



ATTIKO METPO A.E.

**TITLE OF THE TENDER: “TECHNICAL CONSULTANT
SERVICES FOR ATTIKO METRO S.A.
PROJECTS IN ATTICA REGION”**

RFP-381/20 (Α.Σ. 95151)

**CLARIFICATIONS
DOCUMENT**

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This Clarifications Document is issued in line with the provisions of paragraph 2.4 of the Invitation to Tender and includes responses to the questions submitted.

The content of this Clarifications Document constitutes an integral part of the Invitation to Tender.

CHAPTER A: RESPONSES TO QUESTIONS

Question 1

Invitation to Tender, paragraph 21.2.2

CVs

Kindly clarify as follows: is it possible for the CVs of foreign executives of the legal entity / bidder – not possessing digital signature - that must be submitted in the Greek language to be digitally signed by the legal representative of the legal entity via whom they participate in the tender?

Response 1

It is clarified that, if the proposed personnel does not have a digital signature, the option is given to have the CVs signed by hand by the executive concerned and, subsequently, be digitally signed by the legal representative of the economic operator participating in the subject tender. In this case and at the penalty of disqualification, the bidder has the obligation to submit the original CVs, within three (3) working days upon the electronic submission of the data and back up documentation concerning Participation and Technical Offer, in accordance with article 3.4(g) of the Invitation to Tender, accompanied by a Legal Statement by the foreign executive stating that he understands the text of the CV in the language in which it was translated.

Question 2

In line with article 11.2 of the Invitation to Tender, position K.1.1 calls for a “Civil Engineer, Coordinator of the Consultant’s Group, possessing an experience of at least 10 years in the management/administration/coordination of Metro projects”.

Since the majority of the required executives of the Technical Consultant consist in Electrical and Mechanical Engineers, kindly clarify whether the requirement of the subject position includes the option for the Head of the Consultant Group to be a Civil Engineer or an Electrical engineer or a Mechanical Engineer.

Response 2

The requirement of article 11.2 of the Invitation to Tender for position K1.1 stands as is. Therefore, the person to fill position K1.1 must be a Civil Engineer.

Question 3

In line with article 11.2 of the Invitation to Tender, position K1.4 calls for an “Electrical Engineer possessing an experience of at least 10 years in designs or in the review of designs of power supply systems in Metro projects”.

Kindly clarify whether the 10-year experience in Metro projects includes respective Tramway, LRT, Crossrail and Railway (High Speed and Contractual) projects.

Response 3

The requirement of article 11.2 of the Invitation to Tender for position K1.4 stands as is and it is clarified that, among the projects mentioned in the question, the experience in Crossrail systems is accepted, as long as it relates to Crossrail portion pertaining to Metro.

Question 4

In line with article 11.2 of the Invitation to Tender, position K1.5 calls for an “Electrical Engineer possessing an experience of at least 10 years in designs or in the review of designs related to train traction power with a 750V DC 3rd rail and/or a stinger duct, in the evaluation and execution of the relevant simulation tests, in testing and commissioning of E/M Equipment and Underground Railway Systems in Metro projects.”

Kindly clarify whether the 10-year experience in Metro projects includes respective projects with a third rail traction system.

Response 4

The requirement of article 11.2 of the Invitation to Tender for position K1.5 stands as is. Therefore, the subject experience must be acquired from Metro related Projects.

Question 5

In line with article 11.2 of the Invitation to Tender, position K1.6 calls for an “Electrical Engineer possessing an experience of at least 10 years in designs or review of designs of telecommunications and low voltage or in Metro projects.”

Kindly clarify whether the 10-year experience in Metro projects includes respective Tramway, LRT, Crossrail and Railway (High Speed and Contractual) projects.

Response 5

As regards position K1.6, it is clarified that apart from the experience in Metro projects, similar experience in RTL projects is also accepted.

Question 6

In line with article 11.2 of the Invitation to Tender, position K1.7 calls for an “Electrical Engineer possessing an experience of at least 10 years in designs or review of designs of telecommunications and low voltage or in Metro projects.”

Kindly clarify whether the 10-year experience in Metro projects includes respective Tramway, LRT, Crossrail and Railway (High Speed and Contractual) projects.

Response 6

As regards position K1.7 related to an Electrical Engineer for Automation Systems, it is clarified that apart from the experience in Metro projects, similar experience in RTL projects is also accepted.

Question 7

In line with article 11.2 of the Invitation to Tender, position K1.8 calls for an “Electrical Engineer possessing an experience of at least 10 years in designs concerning signaling and train control systems in Metro projects”.

Kindly clarify whether the 10-year experience in Metro projects includes respective Tramway, LRT, Crossrail and Railway (High Speed and Contractual) projects.

Response 7

The requirement of article 11.2 of the Invitation to Tender for position K1.8 stands as is. Therefore, the subject experience must be acquired from Metro related Projects.

Question 8

In line with article 11.2 of the Invitation to Tender, position K1.9 calls for a “Mechanical Engineer or Electrical Engineer possessing an experience of at least 10 years in designs related to the Metro Rolling Stock”.

Kindly clarify whether the 10-year experience in Metro projects includes respective Tramway, LRT, Crossrail and Railway (High Speed and Contractual) projects.

Response 8

The requirement of article 11.2 of the Invitation to Tender for position K1.8 stands as is. Therefore, the subject experience must be acquired from Metro related Projects.

Question 9

In line with article 11.2 of the Invitation to Tender, position K2.4 calls for a “Civil Engineer or Mechanical Engineer, possessing an experience of at least 5 years in trackwork designs in Metro projects”.

Kindly clarify whether this position’s requirement, as regards the Trackwork Engineer/Position K2.4, may include a Civil Engineer or a Mechanical Engineer or a Survey Engineer.

