on price.

**ARTICLE 23: BACK-UP DOCUMENTATION FOR THE AWARD – EVIDENCE**

This article includes the Back up Documentation for the Award – Evidence that the provisional Contractor shall be called upon to submit, in order to prove that he fulfills the preconditions stipulated in Articles 19 and 20 herein.

The eligibility and the terms and conditions of participation, as specified in articles 19 and 20 of this Document, are assessed at the time the offer along

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with the back up documentation for the award are submitted and at the time when the contract is concluded. The economic operators are strongly urged to see to the timely issuance of the required back up documents (especially those that cannot be ensured at a later stage) in order to fulfill the aforesaid requirements.

At any given time and if so required for the correct conduct of the tendering process, bidders may be requested to submit all or some of the back up documents described below.

If the aforesaid Back-Up Documentation is not submitted or if it is ascertained that deficiencies exist, and the provisional contractor submits - within the deadline set - a request before the Tender Committee for the extension to the submission deadline, accompanied by back up documents proving that he has applied for the provision of these back up documents, then the Tender Committee shall extend the back up documents submission deadline for as long as it takes for the competent authorities to provide the subject documentation.

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

Legal Statements are not required to bear a signature certification.

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

Means of evidence shall be as follows:

- a) the back up documentation concerning paragraphs 19.1.1 up to 19.1.6, 19.2.5 and 19.3.2, should they have been issued up to three (3) months prior to their submission;
- b) the remaining back up documentation concerning paragraph 19.2, should they are valid on the date they are submitted; otherwise, in case no validity date is mentioned, the subject back up documentation should have been issued as per the stipulations indicated in case (a) above;
- c) the back up documentation concerning paragraph 20.1, the means evidence pertaining to valid representation, in case of legal entities, and certificates issued by competent authorities referring to the nominalization of shares, in case of societe anonymes, should they are issued up to thirty (30) working days prior to their submission;
- d) affidavits, should they have been compiled up to three (3) months prior to their submission;
- e) legal statements, should they have been compiled after the notification of the invitation for the submission of back up documentation.

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The documents stipulated herein shall be submitted in line with the provisions of Law 4250/2014 (A' 94). Especially, as regards the means of evidence which are private documents, these can be accepted as simple photocopies, on condition they are accompanied by a legal statement verifying their accuracy,

ATTIKO METRO S.A. reserves its right to request from the competent Authorities any other document/information deemed necessary upon reading of the legalizing and other data and documents to be submitted by the bidders. When the necessary information concerns bidders located in another member state, then ATTIKO METRO S.A. is entitled to seek the cooperation of the responsible authorities.

**23.1 As regards the review about the absence of reasons for disqualification, specified under article 19**

**23.1.1** In order to prove the the absence of reasons for disqualification **specified under article 19**, the Provisional Contractor, further to the relevant electronic invitation on the part of AM shall submit the following back up documentation:

- a)** For the cases in paragraphs 19.1.1 to 19.1.6, an extract of the penal record or other equivalent document issued by the competent judicial or administrative authority of the member-state or the country of origin or the country of establishment of the subject economic operator, proving that all preconditions are met. The obligation for submitting the penal records concerns, as a minimum::
- his administrators (in case of Private General Partnership Companies, Limited Liability Companies or Limited Partnership Companies and Private Capital Companies);
  - as a minimum the Managing Director and all members of the BoD (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.
- b)** For the cases in paragraphs 19.2.1 and 19.2.2, the following must be submitted:
- b1)** A social security contributions clearance certificate issued by the pertinent Social Security Organizations of the pertinent member-state or country.

It is stressed that Greek Designers – natural entities shall submit a certificate issued by ETAA/TMEDE or by another Social Security Fund, in which they are insured (both main and auxiliary insurance).

The Engineering Firms/Companies established in Greece shall submit a social security contributions clearance certificate (main and auxiliary insurance) for their personnel employed based on a dependent work agreement (TMEDE for persons – members of TEE, IKA for the remaining personnel). Social contribution clearance certificates of natural



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entities – designers who staff the Firms’ / Company’s license as partners do not constitute a clearance certificate of the bidding company.

With regard to foreign bidders (natural & legal entities) not submitting the aforesaid certificates, they are obliged to submit a legal statement about the fact that they not employ any individuals for whom there is the obligation for their insurance in Greek Social Security Organizations. If foreign bidders do employ any of the aforesaid individuals, they must submit a social security contributions clearance certificate.

- b2) a dept clearance certificate issued by the competent Tax Authorities of the pertinent member-state or country.

Greek Designers and Engineering Firms/Companies must submit a certificate issued by the competent Tax Authorities.

Foreign bidders shall submit a legal statement that they are not under the obligation for paying any taxes in Greece. In case, they are under the aforesaid obligation, they shall submit a certificate issued by the competent Tax Authority.

