
	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”	RFP-241/13
INVITATION TO TENDER		

TABLE OF CONTENTS

Article 1	Introduction
Article 2	Scope
Article 3	Title of the Tender
Article 4	Procedure for the Selection of the Contractor – Criterion for the Award of the Contract
Article 5	Eligible to Participate
Article 6	Participation Letter of Guarantee
Article 7	Provision of Tender Documents - Clarifications
Article 8	Deadline and Manner of Submittal of the Offer
Article 9	Manner of Preparation and Contents of the Offer
Article 10	Personal Status of the Bidders
Article 11	Formal Qualifications and Legalizing Data (Sub-envelope A)
Article 12	Essential Qualifications (Sub-envelope B)
Article 13	Technical Offer (Sub-envelope C)
Article 14	Financial Offer (Sub-envelope D)
Article 15	Tender Phases - Evaluation Method of the Offers
Article 16	Criteria for Scoring the Technical Offers
Article 17	Calculation of the Offers Scoring
Article 18	Invocation of Third Party Resources
Article 19	Cancellation – Annulment of the Tender
Article 20	Execution of the Contract
Article 21	Language for the Conduct of the Tender - Language of the Contract
Article 22	Deadlines for the Supply’s Execution
Article 23	Estimated Budget - Retention - Advance Payment - Payments
Article 24	Applicable Legislation
Article 25	Publicity

Attachments:

- 1. SAMPLE A: Legal Statement**
- 2. SAMPLE B: Participation Letter of Guarantee in Greek**
- 3. SAMPLE C: Participation Letter of Guarantee in English**
- 4. SAMPLE D: Certificate concerning the Credit and Financial Competence in the Greek language**
- 5. SAMPLE E: Certificate concerning the Credit and Financial Competence in the English language**
- 6. TABLE A Concerning the Credit and Financial Competence of the Bidder in Greek and in English**

	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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ARTICLE 1 INTRODUCTION

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

AM announces an international Tender based on the open procedure and invites all interested economic operators to submit offers, in accordance with the stipulations of this Invitation to Tender and its associated documents for the appointment of a Contractor responsible for the Supply of Rolling Stock (Series II) for the Athens Tramway.

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

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

ARTICLE 2 SCOPE


2.1 **The scope of this Contract, as extensively described in the document entitled “Performance Specifications” and the remaining Tender Documents, is the Supply of twenty-five (25) vehicles to serve the needs of the extension of the operation of the modern Tramway in the Athens wider area, including the supply of the main spare parts for the vehicles and the equipment for pulling the vehicles.**

2.2 The terms of the Contract to be signed between AM and the Contractor shall be those included in the contractual documents.

The scope of the Contractor’s works, the equipment and the materials to be delivered as well as the remaining works to be executed in the framework of the Contract to be concluded are described in detail in the Document entitled “Performance Specifications”.

ARTICLE 3 TITLE OF THE TENDER

The title of the Tender is: **“Supply of Rolling Stock (Series II) for the Athens Tramway”**. This title, accompanied by the reference code **RFP-241/13**, shall be shown on all Envelopes and Sub-envelopes of

	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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the Offers and, in general, on all documents to be submitted within the framework of this Tender.


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

- 4.1** The Tender shall be conducted as per the stipulations of Directive 2004/17/EC "coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (E.U. L 134/1/30.04.2004) and in accordance with PD 59/2007 (FEK A' 63/16.03.2007 about the adaptation of the Greek Legislation to the provisions of Directive 2004/17/EC).
- 4.2** In view of appointing the Contractor, the open procedure shall be followed in accordance with the provisions of Directive 2004/17/EC, among those bidders who shall submit offers, as stipulated in this Invitation.
- 4.3** The criterion for the Contract award shall be the most advantageous offer, in financial terms, in accordance with article 55, paragraph 1a, Directive 2004/17/EC.

ARTICLE 5 ELIGIBLE TO PARTICIPATE

- 5.1** Acceptable to the Tender shall be individual economic operators and individual companies or consortia / associations thereof, provided that the following conditions are met:
- 5.1.1** They should have been established lawfully and operate in accordance with the Greek Legislation,
- OR
- 5.1.2** They should have been established and operate in accordance with the Legislation of a member - state of the European Union (EU) or the European Financial Area (EFA) and which have their central Management Offices or their main premises or seat within the EU or EFA, on condition that their activity presents a continuous link with the economy of the member - state of the EU or EFA,
- OR
- 5.1.3** They should have been established and operate lawfully in accordance with the Legislation of third countries which have signed the Public Procurement Agreement with the World Trade Organization (WTO), which was ratified by Law 2513/97.

AND

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
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5.1.4 They should prove that they possess the credit and financial capability required in paragraph **12.1**.

AND

5.1.5 They should prove that they possess the experience required in paragraph **12.2** and submit the data required in paragraph **12.3**.

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

ARTICLE 6 PARTICIPATION LETTER OF GUARANTEE

6.1 For participating in the Tender, along with their Offer, the Bidders shall submit, a Bank Participation Letter of Guarantee amounting to EURO 1,325,000.00 (€) corresponding to **two percent (2%)** of the estimated budget of the scope of the Supply.


This Letter of Guarantee shall be valid for a time period of thirteen (13) months from the expiry of the deadline for the submission of the offers. The said Letter of Guarantee shall be included in Envelope A.

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

6.3 The Participation Letter of Guarantee shall be issued to the benefit of AM, at the sole expense of the Bidder, by Banks lawfully operating in Greece or in any other member-state of the European Union and the European Financial Area (EFA) and shall be issued in accordance with Sample B attached hereto.

In case the Letter of Guarantee cannot be issued in Greek because the issuing Bank does not operate in Greece, the Letter of Guarantee shall be issued in English, as per Sample B of this Invitation, and shall be accompanied by an official translation in Greek. In this case, the translation shall follow with precision the wording of Sample A, attached hereto.


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

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
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In case the aforementioned Letter of Guarantee for Participation does not comply with the above, then the Tender Committee shall call upon the Bidder to submit a Letter of Guarantee in line with the Sample, within a deadline to be determined by the Committee. **Bidders not complying with the above shall be disqualified from the Tender.**

- 6.4** It is stressed that AM shall check the validity of the Letter of Guarantee by transmitting a pertinent letter to the issuing Banks, for this organization to verify in writing the validity of the subject LoG. In case the aforementioned checking shows that an invalid, false or forged Letter of Guarantee for Participation in the Tender has been submitted, then the Bidder shall be disqualified from the Tender.
- 6.5** Offers not accompanied by Letters of Guarantee for Participation in the Tender, as specified above, shall not be accepted. Bidders not complying with the above shall be **disqualified** from the Tender.
- 6.6** The Participation Letter of Guarantee shall be returned interest-free to the nominated Contractor upon the Contract signing and upon the submittal by the nominated Contractor of the required Good Performance Letter of Guarantee.
- 6.7** In the event his offer is rejected, the Participation Letter of Guarantee shall be returned interest-free to the Bidder within a period of three (3) days after the lapse of the deadline for filing an Appeal to a higher administrative authority or for initiating the relevant proceedings, or – in the event of rejection of the legal proceedings - within a period of three (3) days after the relevant decision has been communicated to the awarding authority, according to paragraph 14, article 25 of L. 3614/07, as amended and currently in force by virtue of paragraph 1, article 4 of Law 4156/13.
- 6.8** The Participation Letter of Guarantee shall be returned interest-free to the Bidders participating in the Financial Offers’ unsealing procedure, upon signing the Contract with the Contractor.
- 6.9** It is clarified that the Participation Letter of Guarantee is not returned solely on the grounds that the deadline foreseen in article 15.3 herein for filing objections against the results of the Tender Committee has elapsed, if the requirements of the above previous paragraph are not met.
- 6.10** The Letter of Guarantee for Participation **becomes payable** if the nominated Contractor, even though invited, does not show up to sign the Contract within the deadline set by AM or if he does not submit the required Good Performance Guarantees and/or documents or if he does not adhere to the stipulations of article 20 of this Invitation.

ARTICLE 7 PROVISION OF TENDER DOCUMENTS - CLARIFICATIONS

 <p>ATTIKO METRO A.E.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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7.1 The Tender Documents are as follows:

- a) The Financial Offer Form
- b) The present Invitation to Tender and the Clarifications Document
- c) The Conditions of Contract
- d) The Performance Specifications (along with its Annexes).

These documents shall be provided to the interested parties against the amount of twenty EURO (€20). The interested parties should address themselves to AM at the following address:

ATTIKO METRO A.E.
 191-193, Messogion Avenue
 115 25 Athens,
 Greece

Contracts Department
 Attention: Mrs. Aik. Saiti
 Tel.: (30) 210 679 2473
 Fax: (30) 210 679 2219


Only one (1) copy in Greek and its translation into English shall be made available to each interested party.

Parties receiving the Tender Documents shall submit all particulars of the interested party (name of the Company, name-surname, address, telephone number, fax number, e-mail).

7.2 In addition, the Tender documents are posted in AM's web page www.ametro.gr and the Bidders can have access to these documents. In this case, those interested in participating in the subject Tender must submit to AM in writing - through letter or fax - their particulars, i.e., name of the company, full name, address, telephone number, fax number, e-mail, in order to be informed as soon as possible.

7.3 Any doubts and questions related to the documents of the Tender must be expressed in writing by the bidders by, **Monday 02.12.2013 at 15:00** to AM at the address stated in article 7.1 above, with a clear reference to the title and the ref. No. of the Tender.

AM shall gather all questions of the interested parties regarding the documents of the Tender and will issue a Clarifications Document which shall be made available to the interested parties by addressing themselves to AM's premises, at their own responsibility on, **Monday 16.12.2013**. This document may also include corrections to the terms of this Invitation to Tender and the remaining documents of the Tender that might be required. **For this reason, the interested parties are urged not to neglect obtaining the Clarifications Document.**

	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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7.4 The content of the Clarifications Document supplement and are incorporated in the documents of this Tender and they are considered to be their integral part.

7.5 The bidders should take into consideration only the content of this Invitation, the remaining Documents of para. 7.1 of the Clarifications Document to be issued by AM on the Tender Documents, as well as the relevant official correspondence and not any verbal response or clarification to be provided by AM.

7.6 If deemed necessary, AM shall organize an informative meeting prior to the issuance of the Clarifications Document. The representatives of all interested Bidders shall be invited to attend this meeting.

ARTICLE 8 DEADLINE AND MANNER OF SUBMITTAL OF THE OFFER


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

8.2 The deadline for the submission of the offers expires on **Friday 10.01.2014 at 15.00 hours**. The Bidders are bound by their offers for a period of **three hundred and sixty five (365) days**, from the expiry of the deadline for the submission of offers.

In case the offer is transmitted by registered mail or courier, it is clarified that the bidders bear the responsibility of its timely delivery to AM, given that the offer is considered to be within the prescribed deadline if AM's Document Control Centre (DCC) has received it by the date and time mentioned above, irrespective of the date when the offer has been posted.

Following the expiry of the deadline, no offer shall be accepted for any reason whatsoever, unless it is proved that the delay is due to force majeure.

8.3 The envelope of the offer, to be accompanied by a cover letter, must be deposited or mailed through a registered letter or by courier service to AM's DCC, be sealed and necessarily bearing the following label:

 <p>ATTIKO METRO A.E.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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SEALED OFFER
Title of the Bidder

FOR THE TENDER:
"SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"
(REFERENCE CODE RFP-241/13)

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

Attention: TENDER COMMITTEE

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

It is stressed that the aforementioned cover letter does not substitute the application for participation referred to in article 11.1.1 herein.

The application and the Envelopes shall necessarily bear the Title of the Tender, as well as the name and the address of the Bidder. If the Bidder is a Consortium or Suppliers Associations, then the application and the Envelopes shall bear information pertaining to the name and address of all member companies.