Response 9

The requirement of article 11.2 of the Invitation to Tender for position K2.4 stands as is. Therefore, the specialty of Topographer Engineer is not accepted for this position.

Question 10

In line with article 11.2 of the Invitation to Tender, position K2.8 calls for an “Electrical Engineer, possessing an experience of at least 7 years in signaling and train control systems”.

Kindly clarify whether the 7-year experience in Metro projects includes respective Tramway, LRT, Crossrail and Railway (High Speed and Contractual) projects.

Response 10

The requirement of article 11.2 of the Invitation to Tender for position K2.8 stands as is.

Question 11

In line with article 11.2 of the Invitation to Tender, position K2.9 calls for an “Electrical Engineer, possessing an experience of at least 7 years in designs related to MV and LV power supply – distribution, lighting and earthing systems in Metro projects”.

Kindly clarify whether the 7-year experience in Metro projects includes respective Tramway, LRT, Crossrail and Railway (High Speed and Contractual) projects.

Response 11

The requirement of article 11.2 of the Invitation to Tender for position K2.9 stands as is.

Question 12

In line with article 21.2.2 of the Invitation to Tender, the Back up Documentation for Participation Folder should include “CVs of all executives of Group K1, according to Sample D1 of Appendix D herein”.

We would like to stress that there is no reference whatsoever about the submission of the respective CVs of the Executives of Group K2.

Kindly confirm that – at the penalty of disqualification - the Back up Documentation for Participation Folder must contain only the CVs of the executives of Group K1.

Response 12

It is confirmed.

Question 13

In line with article 20.3.1 of the Invitation to Tender: “**In case of economic operators associations**, the above requirement must be met by one member of the association for category (-ies) stipulated in article 11.4, in which each member of the association participates”.

Kindly confirm that in case of two (2) economic operators’ association, it will be acceptable that the staffing (executives) requirements, stipulated in article 20.3.1, be exclusively met by the one (1) out of the two (2) members of the economic operators’ association, without the other economic operator being obligated to submit experience related staffing in order to meet the requirements for technical and professional competence.

Response 13

It is clarified that, in case of an association, it suffices for the requirement of article 20.3.1 to be met by one member of the association for the category (-ies) in which each member of the association participates”. ~~all requirements stipulated in article 20.3.1 of the Invitation to Tender must be met cumulatively.~~ Therefore, it is confirmed that, in case of two (2) economic operators’ association, it will be acceptable that the staffing (executives) requirements, stipulated in article 20.3.1, be met exclusively by the one (1) out of the two (2) members of the economic operators’ association, provided that both members of the association are registered in the relevant

professional registry kept in the country where they are established, in the categories stipulated by article 11.4 of the Invitation, according to the requirements of article 20.1 of the Invitation.

Question 14

In line with article 20.3.2 of the Invitation to Tender, “Similar services” means Technical Consulting services that have been provided in Metro projects in the field of CW works and E/M systems”. In addition, in line with article 3.2. of the Technical Information Document, the Consultant’s Technical Scope of Works also includes “Design Services for Civil Works” and “Design Services for Electromechanical and Railway Systems”.

Kindly clarify whether “similar services” means the provision of Consulting Services for Designs Preparation as regards Metro Projects in the field of C/W works and E/M systems.

Response 14

The requirement of article 20.3.2 of the Invitation to Tender stands as is. Therefore, the term “similar services” means the Technical Consultant’s services and not services for designs’ preparation.

Question 15

In line with article 20.3.2 of the Invitation to Tender, “Similar services” means Technical Consulting services that have been provided in Metro projects in the field of CW works and E/M systems. In particular, the minimum experience required (in Civil works and Electromechanical works related services) must concern a Metro line, at least 10km long...”.

Kindly clarify as follows: Does “Similar services” mean Technical Consulting services that have been provided in Tram and Crossrail projects in the field of CW works and in Tram and Crossrail projects in the filed E/M systems?

Response 15

The requirement of article 20.3.2 of the Invitation to Tender for similar services stands as is and it is clarified that, among the projects mentioned in the question, the experience in Crossrail systems is accepted, as long as it relates to Crossrail portions pertaining to Metro.

Therefore, the term “similar services” means the technical consultant services in Civil Works related to Metro projects, as well as E/M systems of Metro projects.

Question 16

In line with article 11.2 of the Invitation to Tender, the engineers’ general experience time period is calculated as follows: for the foreign bidders, the subject time is calculated as of the date they obtained their professional license from the equivalent authority (TEE) concerned. Given that in certain countries, which are member-states of the EU or members of the EFA or they belong to third countries, the registration in an authority equivalent to TEE is not obligatory, or where the existing professional or

scientific associations grant neither professional licenses nor responses to such a request, kindly clarify that the engineers' general experience time period - as far as the foreigner bidders is concerned – is calculated as of the date they obtained their degree from the respective educational institution.

Response 16

Only in case of foreign personnel originating from countries where the registration in an authority equivalent to TEE is not obligatory, or where the existing professional or scientific associations grant neither professional licenses nor responses to such a request, required shall be the submission of a Legal Statement by the foreign personnel certifying the above, as specified in article 23.1 of the Invitation to Tender, in order that its executives' experience time period can be considered as starting on the date they obtain their degree. ATTIKO METRO S.A is entitled to check the accuracy of the information to be submitted at any stage of the Tender.

Question 17

In line with the Legal Statements that must be submitted as regards the back up documentation for the award and, more specifically, in the framework of article 23.1 of the Invitation to Tender, kindly clarify as follows: if the legal representative of a foreigner Bidder is a Greek individual, who possesses an ID card or a passport and is or resides in Greece, is it possible for him/her to submit a Legal Statement of Law 1599/86, without noting 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?

Response 17

It is acceptable.