- c) For the cases in article 19.2.5, the following must be submitted:

A certificate issued by the Directorate for Planning and Coordination of the Labor Relations Inspection Authority from where the acts on fines imposed to the detriment of the economic operator within a time period of two (2) years prior to the expiry of the deadline for the submission of the offer must ensue. In case the issuance of the aforesaid certificate is not feasible, this certificate shall be replaced by a Legal Statement issued by the economic operator, without requiring an official statement by the Hellenic Labor Inspectorate (HLI) about the issuance of this certificate, in accordance with the stipulations of paragraph 2, article 80 Law 4412/2016.

- d) Items under article 19.3.2, must be proven through the submission of a certificate issued by the Judicial or Administrative Authority of the pertinent member-state or country. As regards the economic operators established in Greece, certificates proving that they are not under bankruptcy, they have not ceased their business activities, have not been entered into an agreement with creditors, are not under coercive administration and that they are not under a consolidation process, shall be issued by the Court of the First Instance of the country of establishment of the economic operator. The certificate that the legal entity has not been under liquidation by a court decision shall be issued by the a judicial decision shall be issued by the Court of the First Instance of the country of establishment of the economic operator, while the certificate that the legal entity has not been under liquidation by a decision made by its partners shall be issued by GE.MI., per the applicable provisions as valid each time. Especially, non-suspension of the economic operator's business activities, for those operators established in Greece, shall be proven through the electronic platform of the Independent Authority for Public Revenue (IAPR).

The designers – natural entities do not submit the aforementioned liquidation certificate.

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- e) As far as case 19.3.9 is concerned, the bidder shall submit a certificate issued by the competent Authority. The **designers – natural entities** seated in Greece shall submit a certificate from the Technical Chamber of Greece or the respective Chamber (if this Chamber has disciplinary powers over its members), verifying that no professional misconduct has been committed inducing the imposition of a disciplinary action.

The **Engineering Firms/Companies** as well as the natural entities – designers, regardless of their country where they are seated (Greece or abroad), which are not subject to the aforementioned disciplinary bodies, shall submit a certificate issued by the body to which they are subject to, and if this body has disciplinary powers over its members, **otherwise they shall submit an official statement** certifying that a) no disciplinary body exists and that b) they have not committed any grave professional misconduct.

- f) For items 19.3.1, 19.3.3, 19.3.4, 19.3.5, 19.3.6, 19.3.7, 19.3.8, 19.3.10, 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 19 herein.

23.1.2 If the member-state or the country does not issue documents or certificates, covering all cases specified in items (a), (b) and (d) above, these may be replaced by a declaration under 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 member – state or the where the economic operator is established.

In this case, the competent public authorities shall provide an official declaration verifying that the subject documents or certificates are not issued or that these documents do not cover all cases mentioned above.

If it is ascertained, by any means, that the subject country does issue the subject certificates, then the Bidder's offer shall be rejected.

**23. 2 Supporting documents for share nominalization**

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

- aa) **Companies registered in the Engineering Firms/Offices Registry** submit an **analytical list** with the details of the company shareholders and the number of each shareholder stocks, as these data are registered in the Company Book of Shareholders, **the latest within “thirty working days”** before the submission of the offer.
- bb) **Foreign companies**, provided that, **according to the legislation of their installation country, they issue nominal shares**, submit the following:
- i) Certificate issued by the Authority of the country of its seat proving that the company's shares are nominal.

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- ii) A detailed statement with the details of the company's shareholders and the number of shares of each of its shareholders, as these details are recorded in the company's shareholders book, dated the latest within thirty (30) days prior to the submission of the offer.
- iii) Any other document, proving the nominalization down to the natural entity level of the shares that has been effected within the last thirty (30) days prior to the submission of the offer.

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

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

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

The documents specified under items b and c above must be accompanied by an official translation, while those issued by public authorities must be ratified by the responsible authority of the country of their establishment, as specified in article 8.2 herein.

**23.3      As regards the review concerning suitability to practice professional activity specified under article 20.1:**

In view of demonstrating **the provisional contractor's suitability to practice his professional activity** as per the requirements of article 20.1:

- 23.3.1      In case the provisional contractor falls under the stipulations of paragraph 20.1.1.1, he is required to submit the Designer's or Engineering Firm License for design category 10 "Transportation Studies"
- 23.3.2      In case the provisional contractor falls under the stipulations of paragraph 20.1. 2, he is required to submit the statements and the registration certificates, as these are described in Annex XI, Appendix A of Law 4412/2016.
- 23.3.3      In case the provisional contractor falls under the stipulations of paragraph 20.1.3, he shall submit:

**Practice license**, i.e. a certificate of registration in the professional/commercial register of the country of their seat, and, in case such a document cannot be issued, they submit a **statement under oath (affidavit)** and for member-states / countries where affidavits are not issued, by a **Legal Statement** of the interested party before a responsible Judicial or Administrative Authority, a notary public or a responsible professional or commercial entity of the economic operator's country of origin / installation

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certifying the inability to have a certificate issued, as well as their registration in the registry and that he exercises the activity stipulated in article 18 herein.

**23.4      Documentation related to the special technical and professional competence, stipulated in article 20.2**

In order to prove the special technical and professional competence requested by article 20.2 herein, the bidders submit the following supporting documents.

