



ATTIKO METPO A.E.

**TITLE OF THE TENDER: "SUPPLY OF ROLLING STOCK
(SERIES II) FOR THE ATHENS
TRAMWAY"
RFP-311/167 A.Σ. 38694**

FUNDING: The Supply is co-funded within the framework of the NSRF 2014-2020, through the Act "Tramway Westbound Extension to Piraeus" and the Business Plan "Attica"

ESTIMATED BUDGET: EURO 64,250,000.00 (VAT excluded)

INVITATION TO TENDER



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|  <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-311/17</p> <p>A.Σ. 38694</p> |
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Attachments:

- 1. SAMPLE A1: Participation Letter of Guarantee in Greek**
- 2. SAMPLE A2: Participation Letter of Guarantee in English**
- 3. SAMPLE B1: Certificate concerning the Credit and Financial Competence in the Greek language**
- 4. SAMPLE B2: Certificate concerning the Credit and Financial Competence in the English language**
- 5. TABLE C1 Concerning the Credit and Financial Competence of the Bidder in Greek**
- 6. TABLE C2 Concerning the Credit and Financial Competence of the Bidder in English**

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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 electronic Tender based on the open procedure and invites all interested economic operators to submit offers, in accordance with the stipulations of this Invitation to Tender and its associated documents for the 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, Postal Address: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 - CPV CODE

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 their pulling.**

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”.

2.3 **The CPV Code for the Contract is: 34622000-3 “Railway or Tramway passenger transportation vehicles or trolley-buses” and the NUTS Code is GR3.**

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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-311/17**, shall be shown on all Envelopes and Sub-envelopes of 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 electronically through the web portal www.promitheus.gov.gr of E.S.I.D.I.S. - National Electronic Public Procurement System, it shall be based on the open procedure and a summary of this Invitation shall be published in the Official Journal of the European Union, in DIAVGEIA, in the Greek Press and in AM's web page. Moreover, the Invitation to Tender shall be posted on the Central Electronic Registry for Public Contracts (KIMDIS), while all tender documents shall be posted on AM's website www.ametro.gr.

The Bidders shall submit their offers, in line with the provisions of the Tender Documents.

4.2 The Tender shall be conducted as per the stipulations of Directive 2014/25/EU “about the procurement by entities operating in the water, energy, transport and postal services sectors (E.U. L 94/243/28.03.2014) and in accordance with Law 4412/16 (FEK A' 147/08.08.2016).

4.3 The criterion for the Contract award shall be the most advantageous offer, in financial terms, on the basis of the best price-quality ratio, in accordance with article 311, Law 4412/16.


ARTICLE 5 ELIGIBLE TO PARTICIPATE

5.1 Acceptable to the Tender shall be individual economic operators and individual companies or consortia / associations thereof, that are established:

a) in a member – state of the European Union;

b) in a member – state of the European Financial Area (EFA), or

c) in third countries which do not fall under the aforementioned cases and have signed and ratified the Public Procurement Agreement (PPA), to the extent that the contract under award is covered by Annexes 1, 2, 4 and 5 and the general notes of Appendix I of the aforesaid PPA, or

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d) in third countries that do not fall under item c. above and have concluded a bilateral or multilateral agreement with the European Union on issues pertaining to the procedures for the award of public contracts;

AND

They should prove that they fulfill the terms of this Invitation.

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.**


In order to participate in the tender in the form of joint ventures or consortia, the Bidders shall not be obliged to be vested with a specific legal form. However, the Joint Venture or the Consortium to be selected, shall be obliged, if the contract is assigned to it, to submit to AM a notary act about the establishment of the Joint Venture or the Consortium.

In any case, the legalizing documents related to the establishment should prove that each member of the Joint Venture / Consortium is jointly and indivisibly liable before AM for the execution of the contract,

5.3 In order to participate in the tender, the economic operators interested in the subject tender shall possess a digital signature granted by an accredited authority providing digital signatures and shall be registered in the electronic system (E.S.I.D.I.S. - National Electronic Public Procurement System – web portal www.promitheus.gov.gr), adhering to the registration procedure detailed herebelow, in line with the stipulations of article 11 of Ministerial Decision Π1/2390/2013 (FEK/B'/2677/21.10.13) and in Law 4412/16.

Visiting the website E.S.I.D.I.S. and following the link <Register as Economic Operator>, the economic operators request their registration (they should provide all necessary information and they should accept all terms of use), providing the following identification details:

- Those economic operators having a Greek Tax Payer’s Number (AFM) shall identify and authenticate themselves to the System using their credentials (Username and password) already given to them by the TAXISNET of the General Secretariat of Information System. Upon identification, the registration of the user shall be approved by the General Department of Public Procurement – Department of Procurement Policy - Programming and Information Section.

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- Those economic operators – users belonging to the member states of the European Union, not having a Greek Tax Payer’s Number (AFM) shall request for their registration filling in the VAT Identification Number and shall identify and authenticate themselves to the System using the credentials they possess by the respective System. Upon identification, the registration of the user shall be approved by the General Department of Public Procurement – Department of Procurement Policy - Programming and Information Section.
- Those economic operators – users belonging to Third Countries shall request for their registration and shall identify and authenticate themselves via the General Secretariat for Trade, submitting:
 - Either a legal statement – bearing a digital signature – accompanied by an official translation into Greek;
 - Or a statement under oath or a certificate in PDF format accompanied by an official translation into Greek, and in line with the terms prevailing in the member-state where the economic operator is seated; the statement under oath or the certificate shall state / prove the registration of the economic operator in a Professional or Trade Registry and shall be submitted to the Service concerned in a printed form (original or true copy) within three (3) working days.

The request for registration shall be submitted electronically by all prospective users using the System’s web portal, as referred to above. The prospective user shall be informed about the status of his/her registration request by the System or by e-mail. Should the request for registration be approved, then the prospective user receives a link to activate the account as an authenticated user and proceeds to the activation of his/her account.

5.4 Through his/her participation in the Tender, bidders acknowledge that they have been fully informed about the terms of this Invitation and the remaining information and that they accept same with no reservation whatsoever.

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 one million two hundred and eighty five thousand (1,285,000.00 (€)) corresponding to **two percent (2%)** of the estimated budget of the scope of the Supply, VAT excluded.

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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 is issued to the benefit of AM, at the sole expense of the Bidder. The letters of guarantee shall be issued by Credit institutions lawfully operating in the member-states of the European Union, or the European Financial Area (EFA) or in the member-states that have signed the Government Procurement Agreement and have this specific right, in line with the applicable provisions. In addition, they can be issued by ETAA/TMEDE or be provided by depositing a trust of an equal amount or bonds of equal value to the Trusts and Loans Fund. The Participation Letters of Guarantee shall be compiled in accordance with SampleA1 attached to this document.


In case the Letter of Guarantee cannot be issued in Greek because the issuing Bank does not operate in Greece, the Letter of Guarantee shall be issued in English, as per Sample A2 of this Invitation

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.

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 Credit Institutions, for this organization to verify in writing the validity of the subject LoG. In case the aforementioned checking shows that an invalid, false or forged Letter of Guarantee for Participation in the Tender has been submitted, then the Bidder shall be disqualified from the Tender, and a criminal complaint shall be filed to the District Attorney.

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.

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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.

The Participation Letter of Guarantee shall be returned to the remaining Bidders, if:

- a) the deadline for filing an appeal elapses idle or if a resolution is made on an appeal filed against the awarding resolution, and
- b) the deadline for filing interim measures elapses idle or if a resolution is made on those interim measures.

6.7 The Letter of Guarantee for Participation **becomes payable** if the nominated Contractor provides false data and information or, even though invited, does not show up to sign the Contract within the deadline set by AM or if he does not submit the required Good Performance Guarantees and/or documents or if he does not adhere to the stipulations of articles 20 and 21 of this Invitation.

ARTICLE 7 PROVISION OF TENDER DOCUMENTS - CLARIFICATIONS

7.1 The Tender Documents shall be posted in E.S.ID.I.S web portal www.promitheus.gov.gr and shall be as follows:


- a) The Financial Offer Form
- b) The present Invitation to Tender and the European Single Procurement Document (ESPD)
- c) The Conditions of Contract
- d) The Performance Specifications (along with its Annexes and the drawings attached thereto).

7.2 In addition, the Tender documents shall be posted in ATTIKO METRO (AM)'s web page www.ametro.gr, while information about the subject tender shall be provided by Mrs. Aik. Saiti, Tel.: (30) 210 679 2473, Fax: (30) 210 679 2219.

7.3 Any **questions** and clarifications related to the documents of the Tender can be expressed by the bidders electronically in E.S.ID.I.S web portal www.promitheus.gov.gr by **March 10th 2017 at 11:00.**

It is stressed that in order to submit requests for supplementary information – clarifications, the economic operators must be registered in the system, i.e. they must have the necessary credentials (Username and password) already given to them. The electronic file containing the list of the questions must bear a digital signature.

AM shall collect all questions through the website and will issue a **Clarifications Document** which shall be posted in E.S.ID.I.S web

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portal by **March 24th 2017 at 11:00** at the latest. Please note that answers will be provided only to questions that have been submitted electronically.

It is stressed that any information, views, etc. that might be provided or expressed by any member, executive or employee of AM shall not be binding.

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 **Thursday March 30th 2017 at 11.00 hours**. Overdue submission of the offers shall entail the disqualification of the bidder, even if the delayed submission is due to force majeure.


8.3 **Electronic offers shall be unsealed four (4) working days** upon expiry of the deadline for the submission of the offers, i.e. on **April 6th 2017 at 11:00** hours.

8.4 **At the penalty of disqualification** bidders shall submit their offers together with their accompanying documents in pdf format at the web portal www.promitheus.gov.gr of E.S.I.D.I.S by the deadline and time stipulated above, in Greek, in an electronic file, in line with the provisions of Law 4155/13 (120A') of Ministerial Decision P1/2390/21-10-2013 (2677B') and the stipulations of this Invitation.