Question 18

Kindly clarify in which cases and for which data, per article 23.5.1. of the Invitation to Tender, and as concerns the economic operators who are established in Greece and are registered in the Greek Register of Designers or Designing Firms, their registration certificate does not prove that the requirements of paragraph 20.3.1 of the Invitation are met.

Response 18

For the economic operators established in Greece and registered in the Greek Register of Designers or Designing Firms, their registration certificate does not prove that the requirements of paragraph 20.3.1 of the Invitation are met, in case their license class, referred to in the certificate of registration, does not cover the minimum staffing requirements of article 20.3.1 of the Invitation to Tender, since, in line with the Greek legislation, for being registered in every design category, the designing firm should possess the minimum specialized man-power.

Question 19

Kindly clarify in which cases and for which data, per article 23.5.1. of the Invitation to Tender, and as concerns foreign economic operators that are registered in official lists (as for example, from member-states of the EU or the EFTA or in the member-states that have ratified the Government Procurement Agreement (GPA)) or are certified by Certification Organizations, their registration certificate does not prove that the requirements of paragraph 20.3.1 are met. **Response 19**

For foreign economic operators that are registered in official lists or are certified by Certification Organizations, their registration certificate does not prove that the requirements of paragraph 20.3.1 are met, in case their registration certificate / certification does not make any reference to or does not indicate the minimum preconditions that have to be met for the specific certificate / certification the aforesaid foreign economic operators possess.

Question 20

Given that Appendix VII of Annex A' Law 4412/2016, to which article 23.5.1 of the Invitation to Tender refers to, includes "definitions of certain technical specifications", kindly clarify: (i) these specific technical specifications and (ii) the specific (international or European or national) standards required for the tendered public contract (per cases 1(b) and 2 of the aforesaid Appendix and, in addition, (per cases 3, 4 and 5 of the subject Appendix) kindly specify as follows:

(i) to which extent valid shall be the requirement for a "European technical evaluation" and for which structural element required shall be the justified performance evaluation, in connection with its substantial characteristics;

(ii) which is the "common technical specification" that has been compiled in the field of ICT, in line with articles 13 and 14 of Regulation (EU) No 1025/2012 ;

(iii) which is "each deliverable" prepared within "the technical reference framework" by the European standardisation organizations, apart for the European standards, in line with the procedures adapted to the development of the market needs, as regards the subject tendered public contract.

Response 20

In accordance with paragraph 1, article 83 of Law 4412/16 referring to the official lists of approved economic operators and certification by organizations, *"The operation of all the official lists of approved contractors, suppliers or services providers, including designers, stipulated by the national provisions – as valid each time – and/or the certification by certification organizations complying with the European certification standards, in the sense of Annex VII Appendix A', is governed by the provisions of this article".*

In accordance with paragraph 2, article 83 of Law 4412/16, *"The preconditions for registration in the official lists of approved contractors, suppliers or services providers, as well as the preconditions related to the issuance of certificates by certification organizations complying with the European certification standards, in the sense of Annex VII Appendix A', are adapted to the provisions of articles 73 up to 83...".*

Therefore, the reference to article 23.5.1 of the Invitation to Tender, that: *"Foreign economic operators registered in official lists or certified by Certification Organizations which comply with the European certification standards in the sense of Annex VII, Appendix A, Law 4412/2016, may submit to ATTIKO METRO S.A. a*

registration certificate issued by the authority concerned or the certificate issued by the certification organization concerned, in line with the provisions of article 83, Law 4412/2016 and paragraph 23.7 of this Invitation from which it results that the requirements of article 20.3.1 are met", is in accordance with the requirements of the legislation. As regards Annex VII, the information data related to the certification of economic operators by approved organizations for the kind of the contract at hand – i.e. "service" is taken into consideration .

Question 21

Taking into account that in case (a3) of article 23.5.1, requested is the Legal Statement – Certificate drafted by the legal representative of the economic operator, participating in the tender, whereby he states that he possesses the "necessary personnel" vested with the specialities and experience required stating their names, their speciality and their years of experience, in order to meet the requirements of the Technical and Professional Competence (per article 20.3.1 of the Invitation to tender), while in case of borrowed capacity" of specialized personnel, the invoked third party, lending the capacity, must also submit Legal Statements of acceptance by each natural entity proposed as executive of the Consultants' Group, kindly clarify that: in case the proposed executives of the economic operator, participating in the tendering process, derive from the consultant's personnel, then no Legal Statement of Acceptance will be required to be submitted by each natural entity of the aforesaid personnel, proposed as executive of the Consultants' Group by the economic operator.

Response 21

In line with the requirements of article 23.5.1 for proving adherence of the requirements of article 20.3.1 of the Invitation to Tender for the technical and professional competence of the economic operator participating in the tendering process, the submission of a Legal statement of acceptance by the natural entities having a labour relation with the economic operator is not required; the submission of a legal statement by the representative suffices.

It is clarified that the requirements of article 23.8.1 concern the commitment purposes related documentation if the "borrowed competence" is used for the specialized personnel, stipulated in article 11.2, and not if the "borrowed competence" is utilized for the technical and professional competence.

Question 22

In case third parties are lending only executives for the Consultants Groups of the economic operator participating in the tendering process, kindly clarify that sufficient shall be their registration in the Designers' Registry or in an Engineering Firm in Greece or in a similar Registry in foreign countries and that it shall not obligatory to meet any of the remaining specific preconditions (per article 20.1 of the Invitation to Tender), as regards the suitability for exercising the business activities of the economic operator participating in the tender.