**23.4.1      In order to meet the requirements of article 20.2.1 – Staffing requirements**

- (a1) As regards the Bidders established in Greece, the provisional contractor is required to submit a Designer's or Engineering Firm's licence qualifying him for the stipulated design category, which shall verify the information contained therein. Class E' license, design category 10, shall be made acceptable.
- (a2) Bidders that are registered in the official registries or possess a certificate issued by a certification bodies that they comply with the European Certification Standards, in the sense of Annex VII of Appendix A, L. 4412/2016, can submit to ATTIKO METRO S.A. a registration certificate issued by the responsible Authority or the certificate issued by the competent certification Body, as per the stipulations of article 83, L. 4412/2016 and article 23.6 of this Invitation, which demonstrates that the requirements are met.
- (a3) Bidders not registered in official registries, or not possessing a relevant certificate issued by Certification Bodies, in accordance with paragraph 23.4.1(a2) herein, or if, although registered in these registries, cannot prove through their registration certificate that the requirements of paragraph 20.2.1 herein are met, are required to submit the following:

List of executives of the Economic Operator stating, as a minimum, full name, specialty and years of experience.

The list shall be accompanied by CVs that must be drafted in accordance with Sample C of Appendix C and shall be signed by each holder of the corresponding CV, and the position they hold in the organization chart of the company, in order to prove that they fulfil the requirements of article 20.2.1.

**23.4.2      For the preparation of similar studies (per article 20.2.2):**

- A list of the main similar studies prepared via contracts by the individual bidder or all members of the bidding Joint Venture or Consortium from 2004 up to 2019. This list shall necessarily be prepared according to the attached **Sample B of Appendix B.**
- Certificates certifying the preparation of the contracts presented in the above list (as stated in the field “CERTIFICATE FOR STUDIES PREPARED IN THE FRAMEWORK OF THE CONTRACT”).

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In case of “**borrowed capacity**” in similar studies, and further to the aforementioned requirements that have to be fulfilled, the invoked “operator/third party” lending the subject capacity must include in the awarding back up documentation – apart from the back up documentation included in this article - the documentation related to the “borrowed capacity” by virtue of article 23.8 herein.

23.4.3

**For the specialized personnel per article 20.2.3:**

The back up documentation necessary to prove the requirements of article 20.2.3 herein have already been submitted in the Participation Back Up Documentation Sub-folder. However, in case of “borrowed capacity” of the specialized personnel, the documentation stipulated in article 23.8 about “third parties” must be integrated into the Award Back Up Documentation folder.

23.5

**Back up documentation for the review concerning the legalization of the provisional contractor**

**Legalizing documents** proving that the Bidders have been established and are operating legally, as well as the persons legally representing the Bidders and committing them 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:

23.5.1

In case of Sociétés Anonymes:

- a) Photocopy of the most recent codified statutes, as filed in the responsible Department, as well as the Government Gazette (FEK) where they were published.
- b) The Business Registry (GEMI) Certificate whereby the current Board of Directors (BoD) of the Company was formed into a body.
- c) Certificate issued by GEMI 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. The certificate must have been issued three months as a maximum before the deadline for the submission of the offers.

23.5.2

In case of Public Limited Liability Companies:

- a) Photocopy of the most recent codified statutes, as filed in the responsible Department, as well as the Government Gazette (FEK) where they were published, if any.
- b) Certificate issued by the GEMI 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. The certificate must have been issued three months as a maximum before the deadline for the submission of the offers.

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23.5.3 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 GEMI 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.

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

23.5.5 **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 on behalf of the bidder all tender documents and the offer binding the candidate by his signature; this representative shall also be the Attorney-at-Law who shall receive all documents in the framework of the tender procedure.

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

- The extent and the type of participation of each member in the consortium / joint venture (including the allocation of payments 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 establish a consortium/joint venture, in line with the requirements of the Invitation.

**23.6 Official registries of approved economic operators**

Economic operators which are registered in official registries or possess a certificate issued by certification bodies that they comply with the European Certification Standards, in the sense of Annex VII of Appendix A, L. 4412/2016, can submit to AM a registration certificate issued by the responsible Authority or the certificate issued by the competent certification body.

These certificates make reference to the documentation, on the basis of which the economic operators were registered in the official registry or on the basis on which the economic operators were certified and classified in the subject registry.

The certifying registration in the official registries by the competent bodies or the certificate issued by the certification body constitute the proof of

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competence, as regards the requirements for qualitative selection covered by the official registry or by the certificate.

The economic operators registered in official registries shall be exempted from the obligation to submit the documentation referred to in their registration certificate.

**23.7 Back up Documentation to demonstrate the “borrowed experience” mentioned in article 20.4**

23.7.1 In the event Bidders invoke and utilize technical and professional competence of other operators, the relevant back up documentation must concern the entity or the economic operator lending the subject competence.