The time of the submission of the offers and any electronic communications performed through the System shall be confirmed automatically by the system through time stamping, as stipulated in article 6 of Ministerial Decision P1-2390/13.

8.5 At the penalty of disqualification and **within three (3) working days upon electronic submission to the Awarding Authority (submission to AM's Document Control Centre until 15:00)**, bidders shall also submit in **printed form** any supporting documents and data that have not been issued/prepared by the same economic operator (bidder) and which do not bear his digital signature. By way of example, such documents are warrantees, certificates or attestations issued by public authorities or other bodies. It is clarified that Government Gazette Issues submitted in the electronic offer are not required to be submitted in printed form.

The aforementioned supporting documents and data provided in printed form shall be deposited in a sealed envelope to the Document Control Centre (DCC) of AM and shall be accompanied by a document drafted by the bidder listing the above in detail. This envelope shall

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bear the indication “**Individual Participation Supporting Documents in Printed Form – Technical Offer**” and shall necessarily bear the following label:

The sealed envelope must be accompanied by a **cover letter outside the envelope.**

SEALED OFFER
Title of the Bidder

FOR THE TENDER:
“**SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”**
(REFERENCE CODE RFP-311/17)

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

Attention: TENDER COMMITTEE

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

8.6 Offers shall be valid and shall bind the bidders for **three hundred and sixty (360) days** upon the day that follows the deadline for the submission of the offers.

The validity of the offer can be extended further to AM’s pertinent request and on condition that the bidder provides its consent for the time period deemed necessary for the completion of the tendering process. Any offers including an expiry date earlier than the aforementioned one, shall be **rejected** as unacceptable.


8.7 At the penalty of disqualification, it is not allowed to proceed with the submission of alternative or partial offers f.

ARTICLE 9 MANNER OF PREPARATION AND CONTENT OF THE OFFER

9.1 The content of the electronic file of the offer shall be set as follows:

- (a) One (Sub)envelope* bearing the indication “Back-Up Documentation for Participation – Technical Offer”; (it shall contain information required in line with articles 11 and 13 of this Invitation). At the penalty of disqualification, both information and back-up documentation of the subject Subenvelope shall be submitted by bidders in pdf format,

and

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- (b) One (Sub)envelope* bearing the indication “Financial Offer”; (it shall contain the information duly filled in, according to article 14 of this Invitation).

* (Sub)envelope: category of attached files in the system.

Upon the offer submission, by using the pertinent field of the system, Bidders shall indicate data of their offer that are confidential.


- 9.2** 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 REASONS FOR DISQUALIFYING THE ECONOMIC OPERATOR


- 10.1** Each Bidder / Economic Operator **is disqualified** from the procedure related to the conclusion of the contract, if it is proven or if it is known to the awarding authority – in any other way – that there is a final decision against the bidder / economic operator for each of the reasons stipulated in paragraphs 10.1.1. up to 10.1.6.

The economic operator is also disqualified if the person to whose detriment a final judicial decision is made is a member of the administrative, managerial or supervising body of the subject economic operator or if this person can represent, make resolutions or control over it.


- 10.1.1** Participation in a criminal organization, as this is defined in article 2 of the Council Framework Decision 2008/841/JHA dated October 24th 2008, on the fight against organized crime (EU L 300 dated 11/11/2008, page 42).
- 10.1.2** Bribery, as this is defined in article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (EE C 195 dated 25.06.1997 page 1) and in paragraph 1, article 2 the Council Framework Decision 2003/568/JHA dated July 22nd 2003 on combating corruption in the private sector (EE L 192 dated 31.07.2003, page 54), and as stipulated in the applicable legislation or in the national law of the economic operator.
- 10.1.3** Fraud, in the sense of article 1 of the Convention on the protection of the European Communities’ financial interests (EEC 316 dated 27.11.1995, page 48), which was ratified by law 2803/2000 (A’ 48).
- 10.1.4** Terrorist offences or offences linked with terrorist activities, as respectively defined in articles 1 and 3 of the Council Framework Decision 2002/475/JHA dated June 13th 2002, on combating terrorism (EE L 164 dated 22.06.2002, page 3), or inciting or aiding or abetting an offence, as defined in article 4 thereof.

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- 10.1.5 Money laundering or terrorist financing, as defined in article 1, Directive 2005/60/EC of the European Parliament and European Council dated October 26th 2005, on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (EE L 309 dated 25.11.2005, page 15), which has been integrated into national legislation via Law 3691/2008 (A'166).
- 10.1.6 Child labour and trafficking in human beings, as defined in article 2, Directive 2011/36/EU of the European Parliament and European Council dated April 5th 2011, on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA of the European Council (EE L 101 dated 15.04.2011, page 4), which has been integrated into national legislation via Law 4198/2013 (A'215).
- 10.2** Each Bidder / Economic Operator **is disqualified** from any participation in the contract conclusion procedure if:
- 10.2.1 If AM is aware that the economic operator has not fulfilled his obligations concerning the payment of taxes or social security contributions and that he has been the subject of a final binding judgment or administrative decision, in line with the legal provisions of the country in which he is established or in line with the legislation of the country of the awarding authority, and/or
- 10.2.2 If AM can prove - using the appropriate means - that the economic operator has not fulfilled his obligations regarding the payment of taxes or social security contributions.
- 10.2.3 With regard to items 10.2.1 and 10.2.2 above, if the economic operator is a Greek citizen or if his seat is in Greece, then his obligations regarding the social security contributions shall cover both main and auxiliary social security.
- 10.2.4 With regard to items 10.2.1 and 10.2.2 above, the subject disqualification shall cease to apply when the economic operator fulfils his obligations either by paying all due taxes or social security contributions, including – on a per case basis – the accrued interests or fines, or by being subjected to a binding settlement for their payment.
- 10.3** In addition, each Bidder / Economic Operator **is disqualified** from any participation in the contract conclusion procedure if any of the following cases exist, namely:
- 10.3.1 If AM can prove using any appropriate means that the economic operator has not fulfilled his obligations as these ensue from the environmental, employment protection and working conditions in the framework of public contracts, as per para. 2, article 18 of Law 4412/16.

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- 10.3.2 If the economic operator is under bankruptcy, or is under a consolidation or a liquidation process, or is under coercive administration by a receiver or by the court, or has entered into an agreement with creditors or has postponed his business activities or if he is in any similar situation deriving from similar processes foreseen in national law provisions.
- 10.3.3 If AM has sufficient reasonable proof leading to the conclusion that the economic operator has concluded agreements with other economic operators with the aim to cause distortion of competition.
- 10.3.4 If there is a conflict of interests in the sense of article 24, Law 4412/16, that cannot be addressed through less intrusive means.
- 10.3.5 If in the framework of previous participation of the economic operator in the preparation of the contract conclusion procedure there had been distortion of competition, in line with the provisions of article 48, Law 4412/16, that cannot be addressed through less intrusive means.
- 10.3.6 If during the execution of a public contract, the economic operator has exhibited a grave or continuous deficiency in fulfilling an essential requirement in the framework of a previous public contract that he has undertaken, a fact that resulted in the early termination of the previous contract, payment of compensation and other penalties.
- 10.3.7 If the economic operator has been found guilty of serious false statements in providing the information required for ascertaining that there were no reasons for his disqualification or for fulfilling the selection criteria, if he has concealed this information or if he is not in a position to submit the back up documentation required as per article 79 of Law 4412/2016.
- 10.3.8 If the economic operator has attempted to affect in an unlawful manner the decision making process of the awarding authority, to obtain confidential information that may grant him an unfair advantage in the public contract conclusion provision or to provide unintentionally misleading information that may effectively affect the decisions related to the disqualification, the selection of the Contractor or the award of the tender.
- 10.3.9 If AM can prove, using the appropriate means, that the economic operator has committed a grave professional misconduct – that has been ascertained and punished by means of disciplinary proceedings in any way whatsoever.
- 10.3.10 If the economic operator is subject to a penalty for disqualification from public contracts, in line with the provisions of article 74, Law 4412/16.
- 10.3.11 If the economic operator does not fulfil the selection criteria stipulated in article 12 of this Invitation and is not capable of providing the

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justification documents for the award of the tender, as these are specified in article 20 of the Invitation.

10.3.12 If the preconditions stipulated in paragraph 4 article 8 Law 3310/2005, as in force, can apply to the subject economic operator (explicitly national reason for disqualification).

10.4 For all cases mentioned above and upon submitting his Offer, the Bidder shall submit a European Single Procurement Document (ESPD), as per article 11.2 herein.

The Bidder to be appointed as the Lowest Bidder is obliged, prior to the Contract signing, to submit all pertinent certificates for which he has submitted the ESPD, in line with article 20 of this Invitation.

AM is entitled, at any point throughout the procedure in question, to disqualify any bidder from the tender if it is proven that, due to his actions or omissions, he has fallen or falls under the cases described in this article in the framework of this procedure.

ARTICLE 11 “PARTICIPATION SUPPORTING DOCUMENTS – TECHNICAL OFFER” SUB-ENVELOPE

11.1 The Sub-Envelope bearing the indication “Participation Supporting Documentation - Technical Offer” shall necessarily include the following data:

11.1.1 The Letter of Guarantee of Participation in the Tender, as per the stipulations of article 6 of this Invitation.


It is stressed that the Bidders shall submit the Letter of Guarantee for Participation electronically in .pdf format; moreover they must submit the subject LoG in a printed format (original), in line with the provisions of article 8.5 herein.

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 their Sub-envelope.

11.1.2 The European Single Procurement Document (ESPD), article 79, Law 4412/2016, that can be extracted, saved and submitted electronically through the web portal www.promitheus.gov.gr of ESIDIS from the website <https://ec.europa.eu/growth/tools-databases/espd/filter?lang=el>.