Response 22

In accordance with article 21.2.2 of the Invitation to Tender: *"It is clarified that, in case the proposed specialized personnel includes executives not belonging to the economic operator, i.e. they do not have labor relations with the company, or are not*

holders of individual licenses included in the company's license, these executives are considered as resources of third parties, even if they have a relationship of cooperation with the economic operator. In these cases, the economic operator to be appointed as the lowest bidder is required to submit, inter alia, the documentation of article 23.2.3 of this document with the envelope including the Awarding Back-Up Documentation". Consequently, it is not required for the economic operators lending specialized personnel intended to cover Group K1 to fulfill the selection criteria stipulated in articles 20.1, 20.2 and 20.3 of the Invitation to Tender.

Question 23

Since in line with articles 20.2 regarding the credit and financial competence and 20.3 regarding the technical and professional competence of the economic operators participating in the tendering process, in case of associations, these requirements can be met by one member of the association, kindly clarify that – on a pro-rata basis – the same shall be valid in case of third parties lending their capacity, on condition these requirements are met by one member of the association of the respective economic operators.

Response 23

In case of an association of economic operators, the option is provided to invoke a "third party" lending a resource, a third party able to satisfy the requirements either of article 20, or article 20.3; in other words it suffices for this "third party" to satisfy the selection criterion for which this party lends a specific resource..

Question 24

Kindly clarify that the GDPR Statement of Consent (per article 21.1.3 of the Invitation to Tender) shall be submitted only by each economic operator and not by third parties lending their capacities, experiences and services.

Response 24

The GDPR Statement of Consent, stipulated in article 21.1.3 of the Invitation to Tender, shall be submitted by each economic operator participating in the Tender. However, the participants ought to have ensured the consent to process personal data of the "third parties" on the capacities of whom they rely.

Question 25

In line with article 21.2.2 of the Invitation to Tender, in case the proposed specialized personnel includes executives not belonging to the economic operator, i.e. they do not have labor relations with the company, or are not holders of individual licenses included in the company's license, these executives are considered as resources of third parties, even if they have a relationship of cooperation with the economic operator.

Kindly clarify that in case the proposed specialized personnel includes executives who have labor relations with the company, or have shares-related relations with a third party (company) lending its capacities, experiences and services to the economic operator, then these executives shall be equal to those who have a labor

relation with the third party (company) lending its capacities, experiences and services or to those who are holders of individual licenses included in this third party's (company's) license.

Response 25

The aforesaid is not acceptable, since the proposed specialized personnel having a company- or share-related relationship with a third party (company) lending its capacities, experiences and services shall not be equal to the personnel who has a labor relationship with the third party (company) lending its capacities, experiences and services or to the members of the personnel who are holders of individual licenses included in this third party's (company's) license.

Question 26

Taking into account, on a pro-rata basis, the reference to article 21.2.2 of the Invitation to Tender to those who have a labour relation or those who are holders of individual licenses included in the license of a third party - company lending its capacities, experiences and services, kindly clarify as follows: in case the proposed executive of the Consultant's Group is an employee of a third party – company A, that lends its capacities, experiences and services, but has made available his individual license to another company B for it to be included in the company's license, then company B is not considered to be a third party-company lending its capacities to the economic operator to whom the third party – company will lend its capacities, experiences and services. In addition, kindly clarify that there is no conflict of interests, in case company B provides as third party – company its borrowed capacity, experience and services to another competitor economic operator that will participate in the tender.

Response 26

It is clarified that it is not acceptable for any of the members of the Consultant's Group proposed personnel to be an employee of a company and to have made available his/her license degree to another company. In addition, it is clarified that it is not acceptable for a company to lend its experience to more than one participants.

Question 27

In line with article 22.1.2, about the explanation of the scoring method and as concerns each economic operator's or association's proposed executives under evaluation and scoring, the Invitation to Tender stipulates as follows: "The executives whose experience ranges between the minimum and the maximum shall be scored proportionally between the maximum (100) and the minimum (80) points". Kindly provide specific clarifications about the term "scored proportionally", in case there are more than three (3) executives falling under these cases for each position K1 and, especially, if the difference in their experience does not fall within the same time periods.

Response 27

It is clarified that the scoring proportion refers to the scale (80 to 100) and not to the comparison among offers, since each offer shall be scored separately for each proposed executive.

Question 28

Kindly clarify whether, additionally to the back up documentation referred to in article 23.8 of the Invitation to Tender to demonstrate the “borrowed experience” mentioned in article 20.4, required shall also be the submission of a respective resolution or a legal statement of acceptance on the part of the economic operator that receives the provided borrowed capacities, experiences and services of the third party, along with a private agreement on the aforesaid borrowed capacities, experiences and services provided.

Response 28

Neither a Legal statement of acceptance - on the part of the economic operator to whom the “third party” lends its resources - nor a Private Agreement is required. Article 23.8 of the Invitation to Tender stands as is. In case of “borrowed experience” for the specialized personnel the requirements of article 28.3.1 of the Invitation to Tender must be also taken into consideration.

Question 29

As regards the “third party” lending its capacities, experience and services stipulated in articles 20.4 and 23.8 of the Invitation to Tender, which, in accordance with its requirements, should execute as a sub-contractor of the respective economic operator the respective section of the contract too, i.e. for which the third party provides its borrowed capacity, experience and services, kindly clarify if - further to the field in the ESPD referring to the “lending third party” - the field referring to the sub-contractor should be also filled in indicating the same “lending third party” as “sub-contractor” too.

Response 29

In the event the “third party” is also a sub-contractor too, he must be denoted as a sub-contractor too.

Question 30

In line with article 23.2(e) of the Invitation to Tender, if a member–state or country does not issue the respective certificates, or if these certificates do not cover all cases under paragraphs 19.1.1 to 19.1.6, 19.2.1 to 19.2.3 and 19.2.5, then the said document or certificate can be substituted by a statement under oath (affidavit) or, by an official statement on the part of the economic operator, should the competent authorities of the said member–state or country neither respond nor provide an official statement indicating that the certificates stipulated in this paragraph are not issued or that the certificates do not cover all cases referred to in the respective paragraphs mentioned above. Kindly clarify that, in this case, it is possible for the legal statement or the statement under oath of the economic operator to include the reference that these certificates are not issued or they do not cover all cases concerning the aforesaid paragraphs.