23.7.2 Back up Documentation to demonstrate fulfilment of criteria

The entities, on whose competence the bidding economic operator relies or association relies must submit the following back up documentation, namely:

- All certificates and documents, as per paragraph 23.1. proving that the disqualification grounds in article 19 herein do not apply to those entities;
- The certificates stipulated in paragraphs 23.3 and 23.4 proving that the selection criteria, on a per case basis, of article 20 are fulfilled.

23.7.3 Back up Documentation for cooperation commitment

The fact that the economic operator will have ensured the necessary resources is proven by submitting the relevant Resolution made by the competent Statutory Body of the invoked third party or by a Legal Statement (in case of natural entity), approving the provision to the Bidder of the invoked Technical and Professional competence (experience) of the operator, so that this can be available to the Bidder for the execution of the Contract. This relevant reference must be detailed and itemize the specific resources that will be made available in the framework of the Contract, in such a way so that AM may proceed to the evaluation, assess the importance of the relevant resources and ascertain the implementation of such a commitment during the execution of the Contract.

More specifically, as regards the following cases regarding invoking third party resources, the commitments indicated below must be made, namely:

- (a) In case of **“borrowed capacity” of similar studies**, and, as regards the invoked “third party” lending the capacity, the following are required: Decision issued by the Competent Statutory Body, or a Legal Statement (for natural entity), in which the invoked “third party” shall decide upon or shall state that: *“We approve the provision of / I shall provide to ..... (name of the Bidder) the competence in similar studies, as these are indicated in the submitted list. We/I explicitly commit ourselves/myself to provide to the aforementioned Bidder this specific resource for the execution of the Contract, provided that the Contract is awarded to him, adhering to the provisions of the legislation”.*

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- (b) In case of **“borrowed capacity” of specialized personnel stipulated in paragraph 20.2.3**, the following are required on the part of the invoked “third party” lending the capacity:
- Decision issued by the Competent Statutory Body concerned (only when the person made available for the specialized personnel belongs to a legal entity) stating that:  
*“We approve to make available to ..... (name of the Bidder) ..... (name of the person made available for specialized personnel) as ..... (state exactly the field of expertise). We explicitly commit ourselves to make available to the aforementioned Bidder this specific resource for the execution of the Contract, provided that the Contract is awarded to him, adhering to the provisions of the legislation”.*
  - The aforementioned Decision issued by the Competent Statutory Body shall be necessarily accompanied by a Legal Statement of the person made available for the specialized personnel stating that:  
*“I accept to make myself available to ..... (name of the Bidder) as ..... (state exactly the field of expertise), as it results from decision no. .... (Statutory Body Decision details) of ..... (state the name of the legal entity)”.*
  - A Legal Statement (only when the person made available for the specialized personnel is a natural entity) wherein the invoked “third party” shall state that:  
*“I shall provide to ..... (name of the Bidder) my capacity as ..... (state exactly the field of expertise). I explicitly commit myself to provide to the aforementioned Bidder this specific resource for the execution of the Contract, provided that the Contract is awarded to him, adhering to the provisions of the legislation”.*

23.7.4 The economic operator is obliged to replace the entity on whose competence relies, if the latter does not fulfil the relevant selection criterion, or if the reasons for disqualification stipulated in article 19 apply on him.



## **APPENDICES**

### **APPENDIX A : Samples of Letter of Guarantee**

- SAMPLE A1 : Sample of Participation Letter of Guarantee in Greek
- SAMPLE A2 : Sample of Participation Letter of Guarantee in English
- SAMPLE A3 : Sample of Good Performance Letter of Guarantee in Greek
- SAMPLE A4 : Sample of Good Performance Letter of Guarantee in English

### **APPENDIX B : Technical Capacity Samples**

- SAMPLE B : Main Similar Studies

### **APPENDIX C : Samples of Back Up Documentation for Participation**

- SAMPLE C1 : Detailed CV
- SAMPLE C2 : GDPR Statement Of Consent

**ΥΠΟΔΕΙΓΜΑ Α1**

**ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΣΥΜΜΕΤΟΧΗΣ**

Εκδότης (Πλήρης επωνυμία Πιστωτικού Ιδρύματος ..... / Τ.Μ.Ε.Δ.Ε.)

Ημερομηνία έκδοσης: .....

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

(Διεύθυνση Αναθέτουσας Αρχής/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)

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/ημερομηνία) ..... 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

<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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της απαίτησής σας μέσα σε πέντε (5) ημέρες από την απλή έγγραφη ειδοποίησή σας.

Η καταληκτική ημερομηνία υποβολής προσφορών είναι .....

Η παρούσα ισχύει μέχρι και την .....

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

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)

INVITATION TO TENDER

**SAMPLE A2**

**PARTICIPATION LETTER OF GUARANTEE**

Issued by (Full name of the Credit Institution)

...../ TMEDE

Date of issuance:.....

To: (Full name of the Awarding Body<sup>3</sup> )

.....

(Address of the Awarding Body<sup>4</sup> )

.....

Our Guarantee no. .... against the amount of ..... euro<sup>5</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>6</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 Association / Joint Venture)

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) 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

<sup>3</sup> As specified in the Contract documents

<sup>4</sup> As specified in the Contract documents

<sup>5</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>6</sup> See footnote 3

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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 final deadline for the submission of offers shall be .....