INSTRUCTIONS ON HOW TO FILL IN THE EUROPEAN SINGLE PROCUREMENT DOCUMENT


(1) The awarding authority:

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- (a) creates the ESPD for the tender in the website <http://ec.europa.eu/growth/toolsdatabases/espd/filter?lang=el>
 - (b) once the ESPD is created, the file is exported
 - (c) the exported file is in .xml format and is not readable. The file is posted in ESIDIS together with the remaining documents of the Invitation to Tender.
- (2) The bidding economic operator must proceed to the following actions:
- (a) download the file from ESIDIS, save it on his computer and then, go to the web page <http://ec.europa.eu/growth/toolsdatabases/espd/filter?lang=el>. From this web page, click “Import ESPD” in order to upload the file for the specific ESPD of the tender, already downloaded from ESIDIS.
 - (b) In this web page, fill in and select electronically the relevant fields already set by the awarding authority, as well as the date and preparation method fields.
 - (c) Click “Print”. The file is shown in a printable format and you can now print it in pdf format. In a Microsoft Windows environment, the eESPD can be printed as a PDF file using Chrome browser (endowed with an integrated function for printing PDF files). Otherwise, you can use any other software for creating PDF files available for free on the internet. In a Mac OSX or Linux environment, the eESPD can be printed from all web browser pages.
 - (d) Sign digitally the pdf file printed (even if it has already signed it digitally in the web page).
 - (e) Submit the ESPD file in an .xml and pdf format in his offer envelope that includes the participation supporting documentation.
- (3) The Committee responsible for the Conduct of the Tender shall evaluate the ESPD either on the basis of the pdf. or the .xml file that it shall upload at the page where the bidder created it <https://ec.europa.eu/growth/toolsdatabases/espd/filter?lang=el>.
- (4) Economic operators associations submitting a joint offer shall submit the ESPD for each economic operator participating in the association.

11.1.3

If the Bidder invokes third party resources or if he intends to award a part of the Contract as a sub-contracting work, he shall be called upon to submit the ESPD for third parties/sub-contractors.

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11.1.4 **The Technical Offer** of the bidders, in line with the requirements of article 13 herein.

11.2 **Remarks**

11.2.1 During examination of the participation supporting documentation, AM may request in writing from the Bidders to clarify or complete the documents they submitted within a reasonable deadline, which cannot be less than seven (7) days upon communication of the relevant notice, in line with the provisions of article 310, L. 4412/16.

11.2.2 Bidders who will submit incomplete information for which the Tender Committee will request supplementary data/clarifications, which will either not be provided or will be provided incomplete, as well as bidders who will not duly submit the data requested in line with the provisions of this Document, **shall be disqualified** from the Tender.

Offers not accompanied by the above or do not correspond to the requirements of this Document shall not be taken into account, while the Bidders **shall be disqualified** from the Tender.

ARTICLE 12 **SELECTION CRITERIA**

In order to participate in the tender, bidders should fulfil the requirements specified in this article (Selection Criteria). The Bidders declare that they meet the relevant criteria in the European Single Procurement Document (ESPD), which is included in the Sub-envelope titled “Participation Supporting Documents – Technical Offer”.

it is noted that this article also includes supporting documentation required to demonstrate compliance with the relevant criteria, which shall be submitted by the “provisional contractor” in the envelope containing the Supporting Documentation for the Award of the tender, on the basis of article 20 herein.


12.1 **Registration in the Chamber**

Bidders must be registered in one of the Professional or Commercial Registries of the member-state where the Bidder is seated.

Registration shall be proven through the submission of a valid **certificate** concerning the registration of the company in the relevant Commercial and Industrial Chamber or Professional or Commercial Registries of the country the Bidder is seated, under the terms foreseen by the legislation of the country of his/her seat.

12.2 **Credit and Financial Competence**

Bidders must possess the credit and financial capacity, in line with the following items, namely:

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12.2.1 **Certificates issued by Banks or similar Credit Institutions**, proving the Bidders' credit and financial competence for an amount of at least **EURO 25,700,000.00** 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 6,400,000.00** must be available in both cases for this Contract, as per Sample B1 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 B2 of this Invitation and shall be accompanied by an official translation into Greek.

The above certificates shall be submitted in .pdf format.

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 electronically submit Table C1 or C2, attached hereto, duly filled-in and signed.


12.3 **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 five-year period (5 years prior to the offers' submission date).

In view of proving their experience, with regard to the workmanlike and timely completion of the Supply, the Bidders shall be in possession of the following:

- **A list of completed procurements that they have executed during the five-year period (5 years prior to the offers' submission date), concerning the Design, Manufacturing, Supply, Testing and Commissioning of Tramway Vehicles, or Light Rail Vehicles and that – in total – must comprise as a minimum the number of 15 vehicles, 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.

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- **Relevant 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 (except for item (e)) 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.

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

In case of a Consortium/ association, the requested experience can be covered cumulatively by the Companies/operators forming the Consortium/ association.

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

If the Bidders invoke third parties’ resources, then, at the stage of evaluation for the award of the provisional Contractor and

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prior to the Contract signing, depending on the invocation, they shall be called upon to submit back up documentation in correspondence to the documentation stipulated in paragraphs 12.1, 12.2 and 12.3 of this article for these third parties, along with the envelope containing the supporting documentation for the contract award (article 20 of this document), taking into consideration the provisions of article 18, as well.

12.4 Data related to technical capacity

12.4.1 The Bidders and their sub-contracting Suppliers shall be certified as per ISO 9001 and/or per IRIS.

12.4.2 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.

12.4.3 Organization Chart of the manufacturing plant.

12.4.4 The Bidders shall submit a list with the proposed Suppliers and Sub-contractors of the main Tramway systems and the works that they will execute.

ARTICLE 13 TECHNICAL OFFER


The Sub-Envelope bearing the indication “Back-Up Documentation for Participation – Technical Offer shall necessarily include the following information that form the Technical Offer of the Bidders.

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 is compiled by filling in the relevant special electronic form of the system. Then, the system produces a relevant electronic pdf. file, which is digitally signed and submitted by the Bidder. All information included in the special electronic Form of the system and in the digitally signed electronic file must coincide. In any other case, the system produces a relevant message and the Bidder is called upon to re-submit the electronic pdf. file.

Moreover, the Bidder shall attach to a separate pdf electronic file the following data, which shall bear the digital signature either of the Bidder himself (if the Bidder is a natural entity), or his legal representative (in case of a Consortium or a Joint Venture). In any other case, the Technical Offer is considered invalid.

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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”.

c. Technical Description

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

| No | Scope – Requirements |
|----|---|
| 1 | <p>Vehicle Body</p> <ul style="list-style-type: none"> ➤ Artistic “rendering” of the vehicle <ul style="list-style-type: none"> • Perspective 3-D colour photo-realistic presentation of the outer-car; • Perspective 3-D colour photo-realistic representation of the viewing area of a passenger, who, while standing on the one end of the passenger compartment, is looking along the vehicle; • Perspective 3-D colour photo-realistic presentation of the driving cab inner area. ➤ Mechanical drawings of the vehicle (in scale and with dimensions) <ul style="list-style-type: none"> • Plan view of the vehicle, including its basic dimensions; • Two (2) side-views, along with the basic dimensions of the vehicle, including the pantograph (drawing in development); • Front and rear view; • Vertical longitudinal section as to the symmetry axis of the vehicle, to include as a minimum: the indication of the passenger compartment floor and roof, the passenger seats, stanchions, handles, doors and windows. Bogies, couplers and their equipment, which is installed on the roof or under-floor of the vehicle, shall also be included. The dimensions of the seats and their spacing, the dimensions of windows and doors, the levels of all areas of the vehicle floor, including the areas intended for the seated passengers and floor inclinations – if existing – shall also be mentioned, as a minimum. |



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- Horizontal section at a height greater than the upper point of the seats' back, to define the layout of the seats, the corridors and the flooring in all areas of the vehicle. The dimensions of the seats and their spacing, the net width of the corridors, the configuration of the floor in front of the seats, the levels of all areas of the vehicle's floor, including the areas intended for the seated passengers and floor inclinations – if existing – shall also be mentioned, as a minimum;
- Transversal sections at the points where the bogies interconnect the body, to include, as a minimum: the indication of the passenger compartment floor and roof, the passenger seats, the stanchions and the handles. The bogies and their equipment, which is installed on the roof or under-floor of the vehicle, shall also be included. The levels of all areas of the vehicle's floor and the dimensions of the net width of the corridors shall also be indicated.
- A plan view and two longitudinal sections of the driver's cab, along the symmetry axis of the vehicle. The floor, the controllers, the seat, the doors and the windows shall be included as a minimum.
- Plan views showing the layout of the main items of the equipment that is installed on the roof and underneath the vehicle floor. Labelling of each system is necessary.

➤ **Static Gauge, Kinematic Gauge, Dynamic Gauge, and Structure Gauge**

- A drawing under scale to include dimensions, to present the aforesaid gauges and, at the same time, to indicate the stops platforms.
- Inwards and outwards jerks about the curves' radius range of the Athens tramway vehicles' tracks.

➤ **Height difference between the vehicle floor level in the vehicle's doors area and the platform's level at the stop,**

- for all loading conditions (AW0 – AW3), kindly provide a transversal section, under scale, in the doors area, which shall include, as a minimum, the passenger's compartment floor and the threshold of the vehicle doors; the platform shall also be indicated. Dimensions shall be also included in the aforesaid drawings.
- The horizontal distance between the edge of the platform and the edge of the vehicles' doors threshold shall also be indicated in the aforementioned drawings.