ARTICLE 9 MANNER OF PREPARATION AND CONTENT OF THE OFFER

9.1 Each Bidder shall submit a sealed offer, as mentioned in Article 8 of this document. **At the penalty of disqualification**, the envelope of the offer shall contain four (4) main separate and sealed sub-envelopes A, B, C and D, bearing the following indications:


- SUB-ENVELOPE A - Formal Qualifications and Legalization Data

Sub-envelope A shall contain the data required by article 11 of this document "Formal Qualifications and Legalization Data Sub-envelope".

Sub-envelope A shall be submitted in one (1) original and one (1) copy.

- SUB-ENVELOPE B - Essential Qualifications

Sub-envelope B shall contain required data related to the credit and financial capacity, data related to the experience and data related to the technical capacity of the bidders, as described in article 12 of this document "Essential Qualifications Sub-envelope".

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
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Sub-envelope B shall be submitted in one (1) original and three (3) copies.

- SUB-ENVELOPE C - Technical Offer

Sub-envelope C shall contain required data, as described in article 13 “Technical Offer Sub-envelope” of this Invitation.

Sub-envelope C shall be submitted in one (1) original and three (3) copies.

- SUB-ENVELOPE D - Financial Offer

Sub-envelope D shall contain properly filled in data, as described in article 14 “Financial Offer Form” of this document.

Sub-envelope D **shall be submitted in one (1) original.**


- 9.2** The Sub-envelopes shall necessarily bear the title of the Tender, the name and the address of the Bidder. In case of consortia / economic operators’ associations, the particulars (name, address) of all member – companies participating in the consortium / association shall be indicated.

Each envelope shall include a detailed Table of Contents, which shall contain all submitted data, to correspond to the pertinent paragraphs of this Invitation.

- 9.3** The offer and all relevant documents required to be submitted as per the Invitation to Tender (statements, technical offer, financial offer, etc.) shall necessarily bear the date and the signature of the Bidder’s representative authorized to this end, as this representative is defined by the submitted legalizing data, as well as the full name of the representative, typed or otherwise clearly printed underneath each signature.

- 9.4** In case of a consortium / association, the offer and all relevant documents shall be signed by the representatives especially authorized to this end of all member-companies participating in the consortium / association.

- 9.5** All offers shall remain at AM’s disposal, throughout the Tendering procedure. The Bidders whose offers are excluded from all subsequent Phases, further to AM’s BoD Resolution about any submitted objections against the results of this Phase and the lapse of the lawful deadline for filing a preliminary appeal, shall be entitled to request the return of the Financial Offer Envelopes (sealed), as well as the return of their Letters of Guarantee, in line with the stipulations of paragraph 14, article 25 of Law 3614/07, as it was amended and is currently in force by virtue of paragraph 1, article 4, Law 4156/13.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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- 9.6** The offers shall be submitted in Greek, with the exception of the Technical Offer that must be submitted in Greek and in English.

ARTICLE 10 PERSONAL STATUS OF THE BIDDERS


Each bidder is disqualified from the procedure if this bidder (in case of an individual natural or legal entity) or one of its members (in case of a joint venture/consortium) falls under the following cases from 10.1 to 10.6. The bidder is entitled to file an objection against his disqualification and to submit additional information and explanations, especially for cases stipulated under items 10.3 and 10.6.

- 10.1 Proceedings have been conducted against him or he has been convicted through a final decision, in line with the legislation of the country of his seat for one of the following crimes: embezzlement, fraud, forgery, perjury, bribery and fraudulent bankruptcy, participation in a criminal organization and legalization of income generated from unlawful activities.
- 10.2 Is under bankruptcy, liquidation, or coercive administration, or a bankruptcy or coercive administration petition has been filed.
- 10.3 Has demonstrably committed a grievous professional offense.
- 10.4 Has not fulfilled his obligations regarding the social security contributions, in line with the legislation applicable in the country of its seat, or in line with the legislation of the country of the awarding authority.
- 10.5 Has not fulfilled his obligations concerning the payment of taxes and duties, in line with the legislation applicable in the country of its seat, or in line with the legislation of the country of the awarding authority.
- 10.6 Has made a false declaration during the provision of the above information, or has not provided this information.

For the cases 10.1, 10.3 and 10.6 the bidding legal entity and/or the joint venture/consortium in which it participates is disqualified if a member of its management body, in line with the stipulations of article 20 of this Invitation, has committed the offense.

For all cases mentioned above and upon submitting his Offer, the Bidder shall submit a Legal Statement, as per article 11.2.

In case the Bidder is appointed as the Contractor, then, prior to the Contract signing, he shall submit all pertinent certificates for which a legal statement has submitted.

	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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ARTICLE 11 FORMAL QUALIFICATIONS - LEGALIZING DATA (SUB-ENVELOPE A)

11.1 Sub-Envelope A shall necessarily include:

11.1.1 An application to participate in the Tender regarding the "Supply of Rolling Stock (Series II) for the Athens Tramway" (Ref. No. RFP-241/13) to be signed by the legal representative of the Bidder, to be appointed according to article 11.1.4 below. In cases of consortia / association, the application shall be common and be signed by all legal representatives of all member-companies of the consortium / association. The application to participate in the tender shall also state the appointed attorney-at-law (process agent), providing his/her full particulars (name, address, telephone/fax numbers, etc.) for any communication that might be necessary. In case of consortia, the attorney-at-law (process agent) shall be common for all members of the consortium. This application shall be also accompanied by an official statement of Law 1599/89 about the acceptance of the appointed attorney-at-law (process agent) with the authentication of his signature.


Given that, in the framework of the Tender, AM must communicate with the Bidders simultaneously and in a timely manner, if the appointed attorney-at-law resides in Athens, then the subject communication shall be conducted through letters to be handed over to him/her, while if the appointed attorney-at-law does not reside in Athens, then all letters shall be transmitted to him/her by fax. In this case, the exact transmittal date and time shall be proven by the relevant facsimile receipt of AM's fax machine.

11.1.2 A Letter of Guarantee of Participation in the Tender, referred to in this Invitation (article 6).

Bidders failing to submit a Letter of Guarantee for Participation in the Tender shall be disqualified from the Tendering procedure without further examination of the content of the Formal Qualifications and Legalizing Data Sub-envelope (Sub-envelope A).

11.1.3 Legalizing documents proving that the Bidder has been established and is operating legally, as well as the persons legally representing the Bidder and committing him through their signatures for the participation in the tender procedure, who will also sign all the relevant documents requested to be submitted under this Invitation to Tender.

For the convenience of the Bidders, a list of the legalizing documents is presented below required to be submitted in original or lawfully certified photocopies for the Public Limited Liability Companies (Sociétés Anonymes), which have been established and are operating in accordance with the Greek Law:

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------


- Official copy or a lawfully certified photocopy of the company's most recent codified statutes and the Government Gazette (FEK) where these were published, or official copy or a lawfully certified photocopy of the company statutes and any amendments made to them as well as the Government Gazettes (FEKs) where they were published.
- Recent (issued after 15/11/13) certificate issued by the Prefecture concerning amendments, if any, made to the Statutes.
- Official copy of the Resolution, whereby the current Board of Directors (BoD) of the Company was formed into a body, and the Government Gazette (FEK) where this was published.
- Certificate issued after 15/11/13 by the Prefecture or the Ministry of Development or a respective Ministry or body located abroad, proving that the company establishment license has not been revoked and no evidence has been submitted proving that the company decided its own winding up and its liquidation.
- Valid certificate concerning the registration of the company in the relevant Commercial and Industrial Chamber.

11.1.4 True Copy of the Resolution issued by the BoD of the Company (or the statutory body concerned) approving the participation in the Tender procedure for the assignment of the specific Contract. This Resolution shall necessarily include the appointment of a representative for the signing and the submission of the expression of interest and the signing of all relevant documents or statements related to the Tender, as well as for the submission and signing of the offer and any other required data until the contract signing date, in line with this Invitation and the remaining documents that accompany same,. The appointment of the attorney-at-law shall also be included.

In addition, the aforesaid true copy shall include an authorization regarding the signing of a legal statement, as stated in article 8 of Law 1599/1986, that no condemnatory decision has been issued according to article 3 of Law 3310/2005, as replaced by article 3 of Law 3414/2005 (JMD 20.977/23.08.2007/FEK B-1673, made by the Minister of Development and the Minister of the State) concerning the justification documents that must be submitted to the Transparency Service of the National Radio-Television Council.

In case of a consortium / association, the aforementioned Resolution should also include the following items for each member:

- The acceptance to jointly participate in the Tender procedure and in the execution of the Contract.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

- The participation percentage of each member in the consortium / association.
- The statement that they are solidly and wholly responsible each one of them before AM with regard to the obligations ensuing from the Contract.
- The appointment of one of the member-companies as the common representative of the consortium before AM throughout the duration of the Contract, which shall have the irrevocable order and full authorization of the remaining members to represent the consortium and bind the members forming the latter before AM and, in general, to act and state all subjects necessary for the execution of the Contract. This Company shall have the largest percentage for participation in the Consortium (leader) and the natural entity to be appointed as the common representative of the consortium before AM shall derive therefrom, and
- **The statement that they commit themselves that, in case they are awarded the Contract, they shall prepare a public notary's act for the establishment of the consortium seated in Athens, which shall be submitted to AM, including, without fail, all that has been stated above.**


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

The aforementioned Legal Statement must have been issued within the last thirty (30) calendar days before the expiry of the deadline for the submission of the offers, while it is not required to produce a signature authentication by a responsible administrative authority or the Citizens' Advisory Bureau, as per the stipulations of paragraph 1, article 25, Law 3614/07, as it was amended and is currently in force by virtue of paragraph 4, article 21 of Law 4111/13.

The Bidding Joint Ventures shall submit a Legal Statement for each member of theirs, signed by the legal representative of the Joint Venture's member, verifying that there is no reason whatsoever out of the reasons mentioned in article 10 for this member of the Joint Venture to be disqualified from the Tendering process.

The Legal Statement to be submitted should clearly demonstrate that there is no reason whatsoever for disqualifying the bidder. Otherwise, the Bidder shall be **disqualified**.

11.3 All documentation regarding foreign bidders shall be certified by the Competent Authority of the State where the bidder is seated and be accompanied by an official translation in Greek, with the exception of


 <p>ATTIKO METPO A.E.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

the documents to be submitted in original copies, in accordance with the samples attached to this Invitation.

seat of the participating in the tender either independently or as a member of a Consortium or Joint Venture, stating that none of the reasons of disqualification is applicable in their case, as stated in article 19 herein, prepared in accordance with Annex I herein. From the statement submitted by the person concerned it should be clearly concluded that all preconditions related to its suitability are met, otherwise the Bidder, in case of an independent participation, or the bidding Joint Venture or Consortium, wherein this person participates, **is disqualified.**

- 11.4** In the required documents, at the points where reference is made to the submission of a legal statement, such statement is meant to be, on the one hand as far as Greek companies are concerned, the "Legal Statement of Law 1599/86" and on the other hand as far as foreign businesses are concerned the "Statement on a document with an equivalent validity". As such is meant an affidavit or, in case an affidavit is not foreseen, an official statement before a Judicial or Administrative Authority, Public Notary or the competent (Professional) Organization of the Bidder's country of origin or domicile.
- 11.5** AM reserves its right to request any other document deemed necessary upon completion of the study of legalizing and other documents and data to be submitted prior to the signing of the Contract. Moreover, if there are any doubts, AM is entitled to address itself directly to the competent authorities to obtain any information on the personal status of the Bidders concerned. In case the information concerns Bidder established in a State other than that of the contracting authority, then the contracting authority may seek the cooperation of the competent authorities. Having regard for the national laws of the Member State where the Bidders are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control in respect of the Bidder.
- 11.6** Each Bidder must prove, by submitting the relevant back-up documentation, that he is registered in the relevant Professional or Commercial Registries of the country where he is seated under the terms foreseen by the legislation of the country of his seat.
- 11.7** **Certificates pertaining to the nominalization of the Bidders' shares**

For the participation of the Bidders in the Tender to be **acceptable**, the following must be met as regards the nominalization of the shares:

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
--	--	--------------------------

AM ought to examine, at the penalty of unacceptable candidateship, whether the conditions of article 8, paragraphs 1-3, L.3310/2005 (FEK A 30/14.02.2005) are met, as well as whether an offshore Company, as per the stipulations of case (a) of paragraph 4, article 4 of L. 3310/2005 (FEK A 30/14.02.2005), participates in the Tender.