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 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)

INVITATION TO TENDER

ΥΠΟΔΕΙΓΜΑ Α3

ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΚΑΛΗΣ ΕΚΤΕΛΕΣΗΣ

Εκδότης (Πλήρης επωνυμία Πιστωτικού Ιδρύματος ..... /  
Τ.Μ.Ε.Δ.Ε.

Ημερομηνία έκδοσης .....

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

.....  
(Διεύθυνση Αναθέτουσας Αρχής/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) .....

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 την καλή  
εκτέλεση της σύμβασης “(τίτλος σύμβασης)”, σύμφωνα με την (αριθμό)  
..... Διακήρυξη της Αττικό Μετρό Α.Ε..

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

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

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

<sup>3</sup> Ολογράφως και σε παρένθεση αριθμητικώς.

<sup>4</sup> Όπως υποσημείωση 3.

ειδοποίησή σας.

Η παρούσα ισχύει μέχρις ότου αυτή μας επιστραφεί μαζί με έγγραφη δήλωσή σας ότι μπορούμε να θεωρήσουμε την Τράπεζα μας απαλλαγμένη από κάθε σχετική υποχρέωση εγγυοδοσίας μας.

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

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)

**SAMPLE A4**

**GOOD PERFORMANCE LETTER OF GUARANTEE**

Issued by (Full name of the Credit Institution)

...../ TMEDE

Date of issuance:.....

To: (Full name of the Awarding Authority / Agency<sup>7</sup>)

.....

(Address of the Awarding Authority / Agency<sup>8</sup> )

.....

Our Guarantee no. .... against the amount of ..... euro<sup>9</sup>.

We hereby declare that we irrevocably and unreservedly guarantee waiving our rights to make use of the benefit of division and discussion up to the amount of ..... euro <sup>10</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 the good performance of the contract No..... **“(title of the contract)”**, in accordance with ATTIKO METRO S.A. Invitation to Tender ..... (number”).

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.

<sup>7</sup> As specified in the Contract documents

<sup>8</sup> As specified in the Contract documents

<sup>9</sup> The amount of the Letter of Guarantee is written in full and in numbers in brackets.

<sup>10</sup> See footnote 3



**INVITATION TO TENDER**

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The present guarantee shall remain valid until it is returned to us along with a written statement of yours that we can assume that our Bank is free from any relevant obligation for the provision of security.

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

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)

**INVITATION TO TENDER**

**ΠΡΟΣΑΡΤΗΜΑ Β**

**ΥΠΟΔΕΙΓΜΑ Β**

**ΚΥΡΙΟΤΕΡΕΣ ΜΕΛΕΤΕΣ ΠΑΡΟΜΟΙΑΣ ΦΥΣΗΣ**

**ΕΠΩΝΥΜΙΑ ΥΠΟΨΗΦΙΟΥ:** (Τίθεται η επωνυμία της Εταιρίας η του Φυσικού προσώπου που αφορά ο κατάλογος. Σε περίπτωση σύμπραξης υποβάλλεται ξεχωριστός κατάλογος για κάθε μέλος αυτής.)

**ΤΙΤΛΟΣ ΜΕΛΕΤΗΣ:** (Τίθεται ο πλήρης τίτλος της παροχής Υπηρεσίας όπως αναγράφεται στην σύμβαση)

**ΦΟΡΕΑΣ ΑΝΑΘΕΣΗΣ:** (Τίθεται ο πλήρης τίτλος του φορέα, Κύριος του έργου, Προϊστάμενη Αρχή, Δ/νουσα Υπηρεσία π.χ. ΥΠΕΧΩΔΕ / Γ.Γ.Δ.Ε. / Δ/ση Δ6 Τμ. Α)

**ΕΙΔΟΣ ΜΕΛΕΤΗΣ:** Αναγράφεται το είδος της μελέτης.

**ΑΝΑΔΟΧΟΣ:** (Αναγράφεται ο πλήρης τίτλος του Αναδόχου σχήματος. Σε περίπτωση Σύμπραξης αναγράφονται όλοι οι εταίροι αυτής. Σε περίπτωση Κ/Ξ ο τίτλος της Κ/Ξ και όλοι οι εταίροι αυτής.)

**ΕΝΑΡΞΗ ΣΥΜΒΑΣΗΣ:** (Τίθεται η ημερομηνία υπογραφής της Σύμβασης.)

**ΟΛΟΚΛΗΡΩΣΗ ΣΥΜΒΑΣΗΣ:** (Τίθεται η ημερομηνία έγκρισης της Σύμβασης ή το στάδιο στο οποίο αυτή βρίσκεται)

**ΠΕΡΙΓΡΑΦΗ ΑΝΤΙΚΕΙΜΕΝΟΥ:** (Περιγραφή του αντικειμένου της μελέτης)

**ΑΜΟΙΒΗ:** (Αναγράφεται η τελική αμοιβή της μελέτης της κατηγορίας στην οποία συμμετέχει ο υποψήφιος, το ποσοστό συμμετοχής του και η τελική προκύπτουσα αμοιβή του.)