➤ **Acceleration / deceleration performance, as stipulated in Tables 1 and 2 in paragraphs 3.3 and 3.4.1 of the**



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| | <p>Document entitled Performance Specifications</p> <p>➤ General technical characteristics of the vehicle body</p> <ul style="list-style-type: none"> • Materials and manufacturing method of the bearing features of the body; • Material, method for adapting the outdoor panels and the vehicle mask on the bearing frame of the body and their repair or replacement concept; • Vehicle category, in line with Standard EN 12663; • Concept for managing the collision generated energy, in line with Standard EN 15227. • Provide a plan view, a side and front view of the energy absorption mechanism installed on board the train; • Anti-climbing measures in case of vehicles’ collision. In addition, provide a plan view, a side and front view of the anti-climbing mechanism installed on board the train; • A plan for the protection of the car body against corrosion; • A plan for the protection of the car body against graffiti and the relevant replacement procedure; <p>➤ Description and drawing of the modular couplers of the vehicle</p> |
| 2 | <p>Bogies</p> <ul style="list-style-type: none"> ➤ Technical description of the proposed bogies and wheels/axes layout; ➤ Side view of the vehicle, indicating the driving and trailer bogies, and those equipped with sanding scheme; ➤ Load distribution per wheel; ➤ Plan view, front and side view of the bogies; ➤ Bogies manufacturing material and method; ➤ Calculation of the weight of the bogies, taking into consideration their overall equipment, including wheels; ➤ Determination of sprung/un-sprung mass loads ratio; ➤ Description of the method the bogies are connected to the car body and determination of the relevant movements of the bogies in relation to the car body, accompanied by the pertinent drawings; ➤ Description and drawing concerning the adjustment of bogies to curves, with the minimum curve radius (Depot and network); ➤ Description of the primary and secondary suspension, |



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| | <p>accompanied by drawings;</p> <ul style="list-style-type: none"> ➤ Description of the motors’ supporting/fixing method on the bogies and their transmission system, accompanied by drawings (for driving bogies); ➤ Description of the lubrication and sanding scheme, accompanied by drawings; ➤ Description of the bogies disassembly method from the tramway vehicle body; <p>Description of the motors and the transmission system disassembly method from the bogies (for driving bogies). Specific reference must be made as to whether prior disassembly of the bogies from the vehicle body constitutes a prerequisite;</p> <ul style="list-style-type: none"> ➤ Description of the protection against derailment features of the vehicle; ➤ Reporting on any restrictions for the operation of vehicles when passing through a flooded area, in which water depth is about 100mm. |
| <p>3</p> | <p>Door System</p> <ul style="list-style-type: none"> ➤ Technical description of the doors system, including operation and safety data and parameters; ➤ Side views of the vehicle, making clear the positioning of the doors and the relevant dimensions; ➤ Net dimensions (width x height) of the doors; ➤ Height and width of the glass panel on the doors; ➤ Manufacturing materials of the door leafs; ➤ Description of the doors’ opening/closing mechanism, accompanied with drawings; ➤ General description of the doors’ architecture and control equipment, accompanied by the relevant diagrams; ➤ Description of obstacle detection system. |
| <p>4</p> | <p>HVAC System</p> <ul style="list-style-type: none"> ➤ Drawings and technical description of the HVAC system layout, in terms of units on-board the vehicles and in terms of equipment items layout included in each HVAC unit; ➤ Technical and operational characteristics of the system, including its weight and cooling capacity. |



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| 5 | <p>Electric, Mechanical and Magnetic Breaking System</p> <ul style="list-style-type: none">➤ Technical description of the various braking systems and their performances;➤ Technical description of the electric braking system, accompanied by general layout drawings;➤ Technical description of the mechanical braking system, accompanied by general layout drawings;➤ Technical description of the magnetic braking system, accompanied by general layout drawings;➤ Description of the brake blending system, which shall include, as a minimum, 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 vehicle speed in which electric brake is applied. |
| 6 | <p>Traction System</p> <ul style="list-style-type: none">➤ Layout drawings and Technical description, as well as characteristics of the traction system;➤ Wheel diameter offset;➤ Traction motor disconnection system and removal method from the vehicle;➤ Description of the protection equipment against current input;➤ Description of motor type of cooling;➤ Determination of motor characteristics;➤ Characteristics for downgraded operation accompanied by supporting calculations (maximum operation speed, maximum acceleration, average acceleration 0-35km/h – jerk $\leq 1.3m/s^3$) at 75% traction/load AW2 at inclination 0% and track voltage 750V DC;➤ Characteristics for downgraded operation accompanied by supporting calculations (maximum operation speed, maximum acceleration, average acceleration 0-35km/h – jerk $\leq 1.3m/s^3$) at 50 % traction/load AW0, at inclination 0% and track voltage 750V DC. |
| 7 | <p>Auxiliary Power Supply System (APSE)</p> <ul style="list-style-type: none">➤ Number of static inverters APSE;➤ Drawings and characteristics of the Auxiliary Power Supply |



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| | <p>Equipment (APSE) system, including batteries sets;</p> <ul style="list-style-type: none"> ➤ Load analysis for the auxiliary electrical system under normal operation and in operation without traction voltage; ➤ Description of protection equipment against current input; ➤ Drawing of the APSE protection devices; |
| 8 | <p>Vehicle Control and Management Systems</p> <ul style="list-style-type: none"> ➤ Description, main operational characteristics and capacities of the system; ➤ Diagnostic features of the system; ➤ Description of system redundancies (system architecture, stand-by controllers, cable routings, independent cabling in certain systems, such as traction, braking, doors, safety loop, etc.); ➤ Proposed lines of the vehicles communication channel and the features serving the exchange of data; ➤ Description of vehicles performance and functions in back-up operation. |
| 9 | <p>Weight</p> <ul style="list-style-type: none"> ➤ Determination of the maximum weight of the vehicle and the wheel static load for each wheel on a single vehicle under all loading conditions - from AW0 to AW4. |
| 10 | <p>Passenger Capacity</p> <ul style="list-style-type: none"> ➤ Determination of the number of passengers that the vehicle can carry, accompanied by all necessary calculations, |
| 11 | <p>Internal Noise – Passenger Compartment – Stationary Vehicle</p> <ul style="list-style-type: none"> ➤ Determination of the maximum internal noise limit values (in passenger compartment) generated by a stationary vehicle. |
| 12 | <p>Internal Noise – Passenger Compartment – 60km/h</p> <ul style="list-style-type: none"> ➤ Determination of the maximum internal noise limit values (in passenger compartment) generated by a vehicle running at 60km/h. |
| 13 | <p>External Noise – Stationary Vehicle</p> <ul style="list-style-type: none"> ➤ Determination of the maximum external noise limit values, generated by a stationary vehicle. |



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| 14 | <p>External Noise – 60km/h</p> <ul style="list-style-type: none"> ➤ Determination of the maximum external noise limit values, generated by a vehicle running at 60km/h. |
| 15 | <p>Internal Noise – Driver’s Cab – 60km/h</p> <ul style="list-style-type: none"> ➤ Determination of the maximum internal noise limit values (in the driver’s cab) generated by a vehicle running at 60km/h. |
| 16 | <p>Reliability of the tramway train – MDBF</p> <ul style="list-style-type: none"> ➤ Bidders shall state the reliability values at vehicles’ level <p>Determination of reliability figures MDBCf</p> <p>The Bidder shall fill in the reliability values of table 9 of Chapter 14.1.1</p> |
| 17 | <p>Fleet Availability</p> <ul style="list-style-type: none"> ➤ Determination of Monthly Average fleet availability. |
| 18 | <p>Maintainability – In general</p> <ul style="list-style-type: none"> ➤ Presentation of the preventive and corrective maintenance general plan. More specifically, the maintenance plan shall include the preventive maintenance related works, the maintenance time intervals, as well as the work-hours required for the execution of these works. ➤ In addition, the Bidder shall submit the following: <ul style="list-style-type: none"> • The overall work-hours required for the performance of preventive maintenance activities for every vehicle in the first two-year period (120,000km); • The foreseen number of preventive maintenance activities for every vehicle up to 120,000km; ➤ The offer shall include description and justification of compatibility with all maintenance facilities necessary for the vehicles’ maintenance, along with the respective methods to achieve the subject compatibility, should this be required. |
| 19 | <p>Maintainability – Repair related Activities</p> <p>In addition, in the framework of the Tender, the following works shall be evaluated, in line with the required work-hours:</p> <ul style="list-style-type: none"> • Replacement of wheel tires of the entire Tramway vehicle. The work hours shall be calculated as of the time the vehicle is on the respective track and is ready to be disassembled, |




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| | <p>while all necessary steps shall be taken into consideration; e.g. lifting of the vehicle, disconnection of bogies (if required), disconnection of all necessary features, preparation of the new features, steps for their re-connection, necessary controls until the vehicle is ready to be put in revenue service;</p> <ul style="list-style-type: none"> • Replacement of all front and side exterior panels of the driver cab. The work hours shall be calculated as of the time the vehicle is on the respective track and is ready to be disassembled, while all necessary steps shall be taken into consideration; e.g. unscrewing or cutting the waterproofing items (on an as required basis), installation of new frames, placement of all necessary waterproofing items until the vehicle is ready to leave the service track. <ul style="list-style-type: none"> ➤ The offer shall also include detailed reporting on the procedure followed for the repair of the side panels, in the event of collision. ➤ A Table shall be compiled to include the detailed description of the phases foreseen per repair, along with the respective work-hours per phase. ➤ The Mean Time Repair of the vehicle, along with the maintainability targets shall also be submitted, in line with Table 10 of paragraph 14.1.3. |
| 20 | <p>Safety Requirements</p> <p>The Bidders shall submit a Vehicle Safety Management Plan to include the requirements of article 14.1.4 of the Performance Specifications.</p> |
| 21 | <p>Good Operation Guarantee</p> <ul style="list-style-type: none"> ➤ The Bidder shall submit the guarantee period that he intends to offer. |
| 22 | <p>Delivery Time Periods</p> <ul style="list-style-type: none"> ➤ The Bidder shall submit the partial delivery time periods in line with the following table: |

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| | Partial Delivery Time Periods | Partial Delivery Time Periods (in days) |
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| | Completion of the factory manufacturing, testing, delivery and commissioning of the first vehicle at AM’s facilities in Athens. | |
| | Completion of the factory manufacturing, testing, delivery and commissioning at AM’s facilities in Athens of the next four (4) vehicles of the supply. | |
| | Completion of the factory manufacturing, testing, delivery and commissioning at AM’s facilities in Athens of the next ten (10) vehicles of the supply. | |
| | Completion of the factory manufacturing, testing, delivery and commissioning at AM’s facilities in Athens of the last ten (10) vehicles of the supply. | |
| 23 | Table showing compliance with the Specifications, point by point | |

It is stressed that within the Envelope containing their Technical Offers, the Bidders, except the above, shall include all technical data necessary in order to justify the prices referred to in the evaluation criteria stipulated in article 16 herein.