The shares of the Greek or Foreign SA Companies participating in the Tender must be nominal down to a natural entity level.

More specifically, in accordance with article 8, paragraph 1 of L. 3310/2005, the shares of the Sociétés Anonymes that participate, either individually or as members of joint ventures in a tendering procedure, or in a project construction awarding procedure or in a procedure related to the supply of goods or provision of services and designs of the Public Sector or of legal entities of the wider Public Sector, the limitation of which is set by the provisions of this Law, whose financial scope or price is over one million Euro, shall be mandatorily nominal shares. Should the shareholder is another SA company with a participation percentage at least one per cent (1%), then all shares of this company shall be nominal down to the natural entity level.

In case of participation of companies vested with a legal form other than SAs, in which SA companies participate or have company shares with a participation percentage in the share capital at least one per cent (1%), their shares shall be mandatorily nominal down to the last natural entity level.

In accordance with article 8, paragraph 2, L. 3310/2005, the same obligation shall be valid for foreign SA companies, on condition that the Law of the Country where they are seated, imposes the nominalization of all their shares down to the natural entity level for their overall activities or for the specific activity.

In case the law of the country where the candidates are seated does not impose the nominalization of the shares, then a pertinent certification shall be submitted by the authority concerned of the said country - if there is a relevant provision; otherwise, an official statement of the Bidder shall be submitted. In this case - where there is not any obligation for the nominalization of the shares - the foreign company must submit to AM a valid and updated list of their shareholders, who possess at least one per cent (1%) of the shares or of the voting rights of the SA Company. In case the company does not keep an updated list of their shareholders, then it shall submit a relevant list of the shareholders who possess at least one per cent (1%) of the shares or of the voting rights, in accordance with the last General Assembly, should these shareholders are known to the Company. Otherwise, the Company ought to justify the reasons why these shareholders are not known. It is not in AM's discretion to judge this explanation. It rests with AM to prove the capability of the

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

company to submit the aforementioned shareholders list; otherwise, non-submission of the relevant list shall not entail any legal consequences against the aforesaid company.

The obligation for further nominalization down to the natural entity level shall not be valid as regards the companies introduced in the Stock Exchanges of the member-states of the European Union or the Organization for Economic Cooperation and Development (OECD).


The Greek Companies should submit the following:

- (a) Certificate issued by the Authority concerned that supervises the Company, as per the provisions of Codified Law 2190/1920, proving that the company's shares, on the basis of the company statutes, are nominal, taking into consideration the relevant provisions of P.D. 82/1996, article 1, paragraph 2, case (a), clauses 3 and 4.
- (b) A detailed statement with the details of the company's shareholders and the number of shares of each of its shareholders, as these details are recorded in the company's shareholders book; this statement should be submitted within thirty (30) days the latest prior to the submission of the envelope pertaining to the participation in the tender.

If, based on the shareholders list, it arises that the shareholders of the company consist in other SA Companies, these must have nominal shares - on the basis of their statutes - and must have submitted to the company a certification, certifying that their shareholders are natural entities, partnerships, Ltd Companies, or legal entities of any other form except SAs. If the shareholders of these SA Companies too are SA Companies, then the latter must also have nominal shares and must submit a certification, certifying that their shareholders are natural entities, partnerships, Ltd Companies, or legal entities of any other form except SAs. If the shareholders of the latter SA Companies are SA Companies, then the latter must submit a certification, certifying that their shares are nominal ones, as well as the relevant certifications about their shareholders as stated above, until the final shareholders of all SA Companies are identified down to the level of natural entity, partnership, Ltd, or legal entities of any other form except SAs.

The foreign companies participating in the Tender must submit the following, should the law of the country where they are seated **imposes** the nominalization of all their shares down to the natural entity level, as regards their overall activities or a specific activity:

- (a) A Certificate issued by the Authority concerned, as per the Law of the Country where the Company is seated, proving that the company's shares, on the basis of the company statutes, are nominal. With regard to Companies whose shares were

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
--	--	--------------------------

unregistered in the past, on the basis of the company statutes, during the submission of the candidateship related envelope, the amendment of company statutes must have been completed and approved by the Supervising Authority, so that all shares may have been converted into nominal ones.


- (b) A detailed statement with the details of the bidding company's shareholders and the number of shares of each of its shareholders, as these details are recorded in the company's shareholders book as per the Law of the Country where the Company is seated; this statement should be submitted within thirty (30) days the latest prior to the submission of the candidateship.
- (c) Any other document, proving the nominalization down to the natural entity level of the shares of the bidding company that has been effected; these documents should be submitted within thirty (30) working days the latest prior to the submission of the candidateship.

All documentation stipulated above must be certified by the competent Authority of the country where the Bidder is seated and be accompanied by an official translation in Greek language.

The foreign companies participating in the Tender must submit (a) a valid and updated list of their shareholders, who possess at least one per cent (1%) of the shares or of the voting rights of the SA Company, should the law of the country where they are seated **does not impose** the nominalization of all their shares up to the natural entity level, as regards their overall activities or a specific activity. (b) In case the company does not keep an updated list of their shareholders, then it shall submit a relevant list of the shareholders who possess at least one per cent (1%) of the shares or of the voting rights, in accordance with the last General Assembly, should these shareholders are known to the Company. (c) In any other case, the Company ought to justify the reasons why these shareholders are not known. It is not at AM's discretion to opine on this justification. It is AM that shall prove the capability of the company to submit the aforementioned shareholders list; otherwise, non-submission of the relevant list shall not entail any legal consequences against the aforesaid company.

11.8 All documentation stipulated above must be certified by the competent Authority of the country where the Bidder is seated and be accompanied by an official translation in Greek language.

11.9 In case of a consortium / association, the requirement for submission of all documents, data, certificates and official statements under articles 11.1.3, 11.1.4, 11.2, 11.3, 11.4, 11.5, 11.6 and 11.7 as well as the checking procedure under article 11.10 shall be valid for each member separately.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

- 11.10** Prior and subsequent to the Contract signing, the pertinent checking for transparency shall be conducted, as provided for by Law 3310/2005 (as applicable); in case of any infringement, then the lawful consequences shall be imposed.
- 11.11** In the required documents, at the points where reference is made to the submission of a legal statement, such statement is meant to be, on the one hand as far as Greek companies are concerned, the "Legal Statement of Law 1599/86" whereby the original signature is certified and on the other hand as far as foreign businesses are concerned the "Statement on a document with an equivalent validity". As such is meant an affidavit or, in case an affidavit is not foreseen, an official statement before a Judicial or Administrative Court Authority, Public Notary or the competent (Professional) Organization of the country of the Bidder's country of origin or domicile.
- 11.12** Any Bidders submitting insufficient data on which the Tender Committee shall request supplementary data/ clarifications, which shall not be provided or shall be provided incomplete, as well as any Bidders who shall not duly, in accordance with the provisions of this Invitation, submit any data **shall be disqualified from the Tender**.
- 11.13** Upon review, as prescribed by the law, of the lawfulness of the awarding procedure by the Court of Auditors and prior to the conclusion of the Contract, the appointed Contractor shall submit anew, updated, the participation documents specified in article 11.1.3 of this Invitation, as these have been submitted during the Tender stage, whose validity has expired.

ARTICLE 12 ESSENTIAL QUALIFICATIONS (SUB-ENVELOPE B)


The content of the sub-envelope are as follows:

12.1 Data related to the credit and financial capacity

In order to prove their credit and financial capacity, each Bidder should submit the following:

- 12.1.1** Certificates issued by Banks or similar Credit Institutions, proving the Bidders' credit and financial competence for an amount of at least EURO 26,500,000.00 out of which the amount of at least EURO 10,000,000.00 must be available for loans and at least EURO 10,000,000.00 for Letters of Guarantee, out of which an amount at least EURO 6,600,000.00 must be available in both cases for this Contract, as per Sample D of this Invitation.

In case the aforementioned certificates cannot be issued in the Greek language because the issuing Bank does not operate in Greece, this shall be issued in the English language in accordance with Sample E

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
---	---	-------------------

of this Invitation and shall be accompanied by an official translation into Greek.

The above certificates shall be submitted in originals.

In case of a consortium / association, the credit and financial status requirements can be covered cumulatively by all members of the consortium / association.

Along with the subject documentation, the bidders shall submit Table A, attached hereto, duly filled-in and signed.

The Bidders who shall not submit the aforementioned certificates or shall not cover the aforementioned limits pertaining to the credit and financial competence shall be disqualified from the Tender.

12.1.2 Statement regarding the overall turnover of the firm for the execution of works similar to the works requested in this Tender during the last three (3) fiscal years.


12.2 Data related to the Experience

In view of participating in this Tender procedure, the Bidders shall possess experience similar to the experience required on the basis of this procurement, during the last three-year period (3 years prior to the offers' submission date).

12.2.1 In particular, as regards the subject experience, the Bidders must submit a list of deliveries regarding the design, manufacturing, supply, test and commissioning of tramway vehicles, regardless of the vehicles' powered operation, which (deliveries) have been effected during the last three-year period (3 years prior to the offers' submission date). The aforesaid tramway vehicles must have been commissioned exhibiting success, reliability and safety, satisfying, this way, the contract requirements of the projects' Owners.

12.2.2 In addition to the aforementioned experience and given that in the framework of this tender vehicles shall accommodate batteries/ultra-capacitors in the future, those bidders whose basic experience – in line with above – does not incorporate vehicles powered by batteries/ultra-capacitors shall necessarily prove that they have manufactured tramway vehicles that operate by means of batteries/ultra-capacitors, not powered by the overhead catenary systems; in this case, it shall be required as a minimum that certified tests have successfully been completed during the three-year period (3 years prior to the offers' submission date).

12.2.3 In view of proving their experience, with regard to the workmanlike and timely completion of the Supply, the Bidders should adhere to the following paragraphs and submit the required documentation, namely:

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
---	---	-------------------

A list of completed procurements that they have executed during the three-year period (3 years prior to the offers’ submission date), concerning the Design, Manufacturing, Supply, Testing and Commissioning of Tramway Vehicles similar to the tendered ones, regardless of their powered operation. The aforesaid tramway vehicles must have been commissioned exhibiting success, reliability and safety, satisfying, this way, the contract requirements of the projects’ Owners.

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

In order to prove the experience mentioned in the above paragraph, the bidders shall provide certificates, which shall have been issued by the Project Owners. The aforementioned certificates must prove workmanlike and timely execution of the supply, as well as the successful, reliable and safe commissioning of the subject vehicles, satisfying, this way, the contract requirements of the projects’ Owners.


The aforesaid certificates shall make clear reference to the following:

- a. The scope of the works pertaining to the Supply, Design, Manufacturing and Commissioning of Vehicles;
- b. Participation percentages on the entire supply;
- c. The budget of the Supply;
- d. The time for the signing, acceptance of vehicles and completion of the Contract;
- e. The successful, reliable and safe commissioning of the tramway vehicles, satisfying, this way, the contract requirements of the projects’ Owners.

