



ATTIKO METPO A.E.

CORRECTED COPY

**TITLE OF THE PROJECT: EXTENSION OF METRO LINE 2 TO ILION,
EXPANSION OF ELEONAS DEPOT AND
UPGRADING OF THE E/M SYSTEMS OF THE
ATHENS METRO**

RFP-421/22, A.Σ.: 192682

CLARIFICATIONS DOCUMENT



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**EXTENSION OF METRO LINE 2 TO ILION, EXPANSION
OF ELEONAS DEPOT AND UPGRADING OF THE E/M
SYSTEMS OF THE ATHENS METRO**

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This Clarifications Document is issued in line with the provisions of paragraph 2.4 of the Invitation to Express Interest and includes responses to the questions submitted in due time and electronically at the website for the specific contract through the web portal www.promitheus.gov.gr of ESIDIS.

The Clarifications Document also includes clarifications concerning the terms of the documents related to this procedure for the conclusion of the relevant contract.

The Clarifications Document complements the Contract conclusion Documents, it is integrated therein and constitutes an integral part of the Invitation.

It is stressed that the questions were integrated in this document as these have been submitted and some of them incorporate information that has been amended through the two (2) Tender Terms Amendment Documents.

In any case, the amendments included in the Tender Terms Amendment Documents, issued by ATTIKO METRO S.A., are in effect and they are taken into consideration in the responses.

A. RESPONSES TO QUESTIONS

Question 1

Kindly confirm that, in case of association of economic operators, the requirements stipulated in paragraph 17.2.2 can be cumulatively covered by the members of the association.

Response 1

According to paragraph 17.2.2 "...In case of an **association of economic operators**, the aforesaid minimum requirements shall be covered by at least one member of the subject association".

Therefore, the requirements stipulated in paragraph 17.2.2 cannot be cumulatively covered by the members of the association.

Question 2

In paragraph 17.3.2 of the Invitation to Express Interest, it is stated that "*Individual candidates or associations of economic operators must have executed projects similar to the projects under award, which have been performed through contracts concluded by the bidding physical or legal entity during the time period 2000-2023 and which relate to the following scope of works namely:*

- a. Boring of an underground tunnel in urban environment using a Tunnel Boring Machine (TBM), boring of tunnel minimum overall volume: 140,000m³, cross section: double-track, as a minimum*
- b. Boring of an underground tunnel in urban environment using conventional mechanical means, boring of tunnel minimum overall volume: 30,000m³, cross section: 100m² as a minimum.*
- c. Construction of underground Metro stations or other urban underground works (such as car park facilities) at a minimum depth of 12m., using the Cut and Cover or the Cover and Cut method, minimum overall excavation volume of 50,000m³.*

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d. Installation and commissioning of Metro ventilation systems, 1,200 KVA of installed power, as a minimum.

e. Construction of Trackwork, 4,000m, as a minimum, of single track.

f. Installation and commissioning of Metro traction power systems, 6,000 KVA of installed power, as a minimum.

In case of an association, the subject experience can be covered cumulatively by the members of the association.”.

Kindly confirm that:

- i) The time period 2000-2023 means the period from 1/1/2000 until the date of submission of the participation request.
- ii) Each individual item out of cases (a), (b), (c) and (e) of the requested experience can be covered by different parts of the same contract and/or different contracts.

Moreover, in case of association, each experience related item shall be covered cumulatively by its members, in accordance with the last clause of paragraph 17.3.2.

- iii) As regards the experience related individual item (b) “Boring of an underground tunnel in urban environment using conventional mechanical means, boring of tunnel minimum overall volume: 30,000m³, cross section: 100m² as a minimum”, the minimum cross section of 100m² refers to an excavation cross section.

As regards the experience related individual item (c) “Construction of underground Metro stations or other urban underground works (such as car park facilities) at a minimum depth of 12m., using the Cut and Cover or the Cover and Cut method, minimum overall excavation volume of 50,000m³”, the minimum depth of 12m refers to the excavation depth.

Response 2

- (i) It is confirmed.
- (ii) It is confirmed that each individual item of cases (a), (b), (c) and (e) of the requested experience can be covered by different parts of the same contract and/or different contracts.
In case of an association, one member of the association ought to cover at least one individual scope.
- (iii) Confirmed.
- (iv) Confirmed.

Question 3

In paragraph 17.5 of the Invitation to Express Interest, it is stated that “...*The engineering companies/firms must fall under cases a to d of article 15.1 herein and must fulfill the following preconditions*”.

Kindly confirm that the engineering firms do not fall under the sense of sub-contractors or the third party operators of the candidate economic operator or of the association of economic operators and, therefore, they are not required to submit a European Single Procurement Document (ESPD).

Response 3

Confirmed.

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Question 4

In paragraph 17.5.3.2 of the Invitation to Express Interest it is stated that: “

*The **engineering companies/firms** are required to prove that they possess **experience** during the time period 2000 - 2023 in the following design scopes (General Final Design and/or Detailed Final Design level) cumulatively*

- a. Design for the boring of underground tunnels in urban environment using a Tunnel Boring Machine (TBM), cross section: double-track, as a minimum.*
- b. Design for the boring of underground tunnels in urban environment using conventional mechanical means, cross section: 100m² as a minimum.*
- c. Design for the construction of underground METRO stations or other urban underground works (such as car park facilities) at a depth of 12m as a minimum, using the cut & cover or the cover & cut method.*
- d. Design of ventilation systems for underground METRO projects.*
- e. Design of Trackwork.*
- f. Design of Metro traction power systems”.*

Kindly confirm that:

- i) the time period 2000-2003 means the period from 1/1/2000 until the date of submission of the participation request.
- ii) the experience required for the preparation of a design is not required to derive from a design prepared by the engineering firm on a self-standing basis, but a relevant experience from participation in an association of engineering firms is also accepted.
- iii) as regards the individual design item (b) “Design for the boring of underground tunnels in urban environment using conventional mechanical means, cross section: 100m² as a minimum”, the minimum cross section of 100m² refers to an excavation cross section.
- iv) as regards the individual design item (c) “Design for the construction of underground METRO stations or other urban underground works (such as car park facilities) at a depth of 12m as a minimum, using the cut & cover or the cover & cut method”, the minimum depth of 12m refers to an excavation depth.
- v) The option is given to report more designers for the same design category, on condition that at least one of them possesses the required engineering experience in its entirety per category for at least one of the aforementioned design scopes.
- vi) In case of an Association of Engineering Firms, its Technical and Professional Competence in its entirety, as stated in paragraph 17.5.3, can be covered cumulatively by the members of the Association.

Response 4

- i) Confirmed.
- ii) The experience required for the preparation of a design can derive from a design prepared by the engineering firm on a self-standing basis. In case the subject experience derives from participation in a consortium of engineering firms, the relevant participation can correspond to a certain percentage of an overall design, as long as this member of the association has complemented the participation of 100% in the specific design scope from different contracts.
- iii) Confirmed.
- iv) Confirmed.
- v) Not accepted.

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vi) As regards paragraph 17.5.3.1 of the Invitation, it is hereby clarified that the required staffing refers to each engineering firm separately.

As regards paragraph 17.5.3.2 of the Invitation, it is hereby clarified that, in case of an association, one member of the association ought to cover at least one individual design scope.

Question 5

Kindly confirm that any Legal Statements in the framework of submission of the Invitation to Express Interest can be prepared – signed at any given time after the publication of the Invitation to Express Interest.

Response 5

Confirmed.

Question 6

In paragraph 19.3.2.1 of the Invitation to Express Interest it is stated that “The credit and financial competence..., as stipulated in article 17.2.1 herein, shall be proven as follows:

(a) Economic operators established in Greece must submit their certificate for registration in MEEP, which constitutes a proof of the information it contains, i.e. a certificate for registration in MEEP, until the expiry of the transitory period validity, in line with article 65, P.D. 71/2019... ..

(b) Foreign economic operators that are registered in the official registries or possess a certificate issued by a certification organization that they comply with the European Certification Standards, in the sense of Annex VII of Appendix A, L. 4412/2016, can submit to the awarding authorities a registration certificate issued by the responsible authority or the certificate issued by the competent Certification Organization, as per the stipulations of article 83, L. 4412/2016, which demonstrates the economic operators capacity and competence, in relation to the requirements of article 17.2.1 herein”. ”.

Kindly confirm that a) the contracting firms classified in class 7 of MEEP holding a certificate of registration in MEEP and a License Validity Certificate – in effect as per the applicable provisions and b) the foreign economic operators registered in the official registries in the sense of Annex VII of Appendix A’, Law 4412/2016 at the higher class of the professional registry of the country of their installation having the option to undertake the relevant Project category without any limitation in the budget, are not required to further prove their compliance with the criteria of paragraph 17.2.1.

Response 6

According to case (c) of article 19.3.2 of the Invitation, economic operators established in Greece but the registration certificate does not prove that the requirements of article 17.2.1 of the Invitation are fulfilled, as well as foreign economic operators that are registered in official lists (as for example, from member-states of the EU or the EFA or the Public Procurement Agreement - PPA) or are certified by Certification Organizations, but the registration certificate does not prove that the requirements of article 17.2.1 of the Invitation

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are fulfilled, must submit further back up documentation, in accordance with the subject article.

Question 7

In paragraph 19.3.2.1(c) of the Invitation to Express Interest, it is stated that “...*must submit the following back up documentation, namely:*

1. *The most recent financial statements of...*
4. *A certificate issued by the aforesaid Chartered Accountant about the overall amount of the turnover during the last three-year period, which is included in the financial statements stipulated in paragraph 1”.*

Given that the most recent final financial statements do not necessarily include the turnover during the last three-year period, kindly clarify whether the financial statements of the previous year must be also submitted or whether the certificate issued by the Chartered Accountant about the overall amount of the turnover during the last three-year period is deemed sufficient.

Response 7

Paragraph 19.3.2.1(c) of the Invitation to Express Interest is applicable as is and, thus, all the backup documentation stated therein are required.

Question 8

In paragraph 19.3.3.1 of the Invitation to Express Interest, it is stated that “*The Technical and Professional Competence for each economic operator, in line with paragraph 17.3.1, shall be proved as follows:*

(a) Economic operators established in Greece must submit their certificate for registration in MEEP, which constitutes a proof of the information it contains, until the expiry of the transitory period validity, in line with article 65, P.D. 71/2019....

(b) Foreign economic operators that are registered in the official registries or possess a certificate issued by a certification organization that they comply with the European Certification Standards, in the sense of Annex VII of Appendix A, L. 4412/2016, can submit to the awarding authorities a registration certificate issued by the responsible authority or the certificate issued by the competent Certification Organization, as per the stipulations of article 83, L. 4412/2016 which proves the economic operators capacity and competence as regards the requirements of article 17.3.1 herein”.