13.3. Remarks concerning the Technical Offer

The Technical Offer shall be evaluated by the Tender Committee in two stages, in line with the stipulations of article 15.2.1.1 of this Document.

The evaluation of the Technical Offer does not mean acceptance of the terms contradicting any requirements of the Tender Documents or the basic rules for the workmanlike and safe construction/manufacturing. Therefore, during the Design preparation stage and the Supply implementation, the Contractor ought to adjust these terms, in line with AM Specifications, without increasing the Overall Lump Sum Price.

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If, in his Technical Offer the Contractor has proposed improvements as compared 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.

During the evaluation of the Technical Offers, AM can call upon the bidders in writing to clarify or supplement the documents that they have submitted within a reasonable time-period, which cannot be less than seven (7) days upon communication to them of the relevant notice, in line with the provisions of article 3.10, Law 4412/16, whose provisions fully apply to this tender.

ARTICLE 14 SUPPORTING DOCUMENTATION IN THE “FINANCIAL OFFER” SUB-ENVELOPE

14.1 At the penalty of disqualification, the Financial Offer shall be submitted in an electronic format in the Sub-envelope entitled “Financial Offer”.


The financial offer shall be compiled by filling in the respective specific electronic form of the system. Subsequently, the system produces the respective electronic file in pdf format, which is digitally signed and submitted by the candidate. The information contained in the specific electronic form of the system and in the produced electronic file, which is digitally signed, shall be identical. In any other case, the system produces a relevant message and the candidate is called upon to produce anew the pdf electronic file.

Moreover, the candidate shall attach to a separate pdf electronic file the Financial Offer Form, which shall bear the digital signature either of the bidder himself (if the bidder is a natural entity) or of his legal representative in case of a consortium or a joint venture. In any other case, the financial offer is considered invalid.

The “Financial Offer Form shall include the Contractor’s Table of Offer, the Table including 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.

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.

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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.

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 **360 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.

ARTICLE 15 TENDER PHASES - EVALUATION PROCEDURE OF THE OFFERS

15.1 General

The Tender is carried out by a Committee appointed by AM’s BoD Resolution. This Committee shall be responsible for the conduct of the Tender from the stage of the unsealing of the offers until the stage of submitting the relevant Recommendation before AM’s BoD for the award of the Tender to the lowest bidder, or the annulment of the procedure; in general, it shall opine for any issue that may derive during the awarding procedure, except the examination of the objections to be filed to AM. More specifically, as regards the examination and opinion on the objections, AM BoD shall appoint a separate Committee responsible for the Evaluation of Objections, whose members shall be different than those of the previous Committee, which shall be responsible for evaluating all remaining items that may derive during the awarding procedure.


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:

15.2.1 1st Phase: Review of the Formal Qualifications and Evaluation of the Technical Offers of the Bidders.

The electronic unsealing of the offers shall be effected at the time stipulated in article 8.3 of this document by AM’s Tender Committee – duly certified into the system.

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Upon unsealing (Sub)envelopes "Back-up Documentation for Participation – Technical Offer", those participating in the Tender will have electronic access to the content of the offers that have been unsealed.

Subsequently, during a private meeting, the Committee shall review each Bidder's submitted documentation and shall decide whether the participation terms that have been set by the Invitation to Tender are fulfilled or not.

15.2.1.1 The technical evaluation – scoring shall be effected in two stages, namely:

In the **1st stage**, there shall be no comparative evaluation of the Bidders' Technical Offers. Their compliance or non-compliance with the minimum requirements / specifications of the Document entitled Performance Specifications of the Tender, shall be examined in this stage by implementing the pass/fail system.

Non-compliance of the Bidders with the Performance Specifications shall result in their disqualification from any further Tender procedure.


In the **2nd stage**, there shall be a comparative evaluation and scoring of the Bidders Technical Offers that were not disqualified in the 1st Stage. **The evaluation – scoring shall be effected on the basis of the criteria stipulated in Table A, article 16 of this Document.**

Throughout the review of Sub-envelopes "Back-up Documentation for Participation – Technical Offer", the Committee reserves its right and discretion and according to its absolute judgement to request, electronically through the system, clarifications and supplementary information on the submitted data only.

Bidders who, electronically through the system, will submit incomplete data for which the Tender Committee shall request supplementary data / clarifications – within a reasonable time period - which shall not be less than 7 days as of the communication to the bidders of the relevant invitation, as per the stipulations of article 3.10 Law 4412/16 – which shall not be provided or shall be provided incomplete shall be disqualified from the 2nd Phase of the Tender.

15.2.1.2 In the 1st phase of the Tender, disqualified shall be those Bidders not fulfilling the preconditions and requirements of the Invitation to Tender. The envelopes containing the Financial Offer shall remain sealed.

More specifically, disqualified from the 1st Phase of the Tender shall be the bidders

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- a) who do not fulfill the preconditions and requirements of Article 11.
- b) who are rejected on the basis of the evaluation of their technical offers in the 1st stage of the tender, according to article 16.

Upon completion of the review of the Sub-envelopes “Supporting Documentation for Participation – Technical Offer” and as soon as the technical offers have received their final scoring on the basis of the evaluation criteria listed in article 16 herein, the Committee shall compile a Proceedings related to the evaluation of the 1st Phase, which will include those Bidders accepted to the subsequent phase, the score their technical offers received, as well as those Bidders justifiably rejected. The results of the 1st Phase of the Tender shall be approved by AM’s BoD Resolution to be communicated to the participants through the ESIDIS system.

Preliminary appeals can be filed against the aforesaid AM’s BoD Resolution, as per paragraph 15.4 of this article.

If no preliminary appeals are filed, then results of the 1st phase shall become final.


The Bidders fulfilling the preconditions of the 1st phase shall participate in the 2nd phase of the Tendering process, i.e. the procedure of the unsealing of Financial Offers.

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

The electronic Sub-envelopes of the financial offers shall be electronically unsealed by the Committee - duly certified within the system – on the date and at the time to be notified to those whose offers were evaluated as acceptable, after the evaluation of the remaining information. Similarly, upon the electronic unsealing of the Sub-envelopes “Financial Offer”, those bidders whose financial offers were unsealed shall have access to the content of the unsealed offers, so that they can be informed about the financial offers that have been submitted.

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, on the basis of the best quality/price ratio, (article 17 of the Invitation) and shall prepare a Final Classification Table, presenting the offers in an ascending order, i.e. from the lowest to the highest one. The Committee shall compile a Proceedings for the overall evaluation. The results of the Tender shall be approved through the AM’s BoD Resolution, which shall be communicated to the participants via the ESIDIS system.

Preliminary appeals can be filed against the aforesaid AM’s BoD Resolution, as per paragraph 15.4 of this article.

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If no appeals are filed against the results of the 2nd phase, or after the examination of any appeals, AM shall call upon the bidder who has offered the most advantageous bid to submit the Back-Up Documentation for Award, in line with Article 20 herein.


15.3 Award of the Tender

Upon completion of the offers evaluation procedure, the bidder, to whom the project is to be awarded (“provisional contractor”), is called upon **within a fifteen (15) – day period** after the pertinent notification that will be transmitted to him electronically, to submit, through the system, the back-up documentation contained in article 20 in .pdf format and in an envelope labeled “Back-Up Documentation for the Award”. The back-up documentation signed by the bidder himself shall be digitally signed. Any statements shall be signed digitally and signature certification is not required.

The back-up documentation shall be submitted by the “provisional contractor” who had submitted the most advantageous Financial Offer in a printed format too **within a three (3) – working day period** upon the electronic submission to the Tender Committee. The aforesaid documentation and information in the printed format shall be submitted by the lowest bidder to AM’s Document Control Center (DCC) in a sealed envelope labeled “Back-Up Documentation for the Award” that is to be accompanied by a Cover Letter.

The electronic unsealing of the envelope labeled “Back-Up Documentation for the Award” of the bidder who had submitted the most advantageous Financial Offer and to whom the project is to be awarded, shall be effected in **two (2) working days** upon submission of the back-up documentation in the printed format, further to the relevant notification of the participants who are entitled to becoming cognizant of the submitted documentation.

If the Back-Up Documentation for the Award is not submitted or if during the pertinent review it is ascertained that the information provided is false or if the back-up documentation submitted do not prove that there are no reasons for the bidder’s disqualification – by virtue of article 10 or the provisions of article 12 – or if deficiencies exist, then all the above constitute reasons for disqualifying the lowest bidder and for declaring him forfeited; moreover, his Letter of Guarantee for Participation becomes payable. In this case, AM shall call upon the bidder that comes next in the classification order of the final Classification Table of the Bidders to submit the relevant Back-Up Documentation for the Award and the procedure continues as stipulated above. As to the remaining issues, applicable shall be article 103 of Law 4412/16.

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The procedure related to the review of the Back-Up Documentation for Award shall be completed through the compilation on the part of the Committee of the Proceedings and the transmittal of the envelope to AM's BoD for it to make a resolution about either the award of the contract or the forfeiture of the provisional contractor or the annulment of the procedure.