Response 30

In the event the competent authorities of the member-state or the country do not provide an official statement, in line with article 23.2 (e) of the Invitation to Tender,

then the statement under oath must indicate the reason why the official statement has not been included. In any case, ATTIKO METRO S.A. reserves its right to examine the validity of the information data.

Question 31

Article 96, paragraph 7 of Law 4412/2016 stipulates as follows: “The association of the economic operators shall submit a common offer, which shall be necessarily signed either by all economic operators forming the association or by a representative of the association lawfully authorised to this end. The offer shall necessarily determine the extent and the type of participation (including the allocation of the fee among them) of each member of the association, as well as its representative / coordinator”.

However, article 3, paragraph 1 of the Invitation to Tender stipulates that: “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”, without however clarifying whether it is obligatory to determine the extent and the type of participation (including the allocation of the fee among them) of each member of the association, as well as its representative / coordinator.

- a) Kindly confirm that the aforesaid does not constitute a requirement of this tender;
- b) However, if the aforesaid determination is required, kindly clarify the way in which it must be stated and the point of the offer where it must be indicated. More specifically, can the appointment of the representative / coordinator and the allocation of fee by all members be determined in the ESPD form? If yes, kindly indicate to us the exact point where we have to state same.

Response 31

- a) It is confirmed.
- b) Not applicable

Question 32

Article 6 paragraph 4e) stipulates as follows: “Appointment of the member having the greatest participation percentage in the joint venture as Leader. The Leader shall have the irrevocable order and authorization of the remaining members to represent the Joint Venture and to bind those participating in the joint venture before ATTIKO METRO S.A. throughout the duration of the Contract and, in general, to act and to make all necessary statements in relation to the execution of the Contract. The physical entity to be appointed as representative of the Joint Venture before ATTIKO METRO S.A. and his Alternate, shall derive from the aforementioned member (Leader).”.

- a) Kindly confirm that the aforesaid paragraph makes reference only to joint ventures and not to consortia.
- b) Kindly give the option for the alternate representative of the joint venture to be appointed by another member of the joint venture – except the leader - and abolish the requirement for his/her appointment only by the leader since this procedure obstructs the smooth operation of the joint venture, as it is a usual practice for an

increasingly number of members of joint ventures to participate in their representation.

Response 32

a) It is confirmed.

b) It is confirmed that the requirement for the appointment of the joint venture alternate representative only by the leader is not obligatory.

Question 33

Article 11, paragraph 4 about the “Estimated value of the Contract – Design Categories” explicitly stipulates the following: “The economic operators shall compile and submit their Financial Offer on the basis of the aforesaid estimated value, which is binding. At the penalty of disqualification, it is not allowed for the economic operators to exceed this value”.

In addition, the Pre-estimated Fee Document integrates the unit price per man-moth for each Position of Group K1 and Group K2. Kindly confirm that the requirement – at the penalty of disqualification – for not exceeding the overall amount also applies to the individual unit prices for each Position of the aforesaid Groups.

Response 33

The requirement – at the penalty of disqualification – for not exceeding the overall amount also applies to the individual unit prices for each Position of the aforesaid Groups.

Question 34

Article 20, paragraph 2 about the Credit and financial competence stipulates that “It is required that the minimum average annual turnover of the Bidders during the last three-year period must be equal to or over EURO **70,000,000.00**”. Kindly clarify that by “the last three-year period” you mean the last three (3) fiscal years for which balance sheets have been published.

Response 34

It is confirmed.

Question 35

Article 20.3.1 of the Invitation to Tender about the staffing of the individual interested parties and design category 20 “Geological, Hydrogeological and Geophysical Designs and Surveys”. Kindly clarify which of the two sentences (Greek text and English text) is the correct one.

The Greek text stipulates as follows: “... τουλάχιστον 1 στέλεχος 12ετούς εμπειρίας και 1 στέλεχος 8ετούς εμπειρίας και 2 στελέχη 4ετούς εμπειρίας στην εν λόγω κατηγορία”, while the English text stipulates the following: “...at least one (1) executive of twelve (12) years of experience, one (1) executive of eight (8) years of experience and four (4) executives of two (2) years of experience”.

Response 35

The Greek text prevails over the English one.

Question 36

As regards article 20.3.1 of the Invitation to Tender about the staffing of the individual interested parties and design category 20 “Geological, Hydrogeological and Geophysical Designs and Surveys”, kindly clarify if, apart from University Graduate Geologists who possess the relevant experience, acceptable shall be other Engineers too and, in particular, foreign executives of other specialties who possess the relevant experience, taking into consideration that in countries other than Greece there is no distinct separation between geological and geotechnical categories and that Civil Engineers implement geological designs and surveys.

Response 36

The requirement of article 20.3.1 of the Invitation to Tender for design category 20 remains as is.

Question 37

In accordance with article 20.3.2 about Similar Services, the economic operators should possess the special technical competence – described therein – through the provision of services similar to the tendered ones, which have been provided through the candidate natural or legal entities’ contracts within the period 2010-2021. However, the ESPD Part IV: Selection Criteria provides for as follows:

a: General indication for all selection criteria. As regards the selection criteria (section a or sections A to D of this part), the economic operator states that: he/she fulfills all selection criteria – Response A: Yes, without giving the option for indicating the requested contracts.

Kindly confirm that the requirements of the aforesaid article cannot refer to another item of the ESPD and that the documentation required in article 23.5.2 is submitted at the provisional contractor Awarding stage.

Response 37

It is confirmed.