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

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

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

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

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

The aforementioned documents must be submitted in originals or certified photocopies. **In case of a Consortium/ association, the requested experience can be covered cumulatively by the Companies/operators forming the Consortium/ association.**

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

12.2.4 As regards the Bidders capability/experience in manufacturing tramway vehicles that can operate on the basis of a catenary system using batteries/ultra-capacitors, referred to in paragraph 12.2.2 of this article, the Bidders shall submit the pertinent documentation/certificates proving the prior trial or revenue service of similar systems on a Bidder's vehicle in any Tramway network or – as a minimum – the full and successful completion of all relevant certified tests of the batteries/ultra-capacitors system on a Bidder's specific tramway vehicle.

12.2.5 The aforementioned back up documentation (stipulated in paragraphs 12.1 and 12.2 of this Document) shall be submitted by the Bidders in case that they make use of their own credit or technical capacity. If the Bidders invoke third parties' resources, they shall be called upon to submit the aforementioned back up documentation for these third parties, in line with the provisions of article 18.


12.3 Data related to technical capacity

12.3.1 Description of the technical equipment, of the Quality Assurance Section that the Company possesses. The Bidders and their sub-contracting Suppliers shall possess and be certified as per ISO 9001/2008 and/or per IRIS.

12.3.2 Certificates issued by official quality control offices or competent services of recognized competence, certifying the suitability of the products to be verified through references to particular specifications and standards.

12.3.3 Organization Chart with the staffing of the bidder and Curriculum Vitae of the executives of the bidder and of the persons in charge for the design, manufacturing, supply, testing and commissioning of the vehicles. The CVs should be signed by the persons to whom they refer.

12.3.4 The Bidders shall submit a list with the proposed Suppliers and Sub-contractors and the works that they will execute. The suppliers and

	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

sub-contractors to be utilized in the project shall be those approved by AM.

The aforementioned data shall be detailed and thorough to the extent possible so as to provide a clear picture of the technical capacity of the Bidder.

ARTICLE 13 TECHNICAL OFFER (SUB-ENVELOPE C)

13.1 The Technical Offer of the Bidders shall meet the requirements stipulated in AM's Performance Specifications.

13.2 Content of the Technical Offer

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

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

b. Legal Statement of Compliance

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

In particular, an explicit statement of compliance is required certifying compliance with each field of the list of requirements as specified in para. 3.13 of the “Performance Specifications” concerning the provisions for future installation of batteries/ ultra-capacitors on board the vehicles.

c. Technical Description

In their offer, Bidders shall submit the following as a minimum:

No	Requirement Scope - Summary	Performance Specification Paragraph
1	Ø Artistic “rendering” of the outer view of the vehicle.	§2.1
2	Ø Bogie related drawings depicting the layout of the base items of equipment, installed on the roof or underneath the vehicle’s floor. Ø Detailed presentation of the arrangement of the driving and trailing bogies/wheel sets. Ø Determination and description of the level of operation of vehicles with a combination of traction motors failed/isolated. Consideration shall be given from full operation to all traction motors	§2.5



**PROJECT: "SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY"**

RFP-241/13

INVITATION TO TENDER

	inoperative.	
3	<ul style="list-style-type: none"> ∅ Technical description for the proposed bogie and wheel/axes. ∅ Determination of the number of the driving wheels/axes, as well as their related position. ∅ Drawings regarding the driving and trailer cars, their manufacturing material and method, their weight, the un-sprung mass loads the wheel load distribution, motor arrangement, accompanied by its supporting/fixing method on the bogies, the transmission scheme, suspension system, lubrication and sanding scheme, description of the measures that have been provided for, regarding noise mitigation due to the wheels' rolling on running tracks, the bogies disassembly method from the tramway vehicle and their adjustment to curves. 	§2.8
4	∅ Determination of the number of passengers carried by the vehicle, providing all necessary calculations.	§3.1
5	∅ Determination of the maximum weight of the vehicle as well as the static wheel load for each wheel on a single vehicle under all load conditions from AW0 to AW4.	§3.6
6	∅ Describe of the protection against derailment features of the vehicle.	§3.7
7	∅ Detailed determination of the Static, Dynamic, Kinematic and Structural Envelope.	§3.8
8	<ul style="list-style-type: none"> ∅ A statement concerning the height difference between the vehicle floor level in the vehicle's doors area and the platform's edge level, when the vehicle stops at the platform for all loading condition (AW0 – AW4). ∅ A statement of compliance of the maximum horizontal distance of the threshold of the vehicle doors from the platform, with the permitted one. 	§3.9
9	∅ Determination of the maximum noise limit values that can be generated by the vehicle under several conditions.	§3.10.4
10	∅ Reporting any restrictions for the operation of the vehicles when passing by flooded areas where water depth is over 100mm.	§3.11.4
11	∅ Presentation of a general maintenance plan to include both preventive and corrective	§4.1.4



**PROJECT: "SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY"**

RFP-241/13

INVITATION TO TENDER

	maintenance tasks.	
12	<p>Determination of the time required for the Maintenance of vehicles:</p> <p>§ The man-hours required for the entire preventive maintenance for each vehicle over a two-year period</p> <p>§ the mean time required for the Tramway vehicle repair</p> <p>§ the mean time required for the repair of the sub-systems of the tramway vehicle, specified in fields (iii)-(viii), criterion 6, article 16 of the Invitation to Tender</p> <p>§ the time required for replacing wheel tires of the entire Tramway vehicle</p> <p>§ the time required for replacing windows of the entire Tramway vehicle, including windshields</p> <p>§ the time required for replacing all front and side exterior panels of the driver cab.</p>	<p>§4.1.4</p> <p>§14.1.3</p>
13	∅ Anti-graffiti protection scheme, as well as the replacement procedure.	§4.1.5
14	∅ Description and justification of compatibility with all the aforementioned maintenance facilities necessary for the vehicles' maintenance, along with the respective methods to achieve the subject compatibility, should this be required.	§4.3
15	∅ Description of the general design criteria, the manufacturing methods of the vehicle bodies, as well as the materials to be used for their manufacturing.	§5.1
16	∅ Detailed reporting of the repair procedure for repairing side panels in the event of collision.	§5.3
17	∅ Detailed plan for the protection of the car body against corrosion.	§5.7
18	∅ Description of the concept for the management collision generated energy.	§5.9
19	∅ Presentation of the interior design (seat layout, grab poles, colour scheme, etc.).	§6.1
20	<p>∅ Door arrangement and a detailed description of the door system characteristics and their control equipment</p> <p>∅ Drawings and a technical description of the doors' mechanism, as well as the description of the</p>	§7.3




**PROJECT: "SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY"**

RFP-241/13

INVITATION TO TENDER

	obstacle detection system	
21	Ø Layout arrangements, width and number of doors.	§7.3.1
22	<ul style="list-style-type: none"> Ø Drawings and characteristics of the Auxiliary Power Supply Equipment (APSE) Ø Load analysis for the auxiliary electrical system under normal operation and in operation without traction voltage Ø Description of protection equipment against current input Ø Drawing of the APSE protection devices Ø Drawings concerning the layout of batteries (NOT related to the batteries/ultra-capacitors for operation without an overhead catenary system) 	§8
23	Ø Description of the tramway vehicle performance and functions during stand-by hard wire operation.	§9
24	<ul style="list-style-type: none"> Ø Layout drawings and description/ characteristics of the traction system Ø Traction system interface points Ø Wheel diameter offset Ø Equipment cooling system (see paragraph 9.4 below) Ø Traction motor disconnection system and removal method Ø Description of the protection equipment against current input 	§9
25	<ul style="list-style-type: none"> Ø Determination of the type of cooling and motor enclosure Ø Determination of the motor characteristics 	§9.4
26	<ul style="list-style-type: none"> Ø Train Control and Management System architecture Ø System's main operational characteristics and capacities Ø Diagnostic features of the system Ø Downgraded operation Ø Proposed lines of the vehicle's communication channel and the features accommodating the exchange of data Ø System's redundancies in case the communication channel fails 	§10
27	Ø Drawings and technical description of the HVAC	§11.1

	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
--	--	--------------------------

	<p>system layout, in terms of units on-board the vehicles and in terms of equipment items layout included in each HVAC unit</p> <ul style="list-style-type: none"> ∅ Technical and operational characteristics of the system, including its weight and cooling capacity ∅ Description of the HVAC failure indication system 	
28	<ul style="list-style-type: none"> ∅ Technical description of all three aforementioned brake systems, accompanied by general layout drawings ∅ Description of the brake blending system, which shall include, as a minimum, a determination of the speed intervals of the vehicle in which the brake system - under normal operation – shall be electric, mechanical or blending (electric and mechanical) ∅ Determination of the minimum speed of the vehicle in which electric brake shall apply. 	§12.1
29	<ul style="list-style-type: none"> ∅ Determination of reliability figures $MDBF_1$ and $MDBF_2$ 	§14.1.1
30	<ul style="list-style-type: none"> ∅ Determination of fleet availability. 	§14.1.2


If, in his Technical Offer the Contractor has proposed improvements to AM Specifications, he is obliged to incorporate them during the stage of the preparation of the Design and implementation of the Supply without any increase to the Overall Lump Sum Price.

ARTICLE 14 FINANCIAL OFFER (SUB-ENVELOPE D)

14.1 Sub-envelope D shall contain the “Financial Offer Form”. This Form shall include the Contractor’s Table of Offer, the unit price of a tramway vehicle, as well as the Table of Spare Parts and Equipment Cost attached thereto, which shall be properly filled in.

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

The Financial Offer Form shall be signed by the legal representatives of all member - companies of the consortium / association (underneath the company name indicated on the stamp), or the legal representatives of each individual Bidder, who also initial all pages of the Form. Any missing initialing shall be added by the Tender Committee upon unsealing of the Financial Offers and the offer shall be considered valid. However, any offer to be submitted unsigned shall be considered invalid.

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
---	---	-------------------

The offers shall be typed. It is pointed out that any correction, deletion, reference and, in general, alteration of the text of the Financial Offer Form, or the expression of comments or conditions or terms of this text, shall be considered as reservations concerning the terms of the Tender and shall lead to the rejection of the Financial Offer of the Bidder who expresses them. In case there is a conflict between the price expressed in words and the price expressed in numbers in the Financial Offer Form, the price expressed in words prevails. Moreover, in case of errors in the numerical operation in the Spare Parts and Equipment Price List, the Committee shall correct same and, further on, shall “transfer” the corrected sum up in the Contractor’s Table of Offer.

In addition, Financial Offers exceeding the amount of AM’s budget regarding the scope of the contract shall be rejected.

The Overall Lump Sum Price shall not include VAT, which shall be borne by AM. The Overall Lump Sum Price shall be expressed in EURO.

- 14.2** The offers shall be valid and bind the bidders for **365 days** from the day that follows the deadline for the submission of the offers. Any offers indicating an expiry date earlier than the aforementioned one, shall be rejected as unacceptable.
- 14.3** **It is stressed that alternative technical offers or offers for part of the supply shall not be accepted.**

ARTICLE 15 TENDER PHASES - EVALUATION METHOD OF THE OFFERS

15.1 General


The Tender is carried out by the Committee appointed by AM’s BoD Resolution. This Committee shall be responsible for the conduct of the Tender until the stage of submitting a Recommendation to AM’s Board of Directors for the approval of the final results and award, which (BoD) is the competent body to issue the resolution concerning the award of the Contract.

For the selection of the Contractor, each offer shall be evaluated and scored based on the technical and financial data to be submitted by the Bidders in line with the terms of the Tender.