The awarding resolution, along with a copy of all proceedings pertaining to the review and evaluation procedure of the offers shall be communicated by AM to each Bidder – except the provisional Contractor, electronically.

Preliminary appeals can be filed against the aforesaid AM's BoD Resolution, as per paragraph 15.4 of this article.

If no appeals are filed against the awarding decision or after the examination of any eventual appeals, AM shall invite the Contractor to sign the contract, in line with article 21 of this Invitation.

15.4 Preliminary Appeals

Preliminary appeals can be filed against AM's BoD Resolutions, as per the provisions of Law 3886/10 (it is the applicable legislation up to 31.03.17). Any disputes arising due to acts or omissions issued or effected after 31.03.17 shall be governed by the provisions of Book IV “LEGAL PROTECTION IN THE EXECUTION OF PUBLIC CONTRACTS” (Articles 345-375) of Law 4412/16.

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 shall be scored on the basis of its respective requirements, as referred to here below:

| No | Criteria | Criterion Importance |
|------------|--|----------------------|
| 1.0 | General Layout of the Vehicle | |
| 1.1 | <i>The ratio of the overall net opening of the doors (mm) of the passenger compartment on the one side of the vehicle by the overall length of the passenger inner compartment (mm).</i> | 2% |
| 1.2 | <i>Scoring as regards the inclinations of the floor of the standees along the longitudinal axis of the vehicle.</i> | 5% |
| 1.3 | <i>The ratio of the number of the longitudinal fixed seats by the overall number of the fixed seats of the vehicle (the number of seats of folding type are not taken into account).</i> | 2% |
| 2.0 | Passenger Capacity | |




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| 2.1 | <i>Overall number of seated and standing passengers that the vehicle carries under loading condition AW2 (4 passengers / square meters),</i> | 6% |
| 2.2 | <i>The ratio of the seats number (of fixed and folding types) by the overall number of passengers (standees and seated passengers) under loading condition AW2 (4 passengers / square meters).</i> | 6% |
| 3.0 | Vehicle Weight | |
| 3.1 | <i>Ratio of the Vehicle's Tare Weight (Kg.), under Loading condition AW0 (including both Driver's and Co-driver's weight), by the overall number of the passengers under loading condition AW2.</i> | 9% |
| 4.0 | Systems | |
| 4.1 | <i>The ratio of the overall nominal power of the vehicles' motors (in KW) by the vehicles' weight (in tn) under loading conditions AW4.</i> | 3% |
| 4.2 | <i>Motor cooling system</i> | 3% |
| 4.3 | <i>Useful height of the tire (mm)</i> | 3% |
| 4.4 | <i>Wheels Transmission Scheme</i> | 3% |
| 5.0 | Noise | |
| 5.1 | <i>Maximum internal noise limits (in the passenger compartment) generated by a vehicle running at 60 Km/h.</i> | 2% |
| 5.2 | <i>Maximum internal noise limits (in the passenger compartment) generated by a vehicle running at 60 Km/h.</i> | 2% |
| 5.3 | <i>Maximum internal noise limits (in the driver's cab) generated by a vehicle running at 60 Km/h</i> | 2% |
| 6.0 | Reliability MDBF of the train | |
| 6.1 | <i>Mean distance between failures MDBF values at vehicles' level</i> | 10% |
| 7.0 | Average Monthly Fleet Availability | |
| 7.1 | <i>Average Monthly Fleet Availability</i> | 10% |
| 8.0 | Maintainability of the vehicle | |
| 8.1 | <i>The overall work-hours required for the preventive maintenance for every vehicle during the first two-year period (120,000 km).</i> | 3% |
| 8.2 | <i>The foreseen number of preventive maintenance activities for every vehicle up to 120,000km</i> | 3% |
| 8.3 | <i>Number of work-hours required for the replacement of the tires of all wheels of one motor bogie</i> | 2% |
| 8.4 | <i>Number of work-hours required for the replacement of all front and side external panels of the driver's cab (one cabin)</i> | 2% |
| 9.0 | Good Operation Guarantee Period | |

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| 9.1 | The good operation guarantee period | 12% |
| 10.0 | Delivery Time Periods | |
| 10.1 | Completion of manufacturing, testing, delivery and commissioning of the first vehicle at AM's facilities in Athens | 2.5% |
| 10.2 | Completion of manufacturing, testing, delivery and commissioning of the four (4) subsequent vehicles at AM's facilities in Athens | 2.5% |
| 10.3 | Completion of manufacturing, testing, delivery and commissioning of the ten (10) subsequent vehicles at AM's facilities in Athens | 2.5% |
| 10.4 | Completion of manufacturing, testing, delivery and commissioning of the last ten (10) vehicles at AM's facilities in Athens | 2.5% |
| | TOTAL | 100% |

The Total Score of the Technical Offer (TB) shall be the sum up of each Criterion Score multiplied by its respective importance.

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 second decimal.

The scoring method is included in detail in article 16.2.

16.2 Clarification of the Scoring Method per criterion:

16.2.1 Criterion 1.1

The ratio of the overall net opening of the doors (mm) of the passenger compartment on the one side of the vehicle by the overall length of the passenger inner compartment (mm). (The ratio shall be rounded to a two decimals precision).


The overall net opening of the doors is assumed to be the sum up of the openings of the passenger compartment doors, along the longitudinal axis of the vehicle, by the overall length of the passenger inner compartment area.

Scoring

The maximum ratio value (Abest) among the bidders offers' shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P = (A_{examined} / A_{best}) * 100, \text{ where:}$$

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P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals).

Aexamined: The Bidder's ratio price for this specific criterion.

Abest: The maximum ratio value deriving from the Bidders' Offers.

16.2.2

Criterion 1.2

Scoring as regards the inclinations of the floor of the standees along the longitudinal axis of the vehicle. (The inclinations shall be expressed on a percentage basis (%) and shall be rounded to a two decimals precision).

The floor of the standees area along the longitudinal axis of the vehicle is deemed flat (inclination: 0%) if the surface area is at the same nominal height from the rail-track level length-wise. In case there are inclinations parallel to the longitudinal axis of the vehicle, which will not exceed 8%, the highest inclination shall be taken into account for evaluation purposes and shall be scored as follows:

Scoring

Floor of the standees area with no inclination (0.00%), (Abest) shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$P=100-Aexamined*5*100$, where:

P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals).

Aexamined: The Bidder's price for this specific criterion.

Abest: The minimum inclination (0.00%).

16.2.3


Criterion 1.3

The ratio of the number of the longitudinal fixed seats as to the overall number of the fixed seats of the vehicle (the number of seats of folding type shall not be taken into account). (The ratio shall be rounded to a two decimals precision).

Longitudinal are those seats, whose axis is parallel to the longitudinal axis of the vehicle.

Scoring

Vehicles with all fixed seats being in the longitudinal position, ratio price 1.00 (Abest) shall receive 100.

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The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=(A_{examined}/A_{best}) \cdot 100, \text{ where, :}$$

P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals).

Aexamined: The Bidder's ratio price for this specific criterion.

Abest: The maximum ratio value (1.00).

16.2.4 **Criterion 2.1**

Overall number of seated and standing passengers that the vehicle carries under loading condition AW2 (4 passengers / square meters). The number of the seated passengers includes those passengers seating on the folding –type seats – if any. Loading condition AW2 is defined in paragraph 1.9 of the Performance Specifications. The minimum allowable number of passengers of the vehicle, under loading conditions AW4, in line with paragraph 3.1, is 190 passengers.

Scoring

The minimum allowable number of passengers (Amin) - 190 passengers - shall receive 60.

A: If the maximum number of passengers to be offered by the Bidders (Abest) is less than or equal to 230 passengers the prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=60+(A_{examined}-A_{min}), \text{ where:}$$


P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals)

Aexamined: The Bidder's numerical value for this specific criterion.

Amin: The numerical value of the minimum allowable number of passengers (190).

B: If the maximum number of passengers to be offered by the Bidders (Abest) is more than 230 passengers, the prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=60+40 \cdot (A_{examined}-A_{min}) / (A_{best}-A_{min}), \text{ where:}$$

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P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals)

Aexamined: The Bidder's price for this specific criterion.

Abest: The maximum number of passengers offered by the bidders.

16.2.5

Criterion 2.2

The ratio of the seats number (of fixed and folding types) by the overall number of passengers (standees and seated passengers) under loading condition AW2. (The price shall be rounded to a two decimals precision).

Loading condition AW2 is defined in paragraph 1.9 of the Performance Specifications.

Scoring

The maximum ratio value (Abest) to derive from the bidders offers' shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=(Aexamined/Abest)*100, \text{ where:}$$

P: means the scoring of the Bidder (rounded at two decimals)

Aexamined: The Bidder's ratio price included in his offer.

Abest: The maximum ratio value deriving from the Bidders' Offers.

16.2.6

Criterion 3.1

Ratio of the Vehicle's Tare Weight (Kg.), under Loading condition AW0 (including the Driver's and Co-driver's weight), by the overall number of the passengers under loading condition AW2. (The ratio shall be rounded to a two decimals precision).

Loading conditions AW0, AW2 are defined in Paragraph 1.9 of the Performance Specifications.


Scoring

The minimum fraction value (Abest) to derive from the bidders offers' shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=(Abest/Aexamined)*100, \text{ where:}$$

P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals)

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Aexamined: The Bidder's price for this specific criterion.

Abest: The minimum value deriving from the Bidders' Offers.

16.2.7

Criterion 4.1

The ratio of the overall nominal power of all vehicles' motors (in KW) by the vehicles' weight (in tn) under loading conditions AW2. (The ratio shall be rounded to a two decimals precision).

Loading condition AW4 is defined in Paragraph 1.9 of the Performance Specifications.