**ΠΙΣΤΟΠΟΙΗΤΙΚΟ ΣΥΜΒΑΣΗΣ:** (Βεβαίωση Εργοδότη)

(Ο κατάλογος συμπληρώνεται με όσες μελέτες παρόμοιας φύσης κρίνει ο υποψήφιος.

(Τόπος – Ημερομηνία)

Υπογραφή  
Νομίμου Εκπροσώπου

**INVITATION TO TENDER**

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**Σημείωση:** Το υπόψη προσάρτημα μπορεί να υποβληθεί και ως πίνακας με μορφή στηλών, των οποίων τα περιεχόμενα θα είναι τα ίδια με το παρόν υπόδειγμα.

**INVITATION TO TENDER**

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**APPENDIX B**

**SAMPLE B**

**MAIN SIMILAR STUDIES**

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

-----  
**STUDY TITLE:** (Full title of the provision of studies, as stated in the Contract).

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

**TYPE OF STUDY:** (Write the type of the service).

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

**COMMENCEMENT  
OF THE CONTRACT:** (Date of the conclusion of the Contract).

**CONTRACT COMPLETION:** (Date of the approval of the Contract or current stage of the Contract).

**DESCRIPTION OF SCOPE:** (Description of the scope of the study).

**FEE:** (Final fee for the study falling in the category in which the candidate participates, the candidate's participation percentage and the final fee which results thereof).

**CONTRACT CERTIFICATE:** (Employer's Certificate).

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(The list shall be supplemented with as many similar studies as the candidate deems appropriate).

**Note:** This appendix may also be submitted in the form of a table with columns; the content of the columns must be identical to this sample.

**ΠΡΟΣΑΡΤΗΜΑ Γ**

**ΥΠΟΔΕΙΓΜΑ Γ1**

**ΑΝΑΛΥΤΙΚΟ ΒΙΟΓΡΑΦΙΚΟ ΣΗΜΕΙΩΜΑ**

1. Επώνυμο /Όνομα :
2. Ημερομηνία και τόπος γέννησης :
3. Υπηκοότητα :
4. Οικογενειακή Κατάσταση :
5. Εκπαίδευση :

<b>ΊΔΡΥΜΑ:</b>	
Ημερομηνία: Από (μήνες/έτη) (Μήνες/έτη)	
<b>Πτυχίο:</b>	

(Σε περίπτωση σπουδών σε περισσότερα του ενός Ιδρύματα ή περισσότερα του ενός πτυχία ο πίνακας τροποποιείται κατάλληλα).

6. **Γλώσσες:** (Βαθμοί 1 έως 5 για την ικανότητα, όπου 5 είναι το άριστα) :

ΓΛΩΣΣΑ	ΑΝΤΙΛΗΨΗ	ΠΡΟΦΟΡΙΚΟΣ ΛΟΓΟΣ	ΓΡΑΠΤΟΣ ΛΟΓΟΣ
Ελληνικά			

(Προστίθενται ή αφαιρούνται σειρές ανάλογα).

7. **Μέλος επαγγελματικών οργανισμών :**

8. **Παρούσα θέση:** (Αναγράφεται η σημερινή απασχόληση - θέση σε Επιχείρηση, Οργανισμό Δημοσίου ή Ιδιωτικού τομέα, ελεύθερος επαγγελματίας κλπ).

9. **Έτη επαγγελματικής εμπειρίας:** (Αναγράφονται τα συνολικά έτη πραγματικής επαγγελματικής εμπειρίας στο εξειδικευμένο αντικείμενο του τομέα και όχι τα έτη από κτήσεως πτυχίου).

10. **Κύρια προσόντα:** (Αναγράφονται τα κύρια προσόντα και ικανότητες του ατόμου που προκύπτουν από την μέχρι σήμερα επαγγελματική και άλλη εμπειρία του).

**11. Επαγγελματική απασχόληση:**

(Αναγράφεται η απασχόληση του σε όλες τις μέχρι σήμερα Επιχειρήσεις ή Υπηρεσίες ξεκινώντας από την σημερινή θέση απασχόλησης σε σχέση πάντα με το εξειδικευμένο αντικείμενο του απαιτούμενου τομέα. Δίδονται στοιχεία όπως η χρονική διάρκεια παραμονής σε κάθε διαφορετική Επιχείρηση ή Υπηρεσία ή ενδεχομένως διαφορετική θέση, οι αρμοδιότητες και ευθύνες που είχε σε κάθε θέση).