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

15.2 Tender phases

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

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
---	---	-------------------

15.2.1 1st Phase: Review of the Formal Qualifications and Legalizing Data, as well as of the Essential Qualifications and Evaluation of the Technical Offers of the Bidders (Sub-Envelopes A, B and C)

Firstly, the Committee, during a private meeting, shall take delivery of the Participation Envelopes that were submitted or transmitted to AM’s DCC, shall compile a table based on the order by which the envelopes were submitted to am and, further on, it shall examine whether the offers of the bidders were submitted within the prescribed deadline and are typically accepted.

Subsequently, the Tender Committee shall proceed with the unsealing of Sub-envelopes A and B and shall initial their content. The Tender Committee shall review the formal qualifications and legalizing data (Sub-Envelope A) and the essential qualifications (Sub-Envelope b) of each Bidder and shall decide whether the set terms of participation are in line with the requirements of this Invitation. Sub-envelopes containing Technical and Financial Offers shall remain sealed.

In order to make the aforementioned decision, there shall be no comparative evaluation among Bidders; however, the pass/fail system shall apply.


Throughout the review of Sub-envelopes A and B to be submitted, the Committee reserves its right and discretion, according to its absolute judgement, to request clarifications and supplementary information on the submitted data, as well as data supplementary to those already submitted and the bidders are obliged to submit same, within the deadline to be set by the Committee.

Bidders who will submit incomplete data for which the Tender Committee shall request supplementary data / clarifications which shall not be provided or shall be provided incomplete, as well as Bidders who will not submit the appropriate data in due time, as per articles 11 and 12 of this Invitation, **shall be disqualified from the 2nd Phase of the Tender.**

Following the review of Sub-envelopes A and B, the Tender Committee shall proceed to the unsealing of the Technical Offers (Sub-envelope C) of those Bidders who fulfilled the requirements of the Invitation to Tender and shall initial their content.

The technical evaluation - scoring shall be performed in two stages:

No comparative evaluation of the Technical Offers of the bidders shall be performed in the **1st stage**. In this stage, the Tender Committee shall examine whether the Bidders comply or not with the Performance Specifications set by AM.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

Non-compliance of the bidders with the Performance Specifications shall result in the disqualification of the Bidders from the remaining Tender procedure.

The **2nd stage** concerns the comparative evaluation and scoring of the Technical Offers of the Bidders, who have not been disqualified during the 1st Stage. **The evaluation/scoring shall be conducted on the basis of the criteria of Table A of Article 16 of the Invitation.**

Any offers rejected as per the terms and the criteria of this Invitation shall be disqualified from the subsequent procedure for the unsealing of the Financial Offers and evaluation (2nd phase).

AM's Tender Committee reserves its right to request clarifications, explanations and additions from the Bidders on the data included in their Technical Offers.

Objections can be filed against the results of the 2nd Phase, as mentioned in detail in paragraph 15.3 below.


Having reviewed Sub-envelopes A, B and C, the Tender Committee shall compile a technical evaluation comparative table and shall announce, through a letter, to all Bidders those who are accepted in the next phase and those who are excluded (on a well-justified basis). Objections may be filed against this decision of the Tender Committee, as mentioned in particular in para. 15.3 of the present article.

The Committee shall not proceed to the subsequent phase of the Tender, unless AM's BoD has examined any submitted objections. AM's BoD Resolution shall be notified to the Bidders in writing. The Bidders fulfilling the preconditions of the 1st Phase are eligible to participate in the 2nd Phase of the Tendering Process, i.e. the unsealing procedure of the Financial Offers (Sub-envelope D).

The Bidders, whose offers are rejected, following the resolution of AM's BoD on any objections - filed on the part of the bidders - against the results of the 1st phase and after the lawful deadline for filing a preliminary appeal has elapsed, are entitled to request, upon pertinent written application, the return of the (sealed) envelopes of their Financial Offer, as well as the return of their Letters of Guarantee, according to paragraph 14, article 25 of L. 3614/07, as amended and currently in force by virtue of paragraph 1, article 4 of Law 4156/13.

Disqualified from the 1st Phase of the Tender shall be the bidders

- a) who do not fulfill the preconditions and requirements of Article 11.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

- b) who do not possess the credit and financial capacity, stipulated in article 12, paragraph 1 herein;
- c) who do not possess well-proven experience (based on attestations or certificates) as stipulated in article 12, paragraph 2 of this Document;
- d) who do not submit the data required by article 12, paragraph 3 of this Document;
- e) who are rejected on the basis of the technical evaluation – scoring of their technical offers.


15.2.2 2nd Phase: Unsealing of Financial Offers and Overall Evaluation

Further to AM's BoD resolution on any objections filed by the bidders against the results of the 1st Evaluation Phase, the Tender Committee shall proceed with the unsealing of the Financial Offers during a public meeting. The exact date and time for the unsealing shall be notified to the Bidders in writing through a relevant invitation to be transmitted to them via a fax within a three-day period prior to the unsealing procedure. During the unsealing of the Financial Offers one representative from each bidder, duly authorized to this end, may attend this process. Following the unsealing of the Financial Offers' Sub-envelopes, the Committee, during a private meeting, shall examine whether their content complies with the terms of this Invitation and shall proceed with their evaluation.

Following the review of the Financial Offers, the Tender Committee shall proceed to the Overall Evaluation based on the scoring of the Technical and Financial Offer, in view of proceeding to the evaluation of the most advantageous offer, in financial terms (article 17 of the Invitation) and shall prepare a Final Classification Table, to be communicated to the bidders.

Objections can be filed against the results of the 2nd Phase, as mentioned in detail in paragraph 15.3 below. Further on, the Tender Committee shall compile the final classification table, as per the above, shall recommend the approval of the results and the appointment of the Contractor who will be the Bidder offering the most advantageous offer, as well as the award of the Contract to the latter.

- 15.3** On the results of the Tender Committee, the Bidders may file objections within five (5) working days upon notification to them of the equivalent result of each phase. The objections shall be filed in writing through a letter addressed by the Bidders to the Chairman of the Tender Committee, which is submitted or transmitted to AM's Document Control Center (DCC). These objections must necessarily include a sufficient justification of the allegations they contain, so that it may be possible to evaluate them. The objections should also refer to the issues related to the specific phase and not to issues examined

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

during previous phases. AM’s BoD issues resolutions regarding these objections, further to the relevant recommendation submitted by the Tender Committee. No further objections shall be filed against the Resolutions of AM’s BoD. The Committee proceeds to the next phase or stage of the Tender only after any filed objections have been assessed by AM’s BoD.

15.4 The BoD resolutions are communicated in writing to all Bidders participating in the respective phase of the Tender procedure.

15.5 Announcement of final results

The final results of the Tender shall be announced by AM to all Bidders participating in the 3rd phase of the Tender procedure and shall be subject to their final approval by the Court of Auditors.

Article 16 TECHNICAL OFFERS EVALUATION CRITERIA

16.1 The technical offers shall be evaluated and scored by the Tender Committee on the basis of the criteria listed in the following Table A. Each criterion consists of several sub-criteria.


	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

TABLE A : TECHNICAL OFFERS EVALUATION CRITERIA		
No.	CRITERION	Criterion Importance
1.	VEHICLE SUB-SYSTEMS	30%
2.	WEIGHT	15%
3.	NOISE	15%
4.	RELIABILITY	10%
5.	AVAILABILITY	10%
6.	MAINTENABILITY	10%
7.	PASSENGERS CAPACITY	10%

The Total Score of the Technical Offer (TB) shall be the sum up of each Criterion Score multiplied by its respective importance. The score on each criterion shall derive from the average score on its sub-criteria.

It is noted that the total score, the score on criteria, sib-criteria and the results of the calculations shall be rounded up to the first decimal.

Technical Offers which shall receive, even on one individual Sub-criterion or Criterion a score less than the Minimum Score (as this is determined in each Criterion), shall be disqualified.

16.2 Clarification of the Scoring Method per Criterion

16.2.1 Criterion No. 1: Vehicle Sub-systems

Criterion No. 1 includes the 8 sub-criteria, each one corresponding to a major section or sub-system of the vehicles, which is evaluated in technical terms. Each sub-criterion may receive maximum score (100) and minimum score (60). The total score of the criterion shall derive from the following formula:

$$BK = \frac{\sum BY_i}{8}$$

Where BK is the criterion score
and BY_i is the score on each sub-criterion

CRITERION 1 – VEHICLES’ SUB-SYSTEMS



**PROJECT: "SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS TRAMWAY"**

RFP-241/13

INVITATION TO TENDER

No	SUB-CRITERIA	Max	Min	"Performance Specifications" article
(i)	Car Body	100	60	2 and 5
(ii)	Bogies	100	60	2
(iii)	Door System	100	60	7
(iv)	HVAC System	100	60	11
(v)	Electrical, Mechanical and Magnetic Break Equipment	100	60	12
(vi)	Traction System	100	60	9
(vii)	Auxiliary Power Supply System	100	60	8
(viii)	Train Control and Management Systems	100	60	10

The following list indicates, for each sub-criterion, the scope / subjects that the Evaluation Committee shall take into account during the scoring. It is stressed that the Bidders shall be scored on a comparative basis.

(i) Car Body

- Ø Car body shell construction method
- Ø Artist's renderings of the vehicles' interior
- Ø Drawings of the car body, underfloor and roof layouts
- Ø Collision management philosophy


(ii) Bogies

- Ø Driving and trailer bogies' drawings
- Ø Bogie weight
- Ø Material and manufacturing method
- Ø Unsprung mass loads
- Ø Distribution of loads per wheel
- Ø Motors layout and fixing method on the bogie
- Ø Gearing system
- Ø Suspension system
- Ø Rail/wheel noise mitigation measures
- Ø Lubrication and sanding system
- Ø Disassembly method

(iii) Door System

- Ø Description and characteristics of door system and control equipment
- Ø Door operator drawing
- Ø Description of the door obstacle detection system

(iv) HVAC system

	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
--	--	--------------------------

- ∅ System’s general layout drawings and characteristics
- ∅ System cooling power
- ∅ Weight
- ∅ Fault indication system

(v) Electrical, Mechanic and Magnetic Braking System

- ∅ Description and characteristics of the system
- ∅ Description of the brake blending system

(vi) Traction System

- ∅ Layout drawings and description / characteristics of the traction system
- ∅ Traction system interfaces
- ∅ Wheel diameter compensation
- ∅ Cooling system for the equipment
- ∅ Traction motor removal method
- ∅ Traction motor disconnection system
- ∅ Description of current input protection equipment


(vii) Auxiliary Power Supply Equipment (APSE)

- ∅ Number of the APSE system Static Inverters
- ∅ APSE system drawing and characteristics
- ∅ Load analysis with the APSE system under normal operation conditions, as well as under conditions of absence of traction power
- ∅ Description of current input protection equipment
- ∅ Drawing for APSE system protection devices
- ∅ Layout Drawings and weight of Batteries

(viii) Train (Vehicle) Management and Control System

- ∅ Architecture of the Train (Vehicle) Management and Control System
- ∅ System’s main functional characteristics and capabilities
- ∅ System’s diagnostic capabilities
- ∅ System redundancies
- ∅ Down-graded operation
- ∅ Proposed lines of the vehicle communication channel and the features serving the exchange of data

Bidders not complying with the Technical Specifications or those who submit erroneous information or excessive, unrealistic and – at the same time – non-documented information shall be scored below the minimum (70).