Scoring

The maximum fraction value (Abest) to derive from the bidders offers' shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=(Aexamined/Abest)*100, \text{ where:}$$

P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals).

Aexamined: The Bidder's ratio price for this specific criterion.

Abest: The maximum ratio value deriving from the Bidders' Offers.

16.2.8

Criterion 4.2

Motor cooling system

Scoring

As concerns this criterion, the Bidders shall be scored in line with the following table:

| | Motor Cooling System | Scoring |
|-----------|---|----------------|
| a) | Air-cooled motor | 100 |
| b) | Other cooling system, e.g. liquid-cooled motor | 90 |


The air-cooled (self-ventilated) motor shall receive the maximum scoring (Abest) 100, while motors using any other cooling system, e.g. liquid-cooled motors, shall receive the minimum scoring (Aworst) – 90.

Therefore:

Pmax: 100

Pmin: 90

P: Depending on the cooling system of the motors offered by the Bidder, the scoring (P) shall be equal to either Pmax: 100 or Pmin: 90.

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16.2.9 **Criterion 4.3**
Useful height of the tire (mm).

The difference between the initial diameter of the wheel with a new tire and the final diameter of the wheel with a tire at the maximum allowable wear.

Scoring

The maximum value (Abest) to be offered by the bidders shall – as regards the width of the tire – shall receive 100.

The intermediate prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=(Aexamined/Abest)*100, \text{ where:}$$

P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals)

Aexamined: The Bidder's offer price for this specific criterion.

Abest: The maximum price deriving from the Bidders' Offers.

16.2.10 **Criterion 4.4**
Wheels' Transmission Scheme

Scoring

As concerns this criterion, the Bidders shall be scored in line with the following table:

| | Wheels' Transmission Scheme | Scoring |
|----|--|----------------|
| a) | Bogies not using transmission pseudo-axes | 100 |
| b) | Bogies using transmission pseudo-axes | 90 |

Bogies not using transmission pseudo-axes shall receive 100.

Bogies using transmission pseudo-axes shall receive 90.


Therefore:

Pmax: 100

Pmin: 90

P: Depending on the bogies' transmission scheme offered by the Bidder, the scoring shall be equal to either Pmax: 100 or Pmin: 90.

16.2.11 **Criteria 5.1 – 5.3**
The following table includes the maximum allowable noise levels, as these are defined in paragraph 3.10 of the Performance Specifications:

| | | |
|---|---|---|
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| 5.0 | Description | Max allowable noise level Amax dB(A) |
|-----|---|--------------------------------------|
| 5.1 | Maximum internal noise limits (in the passenger compartment) generated by a vehicle running at 60 Km/h | 78 |
| 5.2 | Maximum internal noise limits (in the passenger compartment) generated by a vehicle running at 60 Km/h. | 84 |
| 5.3 | Maximum internal noise limits (in the driver's cab) generated by a vehicle running at 60 Km/h | 71 |

Scoring

For each one out of the aforesaid criteria 5.1 – 5.3, the maximum noise level (Amax) dB(A) of each criterion referred to in the Table shall receive 60.

A: For each criterion, if the minimum noise level to be offered by the Bidders (Abest) is equal to or over Amax decreased by 8 dB(A), i.e., (Amax–8), the prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P = 60 + 5 * (A_{max} - A_{examined}), \text{ where:}$$

P: means the scoring of the Bidder as concerns the subject criterion. (rounded at two decimals).

Aexamined: The numerical value of the noise level offered by the Bidder for this criterion (numerical value).


Amax: The maximum allowable noise level per criterion (numerical value).

B: For each criterion, if the minimum noise level to be offered by the Bidders (Abest) is less than Amax decreased by 8 dB(A), i.e., (Amax–8), the prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P = 60 + 40 * (A_{max} - A_{examined}) / (A_{max} - A_{best}), \text{ where:}$$

P: means the scoring of the Bidder as concerns each criterion. (rounded at two decimals).

Aexamined: The value offered by the Bidder for each criterion.

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Abest: The minimum noise level per criterion to derive from the offers of the bidders.

16.2.12

Criterion 6.1

Mean distance between failures’ values MDBF of the vehicles.

Scoring

The following table includes the minimum allowable value for the average reliability of vehicles, as this is defined in paragraph 14.1.1 of the Performance Specifications, and which will be tested in the RAMS demonstration period:

| 6.0 | Average Reliability of Vehicles (MDBF) | Minimum allowable value (km) |
|-----|---|------------------------------|
| 6.1 | Determination of the mean distance between failures values MDBF of vehicles | 100,000 |

The maximum reliability value (in km) (Abest) to derive from the bidders’ offers shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=(Aexamined/Abest)*100, \text{ where:}$$

P: means the scoring of the Bidder as concerns this criterion (rounded at two decimals).

Aexamined: Mean distance (in km) between failures of the vehicles of the offer under examination.


Abest: The maximum value deriving from the Bidders’ Offers.

16.2.13

Criterion 7.1

Average Monthly Fleet Availability (Percentage % rounded at two decimals).

The following table includes the minimum allowable value for the average monthly fleet availability, as this is defined in paragraph 14.1.2 of the Performance Specifications, and which will be tested in the RAMS demonstration period:

| | | |
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| | | |
|-------------------|--|--|
| <p>7.0</p> | <p>AVERAGE MONTHLY FLEET AVAILABILITY</p> | <p>Minimum allowable percentage (%)</p> |
| <p>7.1</p> | <p>Average Monthly Fleet Availability</p> | <p>92.00</p> |

Scoring

The maximum possible Average Monthly Availability 100%(Abest) value shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P=100-5*(Amax-Aexamined), \text{ where:}$$

P: scoring of the bidder as concerns this criterion (rounded at two decimals)

Aexamined: The percentage (without using the mathematical symbol %) of the Average Monthly Availability of the fleet of the offer under examination.

Amax: The percentage (without using the mathematical symbol %) of the maximum average monthly availability of the fleet, i.e. 100.

16.2.14


Criteria 8.1 - 8.2

| | |
|-------------------|--|
| <p>8.0</p> | <p><u>MAINTAINABILITY OF THE VEHICLE (PREVENTIVE MAINTENANCE)</u></p> |
| <p>8.1</p> | <p>The overall work-hours required for the preventive maintenance for every vehicle in a two-year period (120,000 km).</p> |
| <p>8.2</p> | <p>The foreseen number of preventive maintenance activities for every vehicle up to 120,000km.</p> |

The preventive maintenance will include all pertinent works, except the operational control – on a regular basis - prior to the vehicles' circulation, which also includes, sand filling, adding water in the wind shield wiper, etc.

The Bidder shall submit a table indicating in detail the 2-year period (120,000km) preventive maintenance activities along with their main phases and the respective work-hours.

During the guarantee period and in cooperation with the Operations Company, a plan shall be compiled for measuring the work-hours required for the preventive maintenance of the vehicles.

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Scoring Criterion 8.1

The Bidders' Offer containing the minimum work hours number (Abest) shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P = (Abest / Aexamined) * 100, \text{ where:}$$

P: means the scoring of the Bidder as concerns the subject criterion (rounded at two decimals)

Aexamined: Number of work-hours of the examined offer.

Abest: The minimum work-hours number deriving from the Bidders' Offers.

Scoring - criterion 8.2

The Bidders' Offer containing the minimum number of maintenance activities (Abest) shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P = (Abest / Aexamined) * 100, \text{ where:}$$

P: means the scoring of the Bidder as concerns the subject criterion (rounded at two decimals)

Aexamined: Number of preventive maintenance activities of the examined offer.


Abest: The minimum number of preventive maintenance activities deriving from the Bidders' Offers.

16.2.15

Criteria 8.3 – 8.4

| | |
|-----|--|
| 8.3 | <i>Number of work-hours required for the replacement of the tires of all wheels of one motor bogie</i> |
| 8.4 | <i>Number of work-hours required for the replacement of all front and side external panels of the driver's cab (one cabin)</i> |

For criteria 8.3, 8.4, it is assumed that the stated time period begins with the commencement of works on a fully assembled vehicle and ends with the reconnection of the system, so that the vehicle be ready for revenue service.

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For criteria 8.3, 8.4, a Table shall be compiled including the detailed presentation of the phases foreseen per repair along with the respective work-hours of each phase.

During the guarantee period and in cooperation with the Operations Company, a plan shall be compiled for measuring the total work-hours required for the replacement of the tires. Total work-hours means the work-hours required from the moment that the vehicle is stationed on a track of the workshop with damaged tires until the time the vehicle is on the track with new tires fitted.

Similarly, during the guarantee period and in cooperation with the Operations Company, a plan shall be compiled for measuring the total work-hours required for the replacement of the external panels.

Scoring of criteria 8.3, 8.4

For criteria 8.3, 8.4, the Bidders' Offer containing the minimum number of work-hours (Abest) shall receive 100.

The prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

$$P = (Abest/Aexamined) * 100, \text{ where:}$$

P: means the scoring of the Bidder as concerns the subject criterion (rounded at two decimals)

Aexamined: The price offered by the Bidder as concerns this specific criterion.

Abest: The minimum number of work-hours deriving from the Bidders' Offers.

16.2.16

Criterion 9.1


The Good Operation Guarantee Period (in months)

The minimum guarantee period (Amin) foreseen in article 16 of the Conditions of Contract is set to thirty six (36) months. The Bidders are called upon to offer an overall good operation guarantee period, which shall be equal to or over the minimum period. During the guarantee period, contained in his offer, the Contractor ought to adhere to all requirements foreseen in the Specifications.

Scoring

The minimum allowable good operation guarantee period (36 months) (Amin) shall receive 60.

A: If the maximum offered value of the guarantee period to be offered by the Bidders (Abest) is less than or equal to 60 months, the prices to be offered by the several Bidders (Aexamined) shall be allocated in line with the following formula:

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$P = 60 + 10 * (A_{examined} - A_{min}) / 6$, where:

P: means the scoring of the Bidder as concerns the subject criterion (rounded at two decimals)

A_{examined}: The numerical value offered by the Bidder as concerns this specific criterion in months (numerical value).