Kindly confirm that a) the contracting firms classified in class 7 of MEEP holding a certificate of registration in MEEP and a License Validity Certificate – in effect as per the applicable provisions and b) the foreign economic operators registered in the official registries in the sense of Annex VII of Appendix A, Law 4412/2016 at the higher class of the professional registry of the country of their installation having the option to undertake the relevant Project category without any limitation in the budget, are not required to further prove their compliance with the criteria of paragraph 17.3.1.

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Response 8

In line with item (c) article 19.3. 3.1 of the Invitation to Express Interest, economic operators established in Greece but whose registration certificate does not prove that the requirements of article 17.3.1 are fulfilled, as well as foreign economic operators that are registered in official lists (as for example, from member-states of the EU or the EFTA or the Public Procurement Agreement - PPA) or are certified by Certification Organizations, but whose registration certificate does not prove that the requirements of article 17.3.1 are fulfilled, must submit the additional back up documentation, in line with the subject article.

Question 9

In paragraph 19.3.3.1.c of the Invitation to Express Interest, it is stated that *“More specifically, the following economic operators.... must submit the following back up documentation, namely:*

- *A List of the Company’s Executives, integrating the degrees and professional skills of those persons and mainly of the persons in charge of the execution of the projects, their CVs (digitally signed by the executives whom they concern) and the position they hold in the organization chart of the company, in order to prove that they fulfill the requirements of article 17.3.1”.*

Kindly confirm that the CVs of the executives can be signed either digitally or through a digital document certificate via “gov.gr”, or before any authority empowered to certify the identity and the authenticity of a signature of a physical entity, or in manuscript accompanied by a simple legal statement verifying the truth of its content.

Response 9

Applicable are the stipulations of article 3.4 of the Invitation to Express Interest.

Question 10

In paragraph 19.3.5.1 of the Invitation to Express Interest it is stated that *“Legal Statement of the Candidate’s appointed legal representative stating that in case the Candidate is appointed as the Contractor: a)... , b) ...”.*

Kindly confirm that, in case of an association of economic operators, the aforementioned Legal Statement should be signed wether by the legal representative of each engineering company-member of the association, or by the common representative of the association,

Response 10

Confirmed.

Question 11

In paragraph 19.3.5.1 of the Invitation to Express Interest it is stated that *“Legal Statement of the legal representative of each engineering company/firm that participates in the Design Team of the Candidate proving its cooperation with the Candidate. The subject Legal*

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Statement should state the following: a) the composition of the engineering company/firm and...”.

With regard to above item (a), kindly clarify that the reference to the composition of the engineering company/firm concerns the composition of the Design Team.

Response 11

Paragraph’s 19.3.5.1 of the Invitation to Express Interest reference to the composition of the engineering company/firm concerns the specific physical entities to be engaged, on behalf of the engineering company/firm, in the preparation of specific engineering tasks.

Question 12

In paragraph 19.3.5.3 of the Invitation to Express Interest it is stated that: *“The financial and credit competence for each economic operator, as stipulated in article 17.5.2 herein, shall be proven via the submission of the following documentation, namely:*

(a) Engineering Companies/Firms established in Greece shall submit a Designer’s/ Engineering Firm License, which constitutes a proof of the information it contains, until the expiry of the transitory period validity, in line with ... P.D. 71/2019...”

Kindly confirm that the engineering companies/firms established in Greece holding class E’ license are not required to further prove their compliance with the criteria stipulated in paragraph 17.5.2.

Response 12

In line with case (c) article 19.3.5.3 of the Invitation, engineering companies / firms that are established in Greece but the registration certificate does not prove that the requirements of article 17.5.2 of the Invitation are fulfilled, as well as foreign engineering companies / firms that are registered in official lists (as for example, from member-states of the EU or the EFA or the Public Procurement Agreement - PPA) or are certified by Certification Organizations, but the registration certificate does not prove that the requirements of article 17.5.2 of the Invitation are fulfilled, must submit additional backup documentation in line with the aforesaid article.

Question 13

In paragraph 19.3.5.1 of the Invitation to Express Interest, it is stated that “In order to prove adherence to the requirements of article 17.5.3.1 herein:

(a) Engineering Companies/Firms established in Greece shall submit a Designer’s/ Engineering Firm License, which constitutes a proof of the information it contains, until the expiry of the transitory period validity, in line with article 65, P.D. 71/2019...

(c) More specifically, the following economic operators:

.....

must submit Curriculum Vitae... The Curriculum Vitae... shall be signed by the aforesaid executives”.

Kindly confirm that:

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a) engineering companies/firms established in Greece holding class E' license are not required to further prove their compliance with the criteria stipulated in paragraph 17.5.3.1.b) the CVs of the executives can be signed either digitally or through a digital document certificate via "gov.gr", or before any authority empowered to certify the identity and the authenticity of a signature of a physical entity, or in manuscript accompanied by a simple legal statement verifying the truth of its content

Response 13

a) In line with case (c), article 19.3.5.4.1 of the Invitation, engineering companies / firms which are established in Greece but the registration certificate does not prove that the requirements of article 17.5.3.1 are fulfilled, as well as foreign engineering companies / firms that are registered in official lists (as for example, from member-states of the EU or the EFA or the Public Procurement Agreement - PPA) or are certified by Certification Organizations, but the registration certificate does not prove that the requirements of article 17.5.3.1 are fulfilled, must submit further backup documentation, in line with the article at hand.

b) See Response 9 herein.

Question 14

According to paragraph 19.3.2.1(c), it is required to submit financial statements and, according to paragraph 19.3.5.3.(c) it is required to submit Balance Sheets and the Financial Statements (Profit and Loss). Kindly confirm that, in case of foreign economic operator, it is not required to have all pages of the financial statements, balance sheets and profit and loss financial statements translated; it suffices to translate the pages that include the financial data requested.