	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

16.2.2 Criterion 2: Weight

Criterion No 2. concerns the weight of the vehicle, as defined in article 3 of the Performance Specifications. In his offer, the Bidder shall determine the tare weight of the vehicle (load AW0, without any batteries/ultra-capacitors, allowing the vehicle’s operation without the overhead catenary system). The Bidder presenting the smallest vehicle weight shall receive the maximum score (100) and the Bidder presenting the greatest vehicle weight shall receive the minimum score (70). All remaining bidders shall be scored on a proportionate basis ranging between the maximum (100) and the minimum (80) score.

16.2.3 Criterion 3: Noise


Criterion No. 3 includes the 6 sub-criteria. Each sub-criterion may receive maximum score (100) and minimum score (60). The total score of the criterion shall derive from the following formula:

$$BK = \frac{\sum BY_i}{6}$$

Where BK is the criterion score
and BY_i is the score on each sub-criterion

CRITERION 3 – NOISE				
No	SUB-CRITERIA	Max	Min	“Performance Specifications” Article
(i)	Internal Noise – Passengers’ Compartment – Stationary	100	60	3
(ii)	Internal Noise – Passengers’ Compartment– 60km/h	100	60	3
(iii)	Internal Noise – Driver’s Cab – Stationary	100	60	3
(iv)	Internal Noise – Driver’s Cab–60km/h	100	60	3
(v)	External Noise – Stationary	100	60	3
(vi)	External Noise – 60km/h	100	60	3

The Bidder “offering” the minimum noise limits shall receive the maximum score, while the Bidder “offering” the maximum noise limits – set in the Technical Specifications - shall receive the minimum score; all remaining bidders shall be scored on a proportionate basis ranging between the maximum (100) and the minimum (60) score.

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
---	---	-------------------

Bidders “offering” noise limits falling outside those determined in the Technical Specifications shall be scored below the minimum scoring (70).

16.2.4 Criterion 4: Reliability

Criterion No. 4 includes 2 sub-criteria, as these are described in article 14 of the Technical Specification. Each sub-criterion can be given the maximum score (100) and the minimum score (60). The total score of the criterion shall derive from the following formula:

$$BK = \frac{\sum BY_i}{2}$$

Where BK is the criterion score
and BY_i is the score on each sub-criterion

CRITERION 4 – RELIABILITY				
No	SUB-CRITERIA	Max	Min	“Performance Specifications” article
(i)	MDBF ₁	100	60	14
(ii)	MDBF ₂	100	60	14

The Bidder with the best Reliability characteristics, i.e., with the highest Mean Time Between Failures value per sub-criterion shall receive the maximum score. The Bidder with the minimum Reliability characteristics, set in the Technical Specifications, shall receive the minimum score, while the remaining Bidders shall be scored on a proportionate basis ranging between the maximum (100) and the minimum (60) score.


The Bidder offering Reliability characteristics falling outside the limits set forth in the Technical Specifications, shall receive a score below the minimum one (60).

16.2.5 Criterion No. 5: Fleet Availability

Criterion No. 5 refers to the Fleet Availability, as this is specified in Article 14 of the Performance Specification.

The Bidder with the best Fleet Reliability shall receive the maximum score (100).

The Bidder offering fleet availability that equals the requirement set in the Technical Specifications shall receive the minimum score (60),

	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

while the remaining bidders shall be scored on a proportionate basis ranging between the maximum (100) and the minimum (70) score.

Bidders offering an availability percentage less than the percentage required by the Technical Specifications shall receive a score less than the minimum one (60).

16.2.6 Criterion No. 6: Maintainability


Criterion No. 6 includes 11 sub-criteria, each one corresponding to the Maintainability value for one major section or sub-system of the vehicles. Each sub-criterion can be given the maximum score (100) and the minimum score (80). The total score of the criterion shall derive from the following formula:

$$BK = \frac{\sum BY_i}{11}$$

Where BK is the criterion score
and BY_i is the score on each sub-criterion

CRITERION 6 – MAINTAINABILITY				
No	SUB-CRITERIA	Max	Min	“Performance Specifications” article
(i)	Preventive Maintenance Duration – two (2) Years	100	80	14
(ii)	Mean Time To Repair a Complete Vehicle	100	80	14
(iii)	Bogies	100	80	14
(iv)	Door System	100	80	14
(v)	HVAC System	100	80	14
(vi)	Electrical, Mechanical and Magnetic Break Equipment	100	80	14
(vii)	Traction System	100	80	14
(viii)	Auxiliary Power Supply System	100	80	14
(ix)	Replacement of tyres (complete vehicle)	100	80	14
(x)	Replacement of windows (complete vehicles)	100	80	14
(xi)	Replacement of front and side external drivers cabs’ panels	100	80	14

The Bidder with the best Maintainability characteristics, i.e., with the lowest Mean Time To Repair value per sub-criterion shall receive the maximum score. The Bidder with the inferior Maintainability characteristics, i.e., with the highest Mean Time to Repair value per sub-criterion shall receive the minimum score, while the remaining

	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

Bidders shall be scored on a proportionate basis ranging between the maximum and the minimum score.

16.2.7 Criterion No. 7: Passenger Capacity

Criterion No. 7 refers to the Vehicle's Passenger Capacity. The bidder offering the best Passenger Capacity shall receive the maximum score (100) and the bidder offering a Passenger Capacity that equals the respective requirement set in the Technical Specifications shall receive the minimum score (70). All remaining bidders shall be scored on a proportionate basis ranging between the maximum (100) and the minimum (60) score.

Bidders offering Passenger Capacity less than the respective capacity required by the Technical Specifications shall receive a score less than the minimum one (60).

ARTICLE 17 CALCULATION OF OFFERS SCORING

The Most Advantageous Offer, in financial terms, is the one, which presents the lower ratio (λ) of the (financial) offer price to the scoring of the Technical Offer, i.e.:

$$\lambda = \frac{\text{Financial Offer}}{\text{Total Scoring (TB) of the Technical Offer}}$$


where:

- § Total Scoring of the Technical Offer (TB) is the sum up of each criterion scoring multiplied by its respective importance.
- § Financial Offer is the overall Lump Sum Price (LSP1 + LSP2) of the Contractor's Table of Offer included in the Financial Offer Form,

The Tender is awarded to the bidder who has submitted the most advantageous, in financial terms, offer.

ARTICLE 18 INVOCATION OF THIRD PARTY RESOURCES

The Bidders can invoke and make use of the financial-economic and/or technical and/or professional capacity of other economic operators, as per article 54 of Directive 2004/17/EC, regardless of the legal nature of the existing relationships between the candidates and these operators.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

In this case, the invocation of third party resources must be available by the bidder for the execution of the Contract and must correspond to the issues dealt with in article 12 of the Invitation.

In case the Bidder is a Consortium/Association of economic operators,, this invocation shall be made by a specific member of the Bidder and shall be connected directly with the role of the member of the Bidder in the execution of the Contractual scope. The invocation shall concern only specific resources to be made available for the Supply, in line with the scope of the Contract that this member will undertake, based on its pertinent statement; otherwise, this invocation shall not be taken into consideration.

The candidates shall incorporate in the respective sub-envelopes the supporting documents that prove the commitment of the above economic operators to make available to the candidates the necessary resources.


In particular:

Sub-envelope A shall include the complete legalization data for the above operators, as per the stipulations of article 11.1.3 of the Invitation, as foreseen for the Bidders. In case the terms of article 11.1.3 are not adhered to, i.e. non-submission of the economic operators’ legalization data, the invocation regarding the financial-economic, technical and professional capacity of the economic operators shall not be taken into account during the evaluation of the offers.

Moreover, Sub-envelope A shall also include a resolution of the BoD, or other competent statutory Body of the operator – as the resolution stipulated in article 11.1.4 for the Bidders - whereby approval shall be granted to provide the Bidder with the financial-economic, technical and professional capacity (experience), so that this capacity can be available to the candidate in the execution of the project. The relevant reference shall be very detailed, itemizing the specific resources that shall be available for the contract, in a manner enabling AM to evaluate and estimate the significance of these resources during the Tender stage, and to ascertain the fulfilment of the commitment during the execution of the contract.

Through this Resolution, the Operator shall bind himself in an explicit manner that he will make available to the candidate the specific resources for the Contract, and that he will be jointly and severally responsible along with the candidate before AM regarding these resources.

In addition, Sub-envelope A shall contain a proofing documentation about the relationship between the Bidder and the operator.

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY” INVITATION TO TENDER	RFP-241/13
---	---	-------------------

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

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

Should the Operators invoke other additional Economic Operators' resources, which (resources) cover a part of those offered by the Operators to the Bidders, proof of just the commitment of the additional Operators to provide their resources to the Operators suffices, while complete legalization of the additional economic operators and a resolution made by the BoD or by the competent body – as stipulated above – are not required.

Sub-envelope B - in correspondence with the requirements of Article 12 of the Invitation - shall include the specific financial-economic, technical and professional resources of the operators invoked by the Bidder, to be made available for the Contract. More specifically, complete information about these resources, as the case is for the Bidders in the aforementioned article, shall be submitted with the indication that it concerns third party (operator) resources.

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

Upon the Contract signing, the bidder binds himself to make available the financial-economic, technical and professional resources of other operators that he invoked for the execution of the Supply.


If for any reason whatsoever, the Bidder fails to meet the aforesaid commitment, then the Participation Letter of Guarantee, stipulated in article 6 of the Invitation, shall become payable to AM.

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

ARTICLE 19 CANCELLATION - ANNULMENT OF THE TENDER

19.1 The Tender shall be completed upon approval of its results and its award by AM's BoD.

19.2 The result of the Tender may be cancelled by AM's BoD resolution in the following cases:

 ATTIKO METRO A.E.	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
---	---	-------------------

- a) for irregular conduct of the tender procedure, provided that the result of the Tender is affected by the irregularity;
- b) if competition was insufficient or if there are significant indications that the bidders have communicated between them against the actual competition;
- c) if the validity of the financial offers expired and if the Bidders do not provide the required extensions;
- d) if the result of the Tender is deemed to be either financially disadvantageous or unsatisfactory;
- e) if the competition developed is deemed to be unsatisfactory.

19.3 The Tender may also be cancelled by resolution of AM's BoD, especially if:

- a) the execution of the contractual scope no longer interests AM;
- b) other reasons of public interest imposing the cancellation of the Tender exist.
- c).


19.4 If errors or omissions are noted at any phase of the procedure, the Tender procedure may be partially cancelled and/or, its result may be reformed accordingly by AM's BoD, or it may be decided by AM's BoD itself to repeat the Tender from the point where an error or omission was noted.

18.5 In case of cancellation or annulment of the Tender, the participants do not have any right of compensation for any reason whatsoever.

ARTICLE 20 EXECUTION OF THE CONTRACT

The Contract shall be concluded once the resolution pertaining to the approval of the results of the Tender and the award of the Contract is issued by ATTIKO METRO Board of Directors and once the Court of Auditors and the Greek Parliament grant their consent and not upon the announcement of the final results as per the stipulations in article 15.5 herein.

The appointed Contractor will be invited, within the validity period of his offer and at the latest within a 30-calendar day deadline following the said invitation by AM, to sign the Contract. Should this deadline elapse idle on the appointed Contractor's fault, who, despite having been called, does not show up for the signing of the Contract or does not submit the required guarantees, or fails to comply with his obligations as stipulated in this document, the Letter of Guarantee for

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

Participating in the Tender becomes payable in favor of AM. In this case, **AM's Board of Directors nominates as the Contractor the Bidder whose offer follows in the classification drawn by the Tender Committee, in line with the provisions of article 19.2 of this Document. AM reserves the right not to award the Tender, without this constituting any kind of obligation for any compensation to any interested party.**

Within the aforementioned deadline and prior to the conclusion of the Contract, the Contractor shall submit the following to AM:


20.1 Within a deadline of ten (10) working days prior to the Contract conclusion, the appointed Contractor shall submit all evidence and documentation concerning the submitted Legal Statement, stipulated in article 11.2.