**Χρονική διάρκεια:** Από (μήνας/έτος) έως (μήνας/έτος)

**Χώρα:**

**Ονομασία Επιχείρησης – Υπηρεσίας:**

**Θέση στην Επιχείρηση – Υπηρεσία:**

**Αρμοδιότητες – ευθύνες:**

**Χρονική διάρκεια:** Από (μήνας/έτος) έως (μήνας/έτος)

**Χώρα:**

**Ονομασία Επιχείρησης – Υπηρεσίας:**

**Θέση στην Επιχείρηση – Υπηρεσία:**

**Αρμοδιότητες – ευθύνες:**

**12. Εμπειρία σχετική με το απαιτούμενο εξειδικευμένο αντικείμενο :**

ΧΩΡΑ	ΗΜΕΡΟΜΗΝΙΑ: Από (μήνας/έτος) Έως (μήνας/έτος)	ΟΝΟΜΑ ΚΑΙ ΣΥΝΟΠΤΙΚΗ ΠΕΡΙΓΡΑΦΗ
		ΤΗΣ ΜΕΛΕΤΗΣ  ΘΕΣΗ και ΠΕΡΙΓΡΑΦΗ ΚΑΘΗΚΟΝΤΩΝ

Τόπος- Ημερομηνία

Υπογραφή

**INVITATION TO TENDER**

**APPENDIX C**

**SAMPLE C1**

**DETAILED CURRICULUM VITAE**

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

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

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

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

<b>LANGUAGE</b>	<b>COMPREHENSION</b>	<b>ORAL SPEECH</b>	<b>WRITING</b>
<i>Greek</i>			

(Add or remove rows as required)

7. **Member of professional associations:**
8. **Current position:** (State the current employment – position in an Enterprise, Organization of the Public or Private Sector, freelance, etc.)
9. **Years of professional experience:** (State the total number of years of actual professional experience in the specialized field of the type of the specific design and not the years since the graduation date).
10. **Main qualifications:** (State the main qualifications and competences of the person gained from the professional or other experience until the present date).
11. **Professional employment:** (State his/her employment in all Enterprises or Services until the present day, starting from his/her current employment position in relation to the specialized scope of the required field. Provide information, such as the duration of

**INVITATION TO TENDER**

his/her presence in each different Enterprise or Service or, possibly, a different position, his/her duties and responsibilities at each position held).

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

**Country:**

**Name of Enterprise - Service:**

**Position in the Enterprise - Service:**

**Duties - Responsibilities:**

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

**Country:**

**Name of Enterprise - Service:**

**Position in the Enterprise - Service:**

**Duties - Responsibilities:**

**12. Experience related to the required specialized scope:**

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

**Date**

**Place  
Signature**



**INVITATION TO TENDER**

**ΥΠΟΔΕΙΓΜΑ Γ2**

**ΔΗΛΩΣΗ ΣΥΓΚΑΤΑΘΕΣΗΣ  
ΕΠΕΞΕΡΓΑΣΙΑΣ ΔΕΔΟΜΕΝΩΝ ΠΡΟΣΩΠΙΚΟΥ ΧΑΡΑΚΤΗΡΑ**

Η Αττικό Μετρό Α.Ε. (ΑΜ) ενημερώνει υπό την ιδιότητά της ως υπεύθυνη επεξεργασίας, το φυσικό πρόσωπο που υπογράφει την Αίτηση Συμμετοχής ως Νόμιμος Εκπρόσωπος, ότι η ίδια ή και τρίτοι, κατ' εντολή και για λογαριασμό της, θα επεξεργάζονται τα ακόλουθα δεδομένα ως εξής:

- I. Αντικείμενο επεξεργασίας είναι τα δεδομένα προσωπικού χαρακτήρα που περιέχονται στον Φάκελο Προσφοράς, ο οποίος υποβάλλεται στην ΑΜ, στο πλαίσιο του παρόντος Διαγωνισμού, από το φυσικό πρόσωπο το οποίο είναι Νόμιμος Εκπρόσωπος Διαγωνιζομένου.
- II. Σκοπός της επεξεργασίας είναι η αξιολόγηση του Φακέλου Προσφοράς, η ανάθεση της Σύμβασης, η προάσπιση των δικαιωμάτων της ΑΜ, η εκπλήρωση των εκ του νόμου υποχρεώσεων της ΑΜ και η εν γένει ασφάλεια και προστασία των συναλλαγών. Τα δεδομένα ταυτοπροσωπίας και επικοινωνίας θα χρησιμοποιηθούν από την ΑΜ και για την ενημέρωση του Διαγωνιζομένου σχετικά με την αξιολόγηση του υποβληθέντος Φακέλου Προσφοράς.
- III. Αποδέκτες των ανωτέρω υπό I παραγράφου δεδομένων στους οποίους κοινοποιούνται είναι:
  - (α) Φορείς στους οποίους η ΑΜ αναθέτει την εκτέλεση συγκεκριμένων ενεργειών για λογαριασμό της, δηλαδή οι Σύμβουλοι, τα υπηρεσιακά στελέχη και λοιποί εν γένει προστεθέντες της, υπό τον όρο της τήρησης σε κάθε περίπτωση του απορρήτου.
  - (β) Το Δημόσιο, άλλοι δημόσιοι φορείς ή δικαστικές αρχές ή άλλες αρχές ή δικαιοδοτικά όργανα, στο πλαίσιο των αρμοδιοτήτων τους.
  - (γ) Έτεροι συμμετέχοντες στο Διαγωνισμό, στο πλαίσιο της αρχής της διαφάνειας και του δικαιώματος δικαστικής προστασίας των συμμετεχόντων στο Διαγωνισμό, σύμφωνα με το νόμο.
- IV. Τα δεδομένα της ανωτέρω υπό I παραγράφου θα τηρούνται για χρονικό διάστημα είκοσι (20) ετών από την λήξη της προθεσμίας υποβολής του Φακέλου Προσφοράς ή, αναφορικά με τον Ανάδοχο, για χρονικό διάστημα είκοσι (20) ετών από την λήξη ή λύση της Σύμβασης. Μετά τη λήξη των ανωτέρω περιόδων, τα προσωπικά δεδομένα θα καταστρέφονται.
- V. Το φυσικό πρόσωπο που είναι Νόμιμος Εκπρόσωπος του Διαγωνιζομένου, μπορεί να ασκεί κάθε νόμιμο δικαίωμά του σχετικά με τα δεδομένα προσωπικού χαρακτήρα που το αφορούν, απευθυνόμενο στην ΑΜ στα στοιχεία επικοινωνίας που αναφέρονται στην Πρόσκληση.
- VI. Η ΑΜ έχει υποχρέωση να λαμβάνει κάθε εύλογο μέτρο για τη διασφάλιση του απορρήτου και της ασφάλειας της επεξεργασίας των δεδομένων και της προστασίας τους από τυχαία ή αθέμιτη καταστροφή, τυχαία απώλεια, αλλοίωση, απαγορευμένη διάδοση ή πρόσβαση από οποιονδήποτε και κάθε άλλης μορφή αθέμιτη επεξεργασία.