Response 14

It is clarified that the backup documentation stipulated in paragraphs 19.3.2.1(c) and 19.3.5.3.(c) must be translated in Greek and submitted, as foreseen in paragraph 6.3 of the Invitation.

Question 15

As regards the scoring method, as described in article 20, kindly clarify the element that shall be estimated in view of giving the best scoring. For example, as regards sub-criteria 1a, 1b and 1c, is it for the maximum excavation volume? As regards sub-criteria 2a, 2b and 2c, is it for number of works or a total length of works?

Response 15

Based on the stipulations in paragraph 20.2 of the Invitation to Tender: "...The above sub-criteria 1.a, 1.b and 1.c – which are incorporated in Criterion 1 – receive from 50 to 100 points, the minimum acceptable score being 50 points. Then, the scoring of each sub-criterion is multiplied by its respective weight, as shown on the above Table, and the overall total scoring for Criterion 1 results as the sum of the above...". Moreover, in accordance with paragraph 20.3 of the Invitation: "The above sub-criteria 2.a, 2.b and 2.c receive from 50 to 100 points, the minimum acceptable score being 50 points. Then, the scoring of each sub-

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criterion is multiplied by its respective weight, in line with the aforesaid table, and the overall total scoring for Criterion 2 results as the sum of the above...”.

Therefore, each sub-criterion shall be scored separately and depending on its importance, it shall contribute in the final scoring of each criterion.

Question 16

Kindly confirm that the Designer does not fall within the concept of the third party operator (article 18.1 - Relying on the capacity of other operators), but in the concept of the Sub-contractor of the Candidate (article 18.2 - Sub-contracting work) and as such he shall be also stated in the ESPD of the Candidate.

Response 16

In line with article 17.5 of the Invitation, the Design Team constitutes an associate of the Candidate and does not fall within the concept of either a third party operator or sub-contractor.

Question 17

Kindly confirm that, beyond the Candidate, the Designer shall also submit an ESPD.

Response 17

The requirements pertaining to the backup documentation of the Design Team are stipulated in article 19.3.5 of the Invitation.

Question 18

Kindly confirm that the certificates issued by the Chartered Accountant, in accordance with paragraphs 19.3.2.1(c).2-5, shall be based on most recent officially published Financial Statements of the Candidate and that, on condition that the deadline for the compilation of the Financial Statements has not expired for year 2022, the Financial Statements concerning year 2021 can be used as proof.

Response 18

Confirmed.

Question 19

According to article 19.3.3 (Backup Documentation proving the Technical and Professional Competence, in line with article 17.3), the technical and professional competence stated in article 17.3.1 for the economic operators established in Greece (19.3.3.1.a) is proven through the submission of a certificate for registration in MEEP, which constitutes a proof of

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the information it contains, until the expiry of the transitory period validity, in line with article 65, P.D. 71/2019.

Kindly confirm that, as regards the contracting firms classified in class 7 of MEEP, as applicable per the relevant provisions, they do not have to prove anew the criteria stipulated in article 17.3.1 of the Invitation and to submit the backup documentation shown in the last paragraph of article 19.3.3.1.

Response 19

See Response 8 herein.

Question 20

According to article 19.3.4 (Back Up Documentation related to the Quality Assurance Standards stipulated in article 17.4 herein), in order to prove fulfillment of the requirements of article 17.4 herein, the candidate economic operators shall submit the following certificates: ISO 9001:2008, EN ISO 14001:2015 and OHSAS 18001:2007. Kindly confirm that:

- a) The aforementioned back up documentation are not required to be submitted by the Designers, only by the Candidate, and
- b) In case of an Association, the specific certificates are required to be submitted by each member of the Association.

Response 20

- a) Confirmed.
- b) In line with paragraph 17.4 of the Invitation: "...In case of an **association**, the aforesaid requirements must be met by **each member** of the association".

Question 21

In article 19.3.5.1 (Design Team Back Up Documentation as stated in article 17.5 of the Invitation - Back up Documentation for the Acceptance of Cooperation), the candidates are requested, inter alia, to submit a Legal Statement of the legal representative of each engineering company/firm that participates in the Design Team of the Candidate proving its cooperation with the Candidate. The subject Legal Statement should also state (a) the composition of the engineering company/firm and the engineering works that each team member is responsible to execute.

Kindly clarify the term "composition" of the engineering company.

Response 21

See Response 11 herein.

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Question 22

In article 16 (Reasons for Disqualification of the Economic Operator) and in particular in article 16.8, it is stated that excluded from the participation in the procedure for the conclusion of this contract shall be: a) Russian nationals or physical or legal entities, bodies or operators established in Russia; b) ...; c) ...

Kindly clarify:

- a) The method based on which we shall declare items a), b) and c) of article 16.8, and
- b) Whether this statement should be also made by the Designers.

Response 22

- a) It is clarified that the items referred to in article 16.8 shall be integrated in a separate legal statement, indicating the following:

"I hereby legally state that there is no Russian participation in the company that I represent and perform the contract, in accordance with the restrictions contained in Article 5k of Council Regulation (EU) No. 833/2014 dated 31 July 2014 concerning restrictive measures, in view of the actions of Russia destabilizing the situation in Ukraine, as amended by Council Regulation (EU) No. 2022/578 dated 8 April 2022. I declare in particular that :

- (a) The contractor I represent (and none of the companies representing members of our consortium) is not a Russian citizen, nor a physical or legal person, entity or body established in Russia;
 - (b) The contractor I represent (and none of the companies representing members of our consortium) is not a legal person, entity or body whose ownership rights are held directly or indirectly in excess of fifty per cent percent (50%) by the entity referred to in item (a) of this paragraph;
 - (c) Neither the declarant party nor the company I represent is a physical or legal person, entity or body acting in the name or on behalf of the entity referred to in item (a) or (b) above.
 - (d) There is no involvement of bodies and entities listed in the above items (a) to (c), over 10 % of the value of the contract of subcontractors', suppliers or bodies on whose capabilities the contractor which I represent relies".
- b) The relevant reason for disqualification of article 16 refers to the economic operators that will participate in the Tender and not the designers whom they will cooperate with.