Question 38

With regard to the Similar Services that the economic operator must provide (article 20.3.2) and the relevant documentation, as is described in article 23.5.2 of the Invitation to Tender, kindly clarify whether certificates on completed stages of similar services provided in the framework of active contracts are acceptable.

Response 38

Valid is article 23.5.2 of the Invitation to Tender, in line with which: *“Certificates will have been issued by the competent authorities and shall prove the workmanlike and timely execution of the contracts or parts thereof. More specifically, these certificates shall indicate the basic characteristics of the relevant services, so that they can be*

*evaluated and, thus, ascertained that they do fulfil the requirements of article 20.3.2 as well as the time of their execution; the subject certificates shall also certify that the projects have been executed in line with the rules of the technical offer and have been duly completed".*Therefore, certificates on completed stages of similar services are acceptable.

Question 39

In article 20.3.2 Similar Services it is stated that ““Similar services” means Technical Consulting services that have been provided in Metro projects in the field of CW works and E/M systems. In particular, the minimum experience required (in Civil works and Electromechanical works related services) must concern a Metro line, at least 10km long. In case of an Association, this requirement **can be covered cumulatively from the members of the Association**, provided that at least one of the Metro projects- where the services have been provided – is equal to or over 5km long”.

Kindly confirm that the term **cumulatively** also applies to the field/type of works (e.g. Technical Consultant Services in CW in one (1) project and Technical Consultant Services in E/M Metro systems in another project – again one (1)).

Response 39

The type of services can also be cumulatively covered, on condition that in at least one Metro project of a length equal to or greater than 5km, all the required CW and E/M works are provided s.

Question 40

With regard to the submission of the European Single Procurement Document (ESPD), kindly clarify whether foreign executives or Companies must submit a digitally signed ESPD drafted in a language in which the foreign executive or the legal representative of the Company is competent, accompanied by an official translation in Greek, or whether a digitally signed ESPD must be directly submitted in Greek.

Response 40

It is clarified that the ESPD is filed – digitally signed - in the Greek language.

Question 41

With regard to the submission of the European Single Procurement Document (ESPD), kindly clarify in which field of the ESPD the position of the Group K.1. covered by “third parties” must be stated.

Response 41

In the event the bidding economic operator relies on the capacities of other operators, only the required information in field C PART II of the ESPD shall be filled in. It is stressed that the ESPD must be filed by the “third party” too.

Question 42

Kindly clarify whether in the group of consultants it is allowed to include associates (Greek or foreign ones), who meet all the requirements of the Invitation but who are at a retirement status, on condition that they declare that they commit themselves to restart their business activities once they are called upon to staff the group of the Technical Consultant in case of contract award.

Response 42

It is clarified that recommending persons who are at a retirement status is not acceptable.

Question 43

Kindly clarify whether eligible to participate in this tender are also those who have participated in another tender of ATTIKO METRO S.A. by submitting their CV or those who are employed by virtue of another Technical Consultant Services Agreement of ATTIKO METRO S.A. currently in progress.

Response 43

The basic principles of the irreconcilable are included in article 8.1.5 of the Conditions of Contract. More specifically, this article stipulates that: “...*in no case whatsoever can the same personnel participate in different contracts of Consultants (neither in the submission of offers, nor during the execution of the contract)*”.

Question 44

With regard to the submission of the Curriculum Vitae for Group K.1, kindly clarify whether the proposed specialized personnel bidding for a position in Group K.1 which has either a labor relation with a company or has an individual license which has been incorporated in the company's license, must digitally sign his/her Curriculum Vitae or is his/her physical signature without signature verification accompanied by a digital signature of the Legal Representative of the company with which he/she has signed an employment contract or is holder of a license included in a company's license.

Response 44

Kindly see response to question 1.

Question 45

In article 21, para. 2.2, it is stated that “In case of foreign executives, the CV shall be accompanied by a Legal Statement of Law 1599/86 of the executive, whereby he/she shall state that he/she fully understands the text of the CV, since it has been translated into a language in which he/she is competent”.

- a) Kindly confirm that the Legal Statement of Law 1599/86 is legally binding on foreign executives.
- b) If this is not the case, kindly advise us on the document which must be submitted, for example in article 23, para.1, Back-up Documentation (proof of evidence), provision is made for the submission of a statement of similar probative value, i.e. a statement under oath or when this is not foreseen, an official statement before a

judicial or administrative authority, a notary public or before the competent professional organization of the country of origin or seat of the Bidder.

c) Kindly clarify whether the subject statement must be digitally filed in a language in which the foreign executive is competent, accompanied by an official translation in Greek, or whether it must be digitally signed and submitted only in Greek.

Response 45

Please see correction B1 in Section B of this document.

Question 46

In article 21, para. 3.2, it is stated that “ATTIKO METRO S.A’s “Financial Offer Form” (Statement and Financial Offer Form), duly filled in, in a separate electronic file, in a .pdf format. The subject Form must be digitally signed by the Bidder himself (in case of natural entity) or the legal representative (in case of a legal entity / Association). In any other case, the financial offer is considered to be unfounded and the **participating economic operator is disqualified**”.

Kindly clarify, in case of a legal entity/association, how and where in the Offer the legal representative, who will sign the aforementioned document, must be appointed.

Response 46

In case of a legal entity/association, the legal representative shall be denoted in the ESPD.

Question 47

Kindly transmit to us again through ESIDIS the file named RFP_381_20_EDITABLE_Financial_Offer_form, since its content does not correspond to the file name.

Response 47

The content of the file named RFP_381_20_EDITABLE_Financial_Offer_form, which is posted on the electronic platform of ESIDIS, corresponds to the title of the file.