**VII. Αφού ενημερώθηκα για τα ανωτέρω, παρέχω την ανεπιφύλακτη συγκατάθεσή μου για την επεξεργασία των ανωτέρω δεδομένων μου προσωπικού χαρακτήρα για όλους τους σκοπούς που αναφέρονται στην υπό II παράγραφο του παρόντος.**

Η ανωτέρω συγκατάθεσή μου ισχύει για κάθε εφεξής σχέση μου με την ΑΜ και ειδικότερα στην περίπτωση που ανακηρυχθώ Ανάδοχος της σύμβασης.

(Τόπος) (Ημερομηνία)

(Υπογραφή-ες)

**SAMPLE C2**

**GDPR STATEMENT OF CONSENT**

ATTIKO METRO S.A., in its capacity as head of processing, hereby notifies the physical entity signing the Application for Participation as the Legal Representative, that ATTIKO METRO S.A. and/or third parties, by order and on behalf of it, shall process the following data as follows:

- I. The scope of processing is personal data included in the Offer Envelope, which is submitted to ATTIKO METRO S.A. in the framework of this Tender by the physical entity being the Legal Representative of the Bidder.
- II. The aim of processing is the evaluation of the Offer Envelope, the Contract award, the protection of ATTIKO METRO S.A. interests, the fulfilment of ATTIKO METRO S.A. obligations, deriving from the pertinent legislation and, in general, the security and protection of transactions. Information on personal data and communication shall be used by ATTIKO METRO S.A. to brief the Bidder about the evaluation of the Offer Envelope he submitted.
- III. The recipients, to whom data stipulated in the aforementioned paragraph I are copied, are as follows:
  - (a) Entities to whom ATTIKO METRO S.A. awards the execution of specific activities on its behalf, i.e. Consultants, executives and, in general, other assignees of ATTIKO METRO S.A., on condition that confidentiality is ensured in all cases.
  - (b) The State, other Public Entities or Judicial Authorities, or other Entities, or Bodies of Jurisdiction, in the framework of their duties.
  - (c) Other participants in the Tender, in the framework of the principle of transparency and of the right of legal protection of the participants in the Tender, according to the Law.
- IV. The information stipulated in the aforementioned paragraph I shall be kept for a period of twenty (20) years upon expiry of the deadline for the submission of the Offer Envelope or, as regards the Contractor, for a time period of twenty (20) years upon expiry or dissolution of the Contract. Upon expiry of the aforementioned periods, personal data shall be destroyed.
- V. The physical entity, who is the Legal Representative of the Bidder, can exercise every legal right of his as regards personal data concerning him, addressing himself to ATTIKO METRO S.A. in the “contact person” stipulated in the Invitation.
- VI. ATTIKO METRO S.A. has the obligation to introduce all reasonable measures to ensure confidentiality and security of data processing and protection thereof against any accidental or unauthorized destruction, accidental loss, alteration, forbidden propagation or access by any entity whatsoever, and against any other form of unauthorized processing.
- VII. **Having been informed on the above I hereby grant my unconditional consent for processing my personal data for all purposes included in paragraph II herein.**



**“THESSALONIKI METRO DEVELOPMENT  
STUDY (TMDS)”**

**RFP-361/19**

**A.Σ. 81337**

**INVITATION TO TENDER**

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My aforementioned consent is in effect for any type of relation between myself and ATTIKO METRO S.A. henceforth and, in particular, in case I am appointed as the Contractor of the subject Contract.

(Place) (Date)