Question 23

In article 17.3.2 (Experience in similar projects), reference is made, inter alia, to 6 cases of technical scopes (a, b, c, d, e, and f) for which individual candidates or associations of economic operators must have executed projects similar to the projects under award during the time period 2000-2023, and, in case of an association, the subject experience can be covered cumulatively by the members of the association.

Kindly clarify the meaning of the term "cumulatively" stated in the above paragraph:

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- 1) Must each member of the association cover at least one individual scope and all members must cover cumulatively scopes a, b, c, d, e and f,
or
- 2) Can each scope separately - out of scopes a, b, c, d, e, and f -be covered cumulatively by one or more members of the association?

Response 23

The term “cumulatively” means that a member of the association ought to cover at least one individual scope and the members of the association, cumulatively, ought to cover scopes a, b, c, d, e, and f of article 17.3.2 of the Invitation.

Question 24

In article 3.5 of the Invitation, reference is made, inter alia, to the following: “At the latest, prior to the date and time of the unsealing process of the applications for participation, as set out in term 13 herein, economic operators must submit to ATTIKO METRO S.A., in printed form and in a sealed envelope the information data contained in the electronic application, which (data) must be submitted in originals or true copies”. Such information, data and back up documentation are, by example, the following: a)..., b)... c)... “.

In addition, in article 19.3 (Back up documentation for the review stipulated in article 17) reference is made, inter alia, to “...The documents stipulated herein shall be submitted **in electronic and printed format** in line with the provisions particularly specified in paragraphs 3.4 and 3.5 herein”.

Kindly confirm that only and exclusively the documents falling under the provisions of article 11, paragraph 2 of Law 2690/1999 “Code of Administrative Procedure”, as modified based on the provisions of article 1, paragraph 2 of Law 4250/2014, must be submitted on paper, and that it is not obligatory to submit on paper all requested back up documentation.

Response 24

As regards the submission on paper, applicable shall be the stipulations of paragraph 3.5 of the Invitation to Express Interest.

Question 25

In article 18.2 (Sub-contracting work), it is stated, inter alia, that:

“...ATTIKO METRO S.A. shall verify that the reasons for disqualification mentioned in article 16 herein are not applicable, with the exception of paragraph 16.4, as far as the sub-contractors are concerned, as stated in the ESPD, in case the part of the contract that the candidate intends to award to third parties, in the form of subcontracting work, exceeds 30% of the overall value of the contract.

ATTIKO METRO S.A. shall verify that the reasons for disqualification mentioned in paragraphs 16.1, 16.2 and 16.5 herein are not applicable as far as the sub-contractors are concerned, as stated in the ESPD, in case the part of the contract that the candidate intends to award to third parties, in the form of subcontracting work, does not exceed 30% of the overall value of the contract”.

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Kindly confirm our understanding as regards the following:

- a) ATTIKO METRO S.A. shall not verify for the Sub-contractor (irrespective of the amount of the sub-contracting work) that the disqualification grounds for paragraph 16.4 do not apply, i.e. it is not required to prove that the Sub-contractor does not fall under the National reason for disqualification.
- b) ATTIKO METRO S.A. shall not verify for the Sub-contractor that the disqualification grounds for paragraph 16.3 do not apply, provided that the percentage of participation of the Sub-contractor does not exceed 30% of the total value of the contract.

otherwise, kindly clarify accordingly.

Response 25

- a) Confirmed.
- b) Confirmed.

Question 26

In article 3.1 it is stated, inter alia, that "...The offer shall necessarily indicate the extent and the kind of participation of each member of the association, the fee's allocation among them as well as the representative/coordinator of the association".

Kindly clarify the meaning of the term "extent" and of the term "kind" of participation of each member of the association.

Response 26

The term "extent" means the participation percentage of the member in the association, while the term "type" means the scope that each member of the subject association will undertake.

Question 27

Article 17.1 (Competence for exercising professional activities) of the Invitation to Express Interest quotes as follows:

"As regards the competence for exercising professional activities, the candidate economic operators must be registered in the relevant Professional or Commercial Registry kept in the country where they are established.

More specifically,

- the candidates established in Greece must be registered in the Register of Contracting Companies (M.E.EP.) for the time period that the transitory provisions of article 65, P.D. 71/2019 apply or in the Register of Public Works Contracting Companies (MH.E.E.D.E.) as from the date of entry into force of the latter, in the work categories stipulated in article 15.1 herein;

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- the candidates established in a member-state of the European Union must be registered in the Registers set forth in Annex XI of Appendix A, Law 4412/2016”.

Especially as regards France, the subject Annex XI under the title “Registries” integrates two Registries, i.e. Registry entitled “Register du commerce at des societes” and Registry entitled “Repertoire des métiers”.