Question 48

In article 3, para. 3.1 of the Conditions of Contract, it is stated that: “The Contractor’s location of works is ATTIKO METRO S.A. offices in Athens as well as the worksites of the project in Athens and/or the temporary offices of ATTIKO METRO S.A. adjacent to the worksites for the execution of all kinds of works. Adequately equipped offices for the provision of the Consultant’s services shall be made available to the Contractor’s personnel by ATTIKO METRO S.A.”.

Kindly clarify what you mean by “adequately equipped offices”. The Contractor’s contract fee includes office equipment (PCs, screens, keyboards, photocopying machine, etc.), software (drawing programs, work processing, etc.), etc.

Response 48

“Adequately equipped offices” is intended to mean the provision of the appropriate office furniture.

Question 49

In due consideration of the sub-contracting option, as specified in article 24 of the Invitation to Tender, kindly clarify whether during the tendering process it is obligatory to denote the subcontracting work of the positions' categories or of the specific positions K2.x of Group K.2, given that these positions are not included in the technical offer of this tender.

If this is obligatory and these positions are covered by personnel to be made available by a legal entity, should the ESPD be submitted by the legal entity that can cover the positions' categories in this way or should it be submitted by the natural entities that will finally constitute the personnel? If the aforesaid natural entities have a labor relation with the aforesaid legal entity or if they have integrated their license therein, must the ESPD be submitted by the legal or by the natural entities? In case the aforesaid natural entities have a non-dependent labor relation with the legal entity, must the ESPD be submitted by the legal or by the natural entities? In case the position of Group K2 is filled by a freelancer natural entity, will the natural entity be considered as a third party in the sense of articles 21.2.2 and 23.8.1 or as a sub-contractor in the sense of article 24?

Article 24.3 stipulates that ATTIKO METRO S.A: "necessarily verifies that there are no grounds for the disqualification of the sub-contractors on the basis of article 19 herein and that they possess the necessary qualifications to execute the scope of the contract assigned to them, according to the European Single Procurement Document (ESPD)"

Kindly clarify whether the verification method consists in the submission of the back up documentation provided for in paragraph 23.2. Moreover, kindly clarify whether the submission of the back up documentation provided for in paragraph 23.8 is also required.

Response 49

a) Denoting the subcontracting work is not obligatory and it must be denoted only in the event it is known at the offer's submission phase.

b) In case the economic operator is aware of the fact that, during the offer submission phase, he will assign a part of the contract to third parties on a sub-contracting basis, his ESPD must be submitted along with the sub-contractor's ESPD duly filled in and signed by the latter (article 21.1.1 of the Invitation to Tender). In case the sub-contractor is a legal entity making available executives of Group K2 having a labor relationship with the aforesaid legal entity, or if they have integrated their license therein, then the ESPD must be filled in and signed by his legal representative. In case the sub-contractor is a physical entity, then the ESPD must be filled in and signed by the physical entity. According to Paragraph 3, article 24 of the Invitation to Tender, as far as sub-contractors are concerned, it is required to verify that there are no grounds for the disqualification of the sub-contractors on the basis of article 19 of the Invitation to Tender and that they possess the necessary qualifications to execute the scope of the contract that they undertake; thus, the back up documentation mentioned in paragraph 23.2 is required to be submitted, as well as the back up documentation mentioned in paragraph 23.8 of the Invitation, respectively.

Question 50

Document "Technical Information about the Consultant Personnel and Services", Chapter 4, Paragraph 1 "Description of job positions and qualifications" makes the following reference regarding K1.9, namely: "Mechanical Engineer or Electrical Engineer - Rolling Stock

Technical Support Consultant in the field of designs and monitoring of Metro and Tramway Rolling Stock construction and tests. The scope of works includes car-body structure, loads and, mainly, train E/M systems, such as the traction power system and the motors, the auxiliary power supply system, the doors system, the braking system, the HVAC system, the control systems, etc."

Similarly, article 11.2 of the Invitation to Tender about the Contractor's Personnel, for position 1.9 and in Column entitled "Experience / Expertise" stipulates as follows: "Mechanical Engineer or Electrical Engineer possessing an experience of at least 10 years in designs or in the review of designs related to the Metro Rolling Stock".

Kindly clarify whether the experience in TRAMWAY projects or in metro projects similar to the one operating in Line 1 or in LRT shall be also taken into account in the "Experience / Expertise" for position 1.9.

Response 50

As regards position K1.9, accepted is the experience in a surface Metro project, similar to the Line 1 project, as well as the experience in RTL projects.

Question 51

Sample A.1 of Annex A "PARTICIPATION LETTER OF GUARANTEE" stipulates that: "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". Kindly add the following sentence: "[...] upon receipt of your written notification, stating that the Contractor acts in violation of the obligations deriving from the contract, as these are determined in the Tender Documents, because the Contractor:

(a) withdrew his offer during its validity period, as this period is determined in the Invitation to Tender, or

(b) cannot or refuses to Sample A.1 of Annex A "PARTICIPATION LETTER OF GUARANTEE" execute the Contract or to deposit a Good Performance Letter of Guarantee if needed, while he has been notified on the acceptance of his Offer during its validity period".

Response 51

Sample A.1 of Annex A "PARTICIPATION LETTER OF GUARANTEE" stands as is.

Question 52

Sample A.1 of Annex A "PARTICIPATION LETTER OF GUARANTEE" stipulates that: "*If this guarantee becomes payable, the relevant amount shall be subject to the applicable stamp duty*". Kindly inform us regarding its cost or its order of magnitude.

Response 52

If letters of guarantee become payable, the relevant cost of the stamp duty as applicable in the specific time period shall be borne by the economic operator.

Question 53

In Sample A.1 of Annex A “” kindly add the following sentence: **“This Letter of Guarantee can be transferred upon our written consent.”**

Response 53

The Participation Letters of Guarantee and the Good Performance Letter of Guarantee Samples stand as they are.