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

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

20.1.1 As far as Greece is concerned, the aforesaid data stipulated in article 10.2 above are proved through the relevant certificates issued by the competent Courts of the First Instance. These certificates should prove that:

- a. No decision has been issued showing that the Bidder has been declared in a state of bankruptcy;
- b. No application has been filed during the last two years to declare the Bidder in a state of bankruptcy;
- c. No application has been filed for appointing or replacing a receiver or co-receiver;
- d. There is no court decision putting the Candidate under coercive administration.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
---	--	--------------------------

For cases under the items of Article 10.2, the foreign Bidders must submit other equivalent document issued by the Judicial or Administrative Authority of their country of origin, proving that the aforesaid preconditions are met. In case the country concerned does not issue such a document or certificate or in case this document or certificate does not cover all the cases stipulated above, then the said document or certificate can be substituted by a statement under oath (affidavit) to be submitted by the interested party; moreover, in the member-states where there is no provision for the issuance of affidavits, these can be replaced by an official statement before the Judicial or Administrative Authority concerned, a notary public or a professional organization of the country of origin of the bidder.

20.1.2 As far as case 10.3 is concerned, the bidder shall submit a certificate issued by the competent Authority (Professional Record or the respective Chamber) verifying that no offence has been committed inducing the imposition of a disciplinary action. The Companies for which there is no disciplinary council shall submit an official statement certifying that no disciplinary council exists and that they have not committed any grave professional offence.


20.1.3 The Items of article 10.4 - as far as Greece is concerned - are proved through a certificate certifying that no debt is due, which is issued by IKA or any other responsible social security fund. As regards foreign Bidders, the submission of a certificate to be issued by the authority concerned of the country of origin is required.

20.1.4 As far as Greece and items of article 10.5 are concerned, a dept clearance certificate issued by the competent Tax Authorities must be submitted. For Companies non-taxable in Greece, a certificate is required to be issued by the competent Greek Authorities or an official statement of the Bidders, stating, "they are not subject to taxation in Greece". In this case, a pertinent certificate, issued by the competent authority of the member-state concerned, must be submitted.

Especially, as regards the Tax and Insurance Clearance Certificates, it is stressed that they should be valid at the Contract signing date.

20.2 In case the Contractor is a Joint Venture, ten (10) working days before signing the Contract the subject Contractor shall submit a Notary Act for the establishment of the Joint Venture; the following shall necessarily be included therein, namely:

1. The joint venture's acceptance to jointly participate in the execution of the Contract.
2. The participation percentage of each member in the joint venture.
3. The appointment of the member-companies with the highest percentage in the Joint Venture as Leader, who shall have the

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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irrevocable order and authorization of the remaining member-companies to represent the joint venture and commit its members before AM throughout the duration of the Contract, and, in general, to act and state what is necessary for the implementation of the Contract. The natural entity to be appointed as the common representative of the joint venture before AM shall derive from this member (Leader) of the Joint Venture.

4. The members shall be solidly and wholly responsible before AM with regard to the obligations ensuing from the Contract.

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

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


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

- 20.3** Ten (10) calendar days prior to the signing of the Contract, the Contractor should submit a Certificate by the Insurance Company (-ies) about the insurance coverage of the Project, in line with the stipulations of article 18 of the Conditions of Contract.

The original insurance policies shall be submitted by the Contractor, within a 20-calendar day deadline as of the Contract signing, along with the receipt for the payment of the first premium instalment. In case the Contractor does not comply with the above, the stipulations of article 28 of the Conditions of Contract are in effect.

- 20.4** Ten (10) calendar days before the Contract signing, the Contractor shall submit anew, updated, the participation documentation specified in article 11.1.3 of this Invitation, as these have been submitted during the Tender stage, whose validity has expired.

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

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: “SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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Letter of Guarantee. The subject Letter of Guarantee shall have been issued by a Bank lawfully operating in Greece or by a Bank lawfully operating in a member-state of the E.U. or EFA, accompanied – in this last case – by an official translation into Greek. The amount of the guarantee to be deposited is determined at ten per cent (10%) of the Overall Lump Sum Price (LSP) of the Contractor’s Financial Offer.

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

The official language for the conduct of the Tender and the Contract to be signed is Greek. All back up documents, certificates and documents required to be submitted during the conduct of the Tender shall be in Greek. Should the original documents in question have been drawn originally in a language other than Greek, **they should be accompanied by an official translation in Greek and the Greek language shall prevail.** The translation authenticated by the Greek consular authorities or the Translation Department of the Greek Ministry of Foreign Affairs or by an attorney according to the stipulations of the code of attorneys is accepted as an official translation. The translation includes the seals of the Public Authorities that issue or ratify the documents, as well as the Apostille.

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

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


ARTICLE 22 DEADLINES FOR THE SUPPLY’S EXECUTION

A period of nine hundred and forty (940) calendar days following the signing of the Contract is defined as the time period required for full completion of the Scope of the Contract.

For the timely completion of the Supply, partial completion deadlines for specific works are set as per article 8, paragraph 2 of the Document entitled “Conditions of Contract”.

ARTICLE 23 ESTIMATED BUDGET - RETENTION - ADVANCE PAYMENT - PAYMENTS

23.1 The Contract Scope estimated Budget amounts to 66,250,000.00 EURO, VAT not included. The Financial Offer of the Bidders shall be prepared and submitted based on the aforesaid budget. The estimated budget is binding and the Bidders are not allowed to exceed it.


 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
---	---	-------------------

- 23.2** No price re-adjustment is foreseen for the Contract validity period.
- 23.3** It is clarified that, in accordance with the stipulations of Law 1642/86 regarding the application of the Value Added Tax (FEK A25), VAT shall be borne by the Project Owner.
- 23.4** **Provision is made for an interest-bearing Advance Payment to the Contractor equal to ten percent (10%) on the overall lump sum price of his Financial Offer. This advance payment shall be optional. The said advance payment shall be provided upon the Contractor's request. It is stressed that the Good Performance Letter of Guarantee also covers the Advance Payment to the Contractor of an equal amount, without the depositing an Advance Payment Letter of Guarantee being a prerequisite, as per the stipulations of paragraph 15, article 25 of L. 3614/07, as amended and currently in force by virtue of paragraph 1, article 4 of Law 4156/13.**
- 23.5** The Advance Payment shall be partially and proportionally amortized, during partial payments, in line with article 10.1 of the Conditions of Contract.
- 23.6** Upon granting the Advance Payment to the Contractor, payments of the Contractual Price shall be effected based on the progress of works, in accordance with the provisions of article 10, paragraph 2 of the document entitled "Conditions of Contract".
- 23.7** The Contractor shall bear all taxes, duties, retention, etc., as per the Greek Legislation.
- 23.8** The Supply shall be funded by the European Regional Development Fund (ERDF) and by National Resources, through Attica Regional Business Plan (PEP) 2007-2013/Public Investments Program.
- 23.9** Any financial offers exceeding the amount of AM's estimated budget as stipulated in article 23.1 of this document are not accepted in the tender procedure.

ARTICLE 24 APPLICABLE LEGISLATION

The Contract to be signed, from the date when it is assigned to the Contractor until its completion, shall be governed by the terms of the contractual documents, the Greek Legislation, and more precisely by the Civil Code. The Courts of Athens are the only competent authorities.


Prior to the signing of the Supply Contract, the relations with AM are regulated on the basis of Directive 2004/17/EC, PD 59/2007 concerning the adaptation of the Greek Legislation to the stipulations

 ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
---	---	-------------------

of Directive 2004/17 EC, Law 3886/10, the Greek Civil Code and the Tender Documents.

ARTICLE 25 PUBLICITY

A summary of this Invitation to Tender has been transmitted for publication in the Official Journal of the European Communities (OJEC) on 08.11.2013 The same summary of this Invitation to Tender has also been transmitted for publication in the Greek Press.

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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SAMPLE A

To the Invitation to Tender

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LEGAL STATEMENT

as per article 11.2 of the Invitation to Tender

To the **Committee responsible for the Tender** for the supply presented above

The undersigned¹,
resident of, holder of the Identity Card no.
....., issued by, on
.....

Bidder² for the Tender or legal representative³ of the company or the legal entity
under the name
.....
.....⁴

I hereby declare, having full cognizance of the consequences of my declaration, as these (consequences) are stipulated in the general provisions concerning legal statements, the following:


A. In accordance with the provisions of article 10 of the Invitation, no proceedings have been conducted against the undersigned or the managers of the company or the legal entity I represent; the undersigned or the managers of the company or the legal entity I represent have not been convicted following issuance of a decision by a

¹ Full name and father's name of the undersigned of the legal statement

² in case of a private-owned company

³ authorized by the managing bodies of the legal entity, in case a company participates in the Tender either as an individual Bidder or as member of a Consortium or Joint Venture

⁴ delete all non-related sentences

 ATTIKO METRO A.E.	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
---	---	-------------------

Greek or foreign Court⁵, for embezzlement, fraud, forgery, perjury, bribery, fraudulent bankruptcy, participation in a criminal organization and legalization of revenues from illegal activities, in accordance with the legislation of the country of my seat (or of the country where the legal entity I represent is seated).

B. Neither I, (nor the company I represent⁶), are the subject of proceedings for a declaration of bankruptcy, for an order of compulsory wounding up⁷ or administration by the court.

C. I have not (or the company I represent), committed any serious professional breach that has been ascertained and has been disciplinary punished, in any way whatsoever, as per the stipulations of article 10.3 of the Invitation.

D. I have fulfilled my obligations (or the company I represent has fulfilled its obligations) regarding the payment of social security contributions, according to the legislative provisions of Greece.

E. I have fulfilled my obligations (or the company I represent has fulfilled its obligations) regarding the payment of taxes and duties, in accordance with the legislative framework in force in Greece.

F. All the statements made above are true. I am fully aware of the fact that and I hereby accept that the truthfulness of my declarations shall be checked in the event I am appointed as the Contractor for this Contract and that I will be disqualified from the Tender, if any of my declarations is proved to be untrue.

(Place – Date)


.....