Taking into consideration that the second Registry does not concern the core professional activity of construction companies, but mainly concerns small and medium-sized enterprises engaged in craft activities, kindly clarify that, with the above reference to those registered "... in the Registers set forth Annex XI...", it is not required that a candidate economic operator be registered in all the Registers that may be listed in Annex XI for each EU Member State, but in a "Register" of Annex XI of Appendix A Law 4412/2016 in which it will be registered and, as proof of its suitability to carry out the professional activity referred to in article 17.1, the Candidate shall submit a certificate of such professional or commercial Register, in accordance with the requirement of Article 19.3.1(c) of the Invitation. **Response 27**

In line with article 17.1 of the Invitation, the candidate economic operators must be registered in the relevant professional or commercial register kept in the State in which they are established.

Question 28

As regards article 19.3.3.1(c) of the Invitation to Express Interest and the backup documentation that foreign economic operators not registered in official lists are required to submit in order to prove the technical and professional competence stipulated in article 17.3 of the Invitation, kindly clarify the following:

- (a) whether the use of a simple electronic signature is acceptable or the use of an advanced electronic signature is required on the curriculum vitae of each proposed executive by such economic operators;
- (b) whether the affixing of a simple physical signature on the curriculum vitae of each proposed executive is acceptable, in the event that a digital signature is not possible either because the signatory is located in a country that does not have such a system or its system is not as advanced or relevant as the electronic signature system available in Greece;
- (c) whether the submission of certified copies of the (educational) degrees of each proposed executive is additionally required or whether it is sufficient to state these degrees in his/her curriculum vitae.

Response 28

- (a) It is clarified that the use of both the advanced and the approved electronic signature is acceptable;
- (b) The way of submitting information and backup documentation shall be in accordance with paragraph 3.4 of the Invitation to Express Interest;

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- (c) The requirements of paragraph 19.3.3.1, case (c) are in effect as they stand. Therefore, the submission of certified copies of the (educational) degrees of each proposed executive is not required.

Question 29

Article 4.3 (Coordination of Designs and Works) of the Information Document stipulates as follows:

“This Project includes the complete and overall coordination of designs and works both among the scopes included in the Project and those scopes mentioned above which are not included in the Project and are implemented by other Contractors, in view of achieving the correct and workmanlike construction of the Civil Works, the installation of all electromechanical and railway systems, the implementation of tests and the commissioning of the extension to Ilion and Eleonas Depot expansion”. Given that “those scopes mentioned above” of articles 4.2.2, 4.2.3 and 4.2.5 “which are not included in the Project and are implemented by other Contractors” shall constitute the scope of works of other separate contract, kindly clarify the content of the specific administrative and contractual responsibilities of the Contractor of the subject contract; moreover, kindly clarify the specific regulatory framework of the legislation in force, on the basis of which the obligation to provide information to other contractors, their coordination and the possibility for the Contractor of the contract in question to take corrective action against these third-party contractors for separate work construction contracts of different scope and in different geographical areas will be implemented.

Response 29

The content of paragraph 4.3 of the Information Document is in effect. More information will be provided at Stage B' of the Tender.

Question 30

Article 4.4 (Testing and Commissioning) of the Information Document stipulates as follows: “The scope of the Project shall include Factory Acceptance Tests (FAT), Installation Tests (IT), System Acceptance Tests (SAT), System Integration Tests (SIT), System Performance Tests (SPT) and the trial run of all aforesaid systems in all four (4) scopes of paragraph 4.2.1 above”. In addition, Article 4.5 (Operation and Maintenance) of the Information Document stipulates that “In the framework of the operation and maintenance, the Contractor shall provide the following: • the required main spare parts for the systems to be installed, as these will be identified at Stage B' of the Tendering process. All spare parts pertaining to corrective maintenance for a three-year period and all spare parts pertaining to preventive maintenance for a one-year period, as of commissioning, shall be also included”. In addition, the same article foresees that “The warranty period shall be extended to three (3) years further to the certified completion of the Project, on condition that the Contractor has submitted the final measurement of works within a period of two (2) months upon the subject completion”. Taking into consideration the above, kindly:

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- (a) Clarify whether the certified completion of the Project is foreseen to coincide – in terms of time - with the commissioning of the Project, based on the documents of subject Invitation to Express Interest;
- (b) In case of a negative response to item (a) above, kindly clarify whether the Contractor's obligation under the aforementioned Article 4.4 of the Contract in question to test "all aforementioned systems in all four (4) scopes of paragraph 4.2.1 (a) above", can, given that the electromechanical and railway systems of the Project are installed in different geographical areas, allow the commissioning of these systems individually in each separate geographical area;
- (c) It should also be clarified that the Contractor's obligations under this Contract exclude the spare parts and corrective maintenance work, which will relate to any extraordinary incidents/accidents, which will not be due to the Contractor's fault:
- (i) during the period from the completion certificate to the commissioning of the Project [in case of a negative response to item (a) above],
- (ii) during the period after the commissioning of the Project.

Response 30

At this Stage A' of the Tender, the Information Document includes the basic information about the Project, so that the interested economic operators can submit a request for expressing interest. During Stage B' of the Tender, those prequalified at Stage A' will be provided with the preliminary design of the project and the tender documents, so that they can compile their technical and financial offer. The subject documents will include all necessary information for the execution of the project.

Question 31

Article 4.8 (Rolling Stock) of the Information Document stipulates as follows: "The procurement of the rolling stock is not included in the scope of the Project. The additional 6-car train-sets (series V) shall be procured via a separate procurement contract". Kindly clarify whether the technical characteristics concerning the Rolling Stock series V must be taken into account during the preparation of the Traction designs for the subject Contract in this tendering process, and in case of a positive response, kindly confirm, on behalf of ATTIKO METRO S.A., the availability of these technical data in good time, before the preparation of the designs in question.