Question 54

Sample B.1 of Annex B «GOOD PERFORMANCE LETTER OF GUARANTEE” stipulates that: “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”. Kindly add the following sentence: “[...] **or at the latest on ... (date) of, whichever is earlier**”.

Response 54

The Good Performance Letter of Guarantee Sample stands as is.

Question 55

Sample B.1 of Annex B «GOOD PERFORMANCE LETTER OF GUARANTEE” stipulates that: “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”.

Kindly add the following sentence: “[...] upon receipt of your written notification **making the following statements about the Contractor’s liability, namely:**

- (a) the Contractor acted in violation of the obligations deriving from the Contract, and**
- (b) the reasons for the Contractor’s liability”.**

Response 55

The Good Performance Letter of Guarantee Sample stands as is.

Question 56

No.	Term of the Invitation to Tender	Issue	Question

1.	21.2.2	CVs	Kindly clarify whether the CVs of Group K1 can be accompanied by a Legal Statement digitally signed via www.gov.gr given that these natural entities do not have a digital signature (usbstick) or, if it is acceptable for the specific CVs to be signed by the natural entities with their own hands and, then, signed digitally by the legal representative of the economic operator participating in the tender at hand.
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Response 56

Kindly see Response 1.

Question 57

In relation to the tender entitled “TECHNICAL CONSULTANT SERVICES FOR ATTIKO METRO S.A. PROJECTS IN ATTICA REGION” RFP-381/20, kindly clarify to us the following:

Article 21.2.1 - 21.2.2 CVs: Kindly clarify whether in case of Association / Joint Venture any member of the personnel employed by one of the member of the Association / Joint Venture and/or its subsidiary/sister companies is considered to constitute the Association / Joint Venture resources and not “third party resources” and, thus, the submission of a separate ESPD for the subsidiary/sister companies is not required.

Response 57

The personnel members employed by subsidiary companies of the companies participating in the tender are considered to be third parties and, as such, they must submit a separate ESPD.

Question 58

Could the specialized personnel to fill Position KE1 derive from the construction of similar projects? When will the Consultant be called upon to submit the CVs for the personnel to fill the positions of KE2?

Response 58

The specialized personnel to fill the positions of Group K1 must possess the experience and the qualifications referred to in the Table stipulated in article 11.2 of the Invitation to Tender, as it was supplemented / amended by virtue of this document. As regards the members of the personnel of Group K2, to cover the specific positions depending on the needs and the progress of ATTIKO METRO S.A. works, they must be available whenever they are requested to do so during the execution of the contract.

Question 59

As regards the Contractor's responsibility and as concerns article 7.2 of the Conditions of Contract, kindly notify to us the maximum amount of ATTIKO METRO S.A.'s claims in relation to the execution of the subject contract. In addition, could you assure us that any indirect and consequential deficiencies and faults will be exempted from the Contractor's liabilities for this contract?

Response 59

In line with article 7 of the Conditions of Contract: *"The Contractor shall execute the Contract in accordance with its terms, the applicable specifications and the rules of science and technology; he shall bear full responsibility for the completeness of the scope of the services he provides"*.

Question 60

Kindly give us certain clarifications about the professional and civil liability related insurance that the Contractor must have in the framework of this contract.

Response 60

Applicable are the stipulations in article 8 of the CC and, more specifically, the stipulations in paragraphs 8.9 and 8.12 of the said CC.

Question 61

As regards the personnel of Group K2, kindly confirm that we are not obliged to declare same during the tendering phase.

Response 61

It is confirmed.

Question 62

Is there any option for us to take delivery of a draft contract, given that it constitutes a main document and its legal parameters have to be evaluated?

Response 62

The agreement of the contract to be signed will not be available during the current tendering process; however, it is clarified that its content will be completely harmonized with the information of the tender documents and of the tender and will not contain new terms.

Question 63

Table 11.2 makes reference to specialized personnel. Kindly confirm that a European degree equivalent to EQF 6 (European Qualifications Framework) suffices. Are Telecommunication engineers suitable candidates for positions K1.6, K1.7 and K1.8 as well as K2.6, K2.7, K2.8 and K2.10? Will they be granted the same evaluation as this is described in article 22 of the Invitation to Tender?

Response 63

The executives included in Table 11.2 of the Invitation to Tender can possess European degrees, on condition that they concern university graduate engineers of the specialty required. The professional capacity or not of an Engineer requested in the framework of this Tender is certified in Greece only by the professional license issued by the Technical Chamber of Greece, or by the professional license issued by the respective official agency of another country.

The requirements for positions K1.6, K1.7 and K1.8 as well as K2.6, K2.7, K2.8 and K2.10 are very specific and concern electrical engineers or mechanical engineers for position K2.6 and electrical engineers for the remaining positions, whose specialization (e.g. telecommunications) is proven through their previous professional experience .

CHAPTER B. CLARIFICATIONS TO THE TENDER DOCUMENTS

B1. INVITATION TO TENDER

Article 21.2.2 of the Invitation to Tender shall read as follows:

21.2.2 **CVs** of all executives of Group K1, according to Sample D.2 of Appendix D herein; each executive shall digitally sign his/her CV.

~~In case of foreign executives, the CV shall be accompanied by a Legal Statement of Law 1599/86 of the executive, whereby he/she shall state that he/she fully understands the text of the CV, since it has been translated into a language that he/she knows.~~

In case of foreign executives, the CV shall be accompanied by the executive's statement, equivalent to the Greek Legal Statement of Law 1599/96, such as a declaration under oath, or - where no such procedure is foreseen -, a legal statement made by the interested party before a judicial or administrative authority, a notary public, or before the competent professional association in the Executive's country of origin or seat. It is clarified that such a Legal Statement shall be submitted in language the foreign executive is familiar with, it shall be digitally signed and shall be accompanied by its official translation into the Greek language.