The undersigned

⁵ delete the sentence not applicable in this case

⁶ the sentences not applicable in this case are deleted from items B, C

⁷ the word "wounding up" is deleted in case the bidder is a natural entity

	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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ΥΠΟΔΕΙΓΜΑ Β

ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΣΥΜΜΕΤΟΧΗΣ

Προς την
ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.
Μεσογείων 191-193
115 25, Αθήνα

ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΥΠ' ΑΡΙΘΜ. ΓΙΑ ΠΟΣΟ 1.325.000,00 ΕΥΡΩ,

1. Με την επιστολή αυτή σας γνωστοποιούμε ότι εγγυόμαστε ρητά, ανέκκλητα και ανεπιφύλακτα, ευθυνόμενοι απέναντί σας εις ολόκληρο και ως αυτοφειλέτες υπέρ του/της (τίθεται η επωνυμία του διαγωνιζομένου) για ποσό ενός εκατομμυρίου τριακοσίων είκοσι πέντε χιλιάδων ΕΥΡΩ (1.325.000,00 €) για τη συμμετοχή του/της στο Διαγωνισμό που διενεργεί η ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. για την ανάθεση της Σύμβασης **RFP-241/13 «ΠΡΟΜΗΘΕΙΑ ΤΡΟΧΑΙΟΥ ΥΛΙΚΟΥ (ΣΕΙΡΑ ΙΙ) ΤΟΥ ΤΡΟΧΙΟΔΡΟΜΟΥ ΤΗΣ ΑΘΗΝΑΣ»**. Η εγγύησή μας καλύπτει τον παραπάνω διαγωνιζόμενο μόνο για την συμμετοχή του στον Διαγωνισμό.
2. Παραιτούμαστε ρητά και ανεπιφύλακτα από την ένσταση του ευεργετήματος της διαιρέσεως και διζήσεως, από το δικαίωμα προβολής εναντίον σας όλων των ενστάσεων του πρωτοφειλέτη ακόμη και των μη προσωποπαγών και ιδιαίτερα οποιασδήποτε άλλης ένστασης των άρθρων 852-856, 862-869 του Αστικού Κώδικα, όπως και από τα δικαιώματά μας που τυχόν απορρέουν από τα υπόψη άρθρα.
3. Με την κοινοποίηση σε εμάς σχετικής έγγραφης ειδοποίησής σας, σας δηλώνουμε ότι αναλαμβάνουμε με την παρούσα επιστολή, τη ρητή υποχρέωση να σας καταβάλλουμε εντός τριών ημερών από την ημέρα κοινοποίησης της ειδοποίησης αυτής στην Τράπεζά μας, χωρίς οποιαδήποτε αντίρρηση, ολόκληρο το ποσό της εγγύησης, σύμφωνα με τις οδηγίες σας.
4. Για την καταβολή της παρούσας εγγύησης δεν απαιτείται καμία εξουσιοδότηση, ενέργεια ή συγκατάθεσή του ως άνω διαγωνιζομένου ούτε θα ληφθεί υπόψη οποιαδήποτε τυχόν ένσταση ή επιφύλαξη ή προσφυγή του διαγωνιζομένου αυτού στη διαιτησία ή στα δικαστήρια, με αίτημα τη μη κατάπτωση της εγγυητικής επιστολής, ή τη θέση αυτής υπό δικαστική μεσεγγύηση.
5. Σας δηλώνουμε ακόμη ότι η υπόψη εγγύησή μας υπέρ του ως άνω διαγωνιζομένου θα παραμείνει σε πλήρη ισχύ για περίοδο δεκατριών (13) μηνών από την ημερομηνία λήξης της προθεσμίας για την υποβολή των προσφορών. Για όλο αυτό το χρονικό διάστημα θα παραμείνουμε υπεύθυνοι απέναντί σας για την άμεση καταβολή σε εσάς του ποσού της εγγύησης μέχρι να επιστραφεί στην τράπεζά μας η παρούσα εγγυητική επιστολή, μαζί με έγγραφη δήλωσή σας ότι μας απαλλάσσετε από την υπόψη εγγύηση.
6. Οποιαδήποτε διαφορά τυχόν προκύψει σε σχέση με την παρούσα εγγύηση ή με οποιαδήποτε πληρωμή με βάση την εγγύηση αυτή, θα επιλύεται από τα αρμόδια ελληνικά δικαστήρια της Αθήνας.
7. Δηλώνουμε ομοίως, ότι με την έκδοση της παρούσας δεν γίνεται υπέρβαση των ορίων που έχουν τεθεί και ισχύουν για την τράπεζά μας σε ότι αφορά τις εκδιδόμενες από εμάς εγγυητικές επιστολές.

 ATTIKO METRO A.E.	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
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SAMPLE C

PARTICIPATION LETTER OF GUARANTEE

To
ATTIKO METRO S.A.
191-193 Messogeion Avenue
115 25 Athens, Greece

LETTER OF GUARANTEE No. _____ FOR THE AMOUNT OF 1,325,000.00
EURO

1. We hereby advise that we expressly, irrevocably and unreservedly guarantee, being liable toward you in full and as debtors on behalf of(Bidder's name) for the amount of **1,325,000.00 EURO** for its participation in the Tender conducted by **ATTIKO METRO A.E.** for the award of the contract with Reference No. **RFP-241/13** entitled "**SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY**". Our guarantee shall cover the aforementioned Bidder only for his participation in the Tender.
2. We explicitly and unreservedly waive the right to make use of the benefit of division and discussion; the right of bringing against you all and any of the objections of the primary obligor including even those non-personal and especially any other objections as per Articles 852-856, 862-864 and 866-869 of the Greek Civil Code; and any rights which may arise from said articles.
3. Upon communication to us of your relevant written notification, we declare that we hereby undertake the explicit obligation to pay to you within three days upon receipt of your communication by our Bank, without any objection whatsoever, the amount of guarantee in whole, according to your directions.
4. For the payment of the said guarantee no authorization, action or consent by the aforementioned Bidder is required, nor shall any consideration be given to any objection or reservation or recourse by same to arbitration or the courts requesting the non enforcement of this letter of guarantee, or the placing of same under court sequestration.
5. We further declare that the said guarantee in favor of the aforementioned Bidder shall remain in force for a thirteen (13) month period, upon the expiry date for the offers submission. Until that time, we shall remain under obligation to directly pay to you the amount of the guarantee until this letter of guarantee is returned to our Bank, together with your written statement that you release us from said guarantee.
6. Any dispute that may arise in relation to this letter of guarantee or any other payment based on this letter of guarantee shall be solved by the competent Greek Courts of Athens.
7. We hereby declare, with the issuance of this letter of guarantee, that there is no violation to the monetary limits established in the regulations for our Bank with regards to the issuance of letters of guarantees.

	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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ΥΠΟΔΕΙΓΜΑ Δ


ΒΕΒΑΙΩΣΗ ΧΡΗΜΑΤΟΛΗΠΤΙΚΗΣ ΚΑΙ ΟΙΚΟΝΟΜΙΚΗΣ ΙΚΑΝΟΤΗΤΑΣ

Προς την
ΑΤΤΙΚΟ ΜΕΤΡΟ ΑΕ
Μεσογείων 191-193
115 25, Αθήνα

Κύριοι,

Σε συνέχεια αιτήματος που μας υπέβαλε η εταιρία(επωνυμία & διεύθυνση διαγωνιζομένου), η οποία όπως δήλωσε, πρόκειται να συμμετάσχει στο διαγωνισμό που πρόκειται να διενεργηθεί στις ή οποιαδήποτε άλλη μετά από ματαίωση, αναβολή ή ακύρωση ημερομηνία, για την εκτέλεση της Προμήθειας **RFP-241/13** με τίτλο «**ΠΡΟΜΗΘΕΙΑ ΤΡΟΧΑΙΟΥ ΥΛΙΚΟΥ (ΣΕΙΡΑ II) ΤΟΥ ΤΡΟΧΙΟΔΡΟΜΟΥ ΤΗΣ ΑΘΗΝΑΣ**», σας βεβαιώνουμε τα εξής:

1. Η ως άνω εταιρία συνεργάζεται με την Τράπεζά μας και η μέχρι σήμερα συναλλακτική συμπεριφορά της κρίνεται ικανοποιητική.
2. Με βάση τη σημερινή οικονομική της κατάσταση μπορεί να πιστοδοτηθεί από την Τράπεζά μας υπό συγκεκριμένους όρους και προϋποθέσεις, μέχρι του ποσού των Ευρώ το οποίο να χρησιμοποιηθεί:
 - Για χρηματοδοτήσεις μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
 - Για εγγυητικές επιστολές μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
3. Σε περίπτωση που η εταιρία αναδειχθεί ανάδοχος της ως άνω Σύμβασης, η Τράπεζα προτίθεται να εξετάσει οποιοδήποτε συγκεκριμένο αίτημα πιστοδοτήσεως υποβληθεί για τη Σύμβαση αυτή:
 - Για χρηματοδοτήσεις μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
 - Για εγγυητικές επιστολές μέχρι ποσού Ευρώ.....(.....)
(Να συμπληρωθεί ολογράφως και αριθμητικώς)
4. Η Τράπεζα, σε κάθε περίπτωση πιστοδοτήσεως, εξετάζει, με τραπεζικά κριτήρια, τους ειδικούς όρους και τις προϋποθέσεις πιστοδοτήσεων που εφαρμόζει, τους ισχύοντες νομισματικούς κανόνες και την οικονομική κατάσταση και τις προοπτικές της εταιρίας κατά τον χρόνο της χρηματοδοτήσεως
5. Η παρούσα δεν επέχει θέσει εγγυητικής επιστολής ή συμβουλής ή συστάσεως κατά τη διάταξη του άρθρου 729 του Αστικού Κώδικα.

 ATTIKO METRO A.E.	PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER	RFP-241/13
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**SAMPLE E
CREDIT AND FINANCIAL COMPETENCE CERTIFICATE**


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

Dear Sirs,

Following the request submitted by the company(*name and address of the Bidder*), which declared that it shall participate in the tender to be conducted on or on any date following an eventual cancellation, postponement or annulment of the Tender for the execution of the Supply: **RFP-241/13** entitled "**SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY**", we hereby affirm the following:

1. The aforesaid Company cooperates with our Bank and its transactional behaviour until the present date is deemed to be satisfactory.
2. Based on its current financial status, this Company may be credited by our Bank under specific terms and conditions up to the amount of which can be used as follows:
 - For financing, the limit of EURO..... (.....)
(To be filled in full and in numbers)
 - For letters of guarantee, the limit of EURO..... (.....)
(To be filled in full and in numbers)
3. In the event that the Company is appointed as the Contractor of the aforesaid , our Bank is willing to examine any specific request for crediting that may be submitted in the framework of this Contract:
 - For financing, the limit of EURO..... (.....)
(To be filled in full and in numbers)
 - For letters of guarantee, the limit of EURO..... (.....)
(To be filled in full and in numbers)
4. In any case of crediting, the Bank shall examine - based on banking criteria - the special crediting terms and conditions that it implements, the applicable monetary regulations, as well as the financial status and the perspectives of the Company during the financing period.
5. This certificate shall not serve as letter of guarantee or advice or suggestion, in line with the provisions of article 729 of the Civil Code.

FINAL


	<p align="center">PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p align="center">INVITATION TO TENDER</p>	<p align="center">RFP-241/13</p>
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ΠΙΝΑΚΑΣ Α

ΔΙΑΓΩΝΙΖΟΜΕΝΟΣ:

ΧΡΗΜΑΤΟΛΗΠΤΙΚΗ ΚΑΙ ΟΙΚΟΝΟΜΙΚΗ ΙΚΑΝΟΤΗΤΑ ΤΟΥ ΔΙΑΓΩΝΙΖΟΜΕΝΟΥ (Σε περίπτωση Κοινοπραξίας)

Α/Α	Όνομα Υποψηφίου ή Μελών της Κοινοπραξίας	Τραπεζικές Βεβαιώσεις							Παρατηρήσεις	
		Πιστωτικό Ίδρυμα	Αριθμός και ημερομηνία εγγράφου	Ύψος χρηματοληπτικής και οικονομικής ικανότητας	Ποσό εγγυητικών επιστολών	Ποσό δανειοληπτικής Ικανότητας	Ποσό για το Έργο			
							Ποσό δανειοληπτικής ικανότητας για το Έργο	Ποσό εγγυητικών επιστολών για το Έργο		
1	2	3	4	5	6	7	8α	8β		

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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Ημερομηνία
Ο ΥΠΟΨΗΦΙΟΣ



**PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II)
FOR THE ATHENS TRAMWAY"**

RFP-241/13


INVITATION TO TENDER

TABLE A

BIDDER:

**CREDIT AND FINANCIAL COMPETENCE OF THE BIDDER
(In case of a Consortium)**

No.	Name of the Bidder or Members of the Consortium	Bank Certificates							Remarks	
		Credit Institution	Number and Date of Document	Amount of Credit Competence	Amount of Letters of Guarantee	Amount of credit competence	Amount for the Project			
							Amount of credit competence for the Project	Amount of Letters of Guarantee for the Project		
1	2	3	4	5	6	7	8a	8b		

 <p>ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε.</p>	<p>PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY"</p> <p>INVITATION TO TENDER</p>	<p>RFP-241/13</p>
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Date
THE BIDDER