Response 31

See Response 30 herein.

Question 32

Article 17.3.2 (Experience in similar projects) makes reference to **6 cases of technical scopes** (a, b, c, d, e and f) for which individual candidates or associations of economic operators must have executed projects similar to the projects under award during the period 2000-2023.

CLARIFICATIONS DOCUMENT

Kindly clarify whether, in case a project is executed by a joint venture, the quantities per technical object (also indicated in the Tables of the Appendix) of each Economic Operator will be calculated on the entire project or on the Economic Operator's share in the consortium.

Moreover, kindly clarify whether the percentage of the member's participation can be indicated in column 2 of Tables B1-B6 Candidate and C1-C16 Designer.

→ Response 32

In line with article 19.3.3.2, case (b), of the Invitation to Express Interest, ... “In case the Candidate executed these projects as a member of a Joint Venture, the certificate shall indicate the Candidate’s participation or the participation of the Candidate’s members, in the execution of the projects, as well as the specific scope of this participation...”.

It is not required for the percentage of participation in the joint venture to be indicated in the Tables, as it does not confirm the percentage of participation in the execution of the specific project, unless the certificate proves that the percentage of participation in the joint venture is identical to the percentage of participation in the execution of the specific project.

Question 33

Paragraph 17.3.1 of the Invitation to Express Interest stipulates that: *“In case of an association, the economic operator, who fulfills the prerequisites for Building Works, shall be manned – as a minimum – with the aforesaid personnel for category building works, the economic operator, who fulfills the prerequisites for Hydraulic Works, shall be manned – as a minimum – with the aforesaid personnel for category hydraulic works and the economic operator, who fulfills the prerequisites for Electromechanical Works, shall be manned – as a minimum – with the aforesaid personnel for category electromechanical works”.*

Kindly confirm that if more than one member (in case of an association) is registered for the same category (building or hydraulic or E/M) then the required staffing for that category can be covered by the members cumulatively.

Response 33

The required staffing for the specific category cannot be covered cumulatively by the members of the association. The provisions of paragraph 1(e) article 76 Law 4412/16 apply.

Question 34

Paragraph 17.5 of the Invitation to Express Interest stipulates as follows: *“The candidate economic operators must cooperate – at the penalty of disqualification - with the designers (Design Team) who fulfill the selection criteria stipulated in this article”.*

Paragraph 17.5.1 of the Invitation to Express Interest stipulates as follows: *“In case of association of engineering companies/firms, each member of the association should be registered in the relevant professional registry for at least one of the aforesaid design categories. Furthermore, all design categories must be covered cumulatively”.*

Kindly confirm that it is not necessary for the engineering companies participating in the Design Team of the Candidate to form an Association nor is it required for them to form a joint venture and that the term “association” means the Design Team.

Response 34

Confirmed.

Question 35

Paragraph 17.5.3.2 of the Invitation to Express Interest stipulates that *“The engineering companies/firms are required to prove that they possess experience during the time period 2000 - 2023 in the following design scopes (General Final Design and/or Detailed Final Design level) cumulatively:*

- a. Design for the boring of underground tunnels in urban environment using a Tunnel Boring Machine (TBM), cross section: double-track, as a minimum.*
- b. Design for the boring of underground tunnels in urban environment using conventional mechanical means, cross section: 100m² as a minimum.*
- c. Design for the construction of underground METRO stations or other urban underground works (such as car park facilities) at a depth of 12m as a minimum, using the cut & cover or the cover & cut method.*
- d. Design of ventilation systems for underground METRO projects.*
- e. Design of Trackwork.*
- f. Design of Metro traction power systems.”*

Kindly verify that the preparation of the design (General Final Design and/or Detailed Final Design) in order to prove the experience in the required design scopes concerns:

- As regards design scope (a), the preparation of a geotechnical and structural design
- As regards design scope (b), the preparation of a geotechnical and structural design
- As regards design scope (c), the preparation of a structural and architectural design
- As regards design scope (d), the preparation of an E/M design
- As regards design scope (e), the preparation of a transportation study
- As regards design scope (f), the preparation of an E/M design.

Response 35

In order to prove the experience in the requested design scopes, stipulated in paragraph 17.5.3.2 of the Invitation to Express Interest, the following are required:

- As regards design scope (a), the preparation of a respective geotechnical and structural design;
- As regards design scope (b), the preparation of a respective geotechnical and structural design;
- As regards design scope (c), the preparation of a respective geotechnical, structural and architectural design;
- As regards design scope (d), the preparation of a respective ventilation system E/M design;
- As regards design scope (e), the preparation of a respective trackwork system design;

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- As regards design scope (f), the preparation of respective traction power system E/M design.

Question 36

As regards the provisions of article 17.3.2 (Experience in similar projects) of the Invitation to Express Interest, as amended through the TENDER TERMS AMENDMENT DOCUMENT (9/2/2023 – 23PROC012115409 2023-02-10), kindly find below our queries, namely:

- 1) Article **17.3.2.b** : Kindly clarify whether the “*boring of tunnel minimum overall volume: 30,000m³*” refers (i) to the minimum excavation volume of a tunnel invoked each time (the size of which is a prerequisite for the tunnel to be accepted) **or** (ii) to the total excavation volume of tunnels, where the excavation volume of each tunnel may be less than 30.000 m³.
- 2) Article **17.3.2.c** :
 - a) Kindly clarify whether for this criterion, any other urban underground project, with a minimum depth of 12m, constructed by the Cut & Cover or Cover & Cut method, such as Tunnel, Depot, Shaft, etc., can be considered as a project required (apart from Metro Stations or Car Park Facilities).
 - b) Kindly clarify whether the “*minimum overall excavation volume: 50,000m³*” for this criterion refers (i) to the minimum excavation volume of a technical project invoked each time (e.g. Car Park Facility) for the technical scope to be counted in this criterion **or** (ii) to the minimum total excavation volume that the Bidder ought to present in this criterion from various technical scopes, the excavation volume of which may be less than 50.000 m³ each.
- 3) Article **17.3.2.d**: For **one** invoked METRO ventilation system to be accepted, kindly confirm that it ought to have 1,200 KVA of installed power, as a minimum.
- 4) Article **17.3.2.e**: Kindly clarify whether the reference to the construction of trackwork “*4,000m, as a minimum, of single track*” concerns length of trackwork **converted** into single-track.
- 5) Article **17.3.2.f**: For **one** invoked METRO traction system to be accepted, kindly confirm that it ought to have 6,000 KVA of installed power, as a minimum.

➔ **Response 36**

- 1) The requirement of the 30,000m³ stipulated in paragraph 17.3.2.b refers to the minimum overall excavation volume of tunnels and it can be covered by different sections of the same and/or different contracts. .

In addition, in case of an association, the requirement of paragraph 17.3.2.b ought to be covered by one member of the association.
- 2) a. In line with paragraph 17.3.2.c, the experience acquired by other urban underground projects is also accepted.
- b. The requirement of 50,000m³ stipulated in paragraph 17.3.2.c refers to the minimum overall excavation volume of a technical project invoked each time and it can be covered by different sections of the same and/or different contracts.

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In addition, in case of an association, the requirement of paragraph 17.3.2.c ought to be covered by one member of the association.

- 3) It is confirmed that the required power refers to METRO ventilation systems in the same project.
- 4) It is confirmed.
- 5) It is confirmed that the required power refers to METRO traction systems in the same project.

Response 37

In the framework of the two (2) amendment documents, dated 09/02 and 07/03, to the more lenient experience related conditions for participating in the tender (article 17.3.2 paragraphs (a), (b), (c), (d)), by reducing the amount of experience that favors and allows candidates to significantly improve their scoring, kindly clarify the following cases:

1. Taking into account paragraph (a) for the excavation of the loose soil of the Extension to Ilion, for which the experience for all types of TBM, even TBM of hard rock type and/or open shield for rocky soil (and the volume and cross-section of the tunnel is reduced to 50.000m³ from 140. 000m³ and from a double-track tunnel is limited to a single-track tunnel) in urban environment, please clarify whether experience in tunneling projects of multiple tunnel sizes and volumes using TBM type ERB / HYDROSHIELD is also allowed in technical projects in non-urban environment excavated in loose soil below the water table, i.e. projects of greater difficulty, requirements and risks.
2. Whether case (b), which defines the experience of underground tunnels of an area of 100 m² in an urban environment, also includes the cases of underground excavation projects for metro or railway stations, or other technical urban projects (corresponding to those defined in the case of paragraph c) of multiple cross-section and volume of 30,000m³ and 100m² respectively, i.e. projects of greater difficulty, requirements and risks.
3. Based on case (d), which reduces the extent of experience in installing Metro ventilation systems from 1200 to 850 KVA - and which does not exclude the criterion to concern only Metro tunnels - whether experience in railway tunnels of tens of kilometres of multiple installed capacity, i.e. projects of greater difficulty, requirements and risks, is allowed. The specificity of the Metro ventilation system, if any, is due exclusively to the design of the system and not to the experience of the entity responsible for the MANUFACTURING OF EQUIPMENT - EXCLUDING MANUFACTURERS OF AXIAL FANS OF HUGE DIMENSIONS - commissioning of the Metro ventilation system as specified in article 17.3.2.d. The design depends on the experience of the Designer and not of the entity which is responsible to manufacture and commission the Metro ventilation system. The latter ought to comply with the designs approved by the Service and be experienced in the manufacturing, installation and operation of the relevant equipment.

Response 37

1. Paragraph 17.3.2.a (as this has been amended) defines the minimum experience related requirements and it is valid as is.

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2. Paragraph 17.3.2.b defines the minimum experience related requirements and it is valid as is.
3. Paragraph 17.3.2.d (as this has been amended) defines the minimum experience related requirements and it is valid as is.

Question 38

Kindly specify *ex ante*, for the sake of transparency, the application type stipulated in Article 12.2, i.e. the scoring of experience and of offer price formula.

Response 38

Article 20 determines the scoring criteria and method of this Stage A'. In line with paragraph 20.1 of the Invitation to Express Interest, only in the event that the number of candidates fulfilling the minimum requirements for participation is over seven (7), the Tender Committee shall proceed with the evaluation – scoring on the basis of the criteria stipulated in article 20 of the Invitation.

At Stage B' of the Tender, those prequalified in Stage A' shall submit a Technical and Financial Offer. The criteria and the method of evaluating the Technical and Financial Offers shall be included in the documents of Stage B' of the Tender.

CHAPTER B CLARIFICATIONS TO THE TENDER DOCUMENTS

B1. INVITATION TO EXPRESS INTEREST

Article 4

4.1 Electronic Unsealing and evaluation of offers

Through its pertinent Resolution, ATTIKO METRO S.A.'s BoD shall set a ~~five (5)-~~
~~member~~ Tender Committee, which shall be responsible for the conduct of Stage A' of
the Tender, including the required opinions on issues that may derive during the
examination of any appeals before the Hellenic Single Public Procurement Authority
(HSPPA).

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