A_{min}: The numerical value of the minimum allowable guarantee period (numerical value), i.e. 36..

B: If the maximum offered value of the guarantee period to be offered by the Bidders (*A_{best}*) is over 60 months, the prices to be offered by the several Bidders (*A_{examined}*) shall be allocated in line with the following formula:

$P = 60 + 40 * (A_{examined} - A_{min}) / (A_{best} - A_{min})$, where:

P: means the scoring of the Bidder as concerns the subject criterion (rounded at two decimals)


A_{examined}: The value offered by the Bidder as concerns this specific criterion (in months).

A_{best}: The maximum allowable good operation guarantee period to be offered by the Bidders

16.2.17

**Criteria 10.1, 10.2, 10.3 and 10.4
Delivery Time periods**

| | Partial Delivery Time periods | Maximum Partial Delivery Time period- A _{max} (days) |
|------|---|--|
| 10.1 | Completion of manufacturing, testing, delivery and commissioning of the first vehicle at AM's facilities in Athens | 610 |
| 10.2 | Completion of manufacturing, testing, delivery and commissioning of the four (4) subsequent vehicles at AM's facilities in Athens | 670 |
| 10.3 | Completion of manufacturing, testing, delivery and commissioning of the ten (10) subsequent vehicles at AM's facilities in Athens | 810 |
| 10.4 | Completion of manufacturing, testing, delivery and commissioning of the last ten (10) vehicles at AM's facilities in Athens | 940 |

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The mandatory contractual time periods for the delivery of the vehicles are foreseen in article 8.2 of the Conditions of Contract. The Bidders are called upon to offer – for each sub-criterion – the delivery time as of the contract signing, which shall be equal to or less than the mandatory period for each sub-criterion. Within the period he offers, the Contractor shall have the same obligations foreseen by the Tender Documents.

Scoring

For each out of the above criteria (10.1, 10.2, 10.3 and 10.4), the maximum allowable delivery time periods (Amax) shall receive 60.

A: For each criterion, if the minimum value of the delivery time period Abest, offered by the Bidders, is equal to or over the time period Amax decreased by 120 days, i.e. A max-120, the prices Aexamined offered by the several bidders shall be allocated in line with the following formula:

$P=60 + 10*(Amax-Aexamined)/30$, where:

P: means the scoring of the Bidder as concerns the subject criterion (rounded at two decimals).

Aexamined: The numerical value offered by the Bidder as concerns this criterion expressed in days (numerical value).

Amax: The numerical value of the maximum allowable number of days for the partial delivery referred to in the table for each criterion (numerical value).

B: If the minimum value of the delivery time period Abest, offered by the Bidders, is less than A max-120, the prices Aexamined offered by the several bidders shall be allocated in line with the following formula:

$P=60 + 40*(Amax-Aexamined)/(Amax-Abest)$, where:


P: means the scoring of the Bidder as concerns each criterion (rounded at two decimals).

Aexamined: The figure offered by the Bidder in each criterion expressed in days.

Abest: The minimum price for each criterion deriving from the Bidders' Offers, expressed in days.

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.:

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

where:

- Total Scoring (TB) of the Technical Offer is the sum up of each criterion scoring. The scoring of each criterion derives from the sum up of each 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, on the basis of the best quality/price ratio.

ARTICLE 18 INVOKING THIRD PARTY RESOURCES

The Bidders can invoke and make use of the economic and financial (credibility) or technical and professional capacity of other economic operators, as per article 307 of Law 4412/16, regardless of the legal nature of the existing relationships between the candidates and these operators.


In this case, the invoked third party resources must be made available by the bidder for the execution of the Contract.

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

The Bidders shall incorporate in the sub-envelope “Participation Supporting Documents – Technical Offer” the ESPD of the economic operators, whose advantages they invoke.

The back-up documentation for the award of the tender shall include the documentation of the ESPD, as per the stipulations of articles 10 and 12 of the Invitation, as foreseen for the Bidders. In case the terms of these articles are not adhered to, i.e. non-submission of the relevant supporting documents of the ESPD, then the invocation regarding the economic and financial (credibility), or technical and professional capacity of the economic operators shall not be taken into account during the evaluation of the offers.

Moreover, the back-up documentation for the award of the tender shall also include a resolution of the BoD, or other competent statutory Body of the operator whereby approval shall be granted to provide the

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Bidder with the economic and financial (credibility), or 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.

If Bidders invoke the economic and financial (credit) resources of third parties, this Resolution shall make clear that the Operator shall be jointly and severally responsible along with the Bidder before AM.

The above shall be submitted for any other operator, whose economic and financial (credibility), or technical and 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.

Under the same terms, a joint venture/association of economic operators can rely of the capacities of those participating in the association or on other economic operators.

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

If for any reason whatsoever, the Bidder fails to make available the resources they have invoked, 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 ANNULMENT OF THE PROCEDURE

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

19.2 Further to the BoD Resolution and the opinion of the Tender Committee, AM can annul the procedure for the contract award in the following cases:

a) If the procedure was fruitless (unproductive) either due to the non-submission of offers, or due to the rejection of all offers or due to

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- the disqualification of all bidders, in line with the contract documents, or
- b) if no one of the bidders come to sign the contract.

19.3 The awarding procedure may also be annulled by virtue of AM's BoD resolution and further to the Tender Committee opinion, in the following cases, namely:

- a) for irregular conduct of the tender procedure, provided that the result of the Tender is affected by the irregularity;
- b) if the financial and technical parameters related to the awarding procedure have radically altered and the execution of the contractual scope no longer interests AM;
- c) if the contract cannot be executed due to force majeure;
- d) if the offer is deemed to be financially disadvantageous;
- e) if the validity of the offers expires and the Bidders do not provide the required extensions;

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.

19.5 As to the remaining items, valid shall be the provisions of article 317, Law 4412/16.


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

ARTICLE 20 BACK-UP DOCUMENTATION FOR THE AWARD

The Back-Up Documentation for the Award that the “provisional contractor(-s)” is/are called upon to submit to AM before the signing of the contract is the following:

20.1 Back-up Documentation for the Review of Article 10 “Reasons for Disqualifying the Economic Operator”

20.1.1 As regards the cases stipulated in paragraphs 10.1.1 – 10.1.6, 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:

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- 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.


20.1.2 As far as Greece and items of article 10.2.1 and 10.2.2 are concerned, a dept clearance certificate issued by the competent Tax Authorities must be submitted as well as a certificate of solvency issued by the Social Security Fund (IKA) or the Social Security Organization concerned.

With regard to foreign bidders, they must submit the corresponding certificates issued by the authority concerned of their country of origin accompanied by an official translation. 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.

20.1.3 Items under article 10.3.2, as far as Greece is concerned, shall be proven through the submission of the relevant certificates issued by the Courts of First Instance concerned. From these certificates it should result that the bidder is not bankrupt, under a consolidation or a liquidation process, or is under coercive administration by a receiver or by the court, or has entered into an agreement with creditors or has postponed his business activities or if he is in any similar situation deriving from similar processes foreseen in national law provisions.

For cases under the items of Article 10.3.2, 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. Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified in the above, they may be replaced by a declaration on oath or, in Member States where there is no provision for statement under oath (affidavit), by a legal statement made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that bidder comes.

20.1.4 As far as case 10.3.9 is concerned, the bidder shall submit a certificate issued by the competent Authority (Professional Record or

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the respective Chamber) verifying that no professional misconduct 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 misconduct.

With regard to foreign bidders, they must submit the corresponding certificates issued by the authority concerned of the member-state accompanied by an official translation. In case the state 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 legal statement before the Judicial or Administrative Authority, a notary public or a professional organization of the country of origin of the bidder.

- 20.1.5 For items 10.3.1, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7, 10.3.8, 10.3.10, as far as Greece is concerned, the bidder shall submit a statement under oath certifying that the economic operator is not subject to any of the aforementioned cases specified in article 10 herein or, in Member States where there is no provision for statement under oath, by a legal statement made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that bidder comes.


20.2 Legalizing documents

- 20.2.2 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 in the relevant tender documents.

- 20.2.2 The **Resolution issued by the BoD** of the Company (or the statutory body concerned) approving the appointment of a representative for 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 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
- The extent and the type of participation each member in the consortium / association (including the allocation of fee among them)

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- 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.

20.3 Back-up documentation for the Review of article 12 “Selection Criteria”

The back-up documentation referred to in detail in article 12 herein, proving that the selection criteria presented in the relevant article are adhered to.


20.4 Certificates pertaining to the nominalization of the Bidders’ shares

In order to be proven that the Bidder meet the requirements of Law 3310/2005, the following must be met as regards the nominalization of the shares:

AM ought to examine, at the penalty of unacceptable candidatedship, 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.

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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.

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 not later than thirty (30) days before the deadline for the submission of the offers.

If, based on the shareholders list, it arises that the shareholders of the company consist in other SA Companies, these must have nominal


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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 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 offer.
- (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) days the latest prior to the submission of the offer.

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

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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.

20.5 Back-up Documentation in case of “Sub-Contracts” and “Invoking Third Party Resources”

20.5.1 In case of awarding a section of the contract – under the form of **sub-contracting** work to third parties, the “provisional contractor” should submit all information concerning the proposed Subcontractor and the part of the contract to be sub-contracted. Finally the Subcontractors are required to submit the supporting documents stipulated in article 20.1 herein.


20.5.2 If Bidders invoke and utilize **the financial and credit capacity or the technical and professional capacity of other operators**, then as per article 307, Law 4412/16, third parties should submit the back-up documentation of para. 20.1, the back-up documentation described in article 12 (Invoking third party resources) and BoD’s resolution or the decision issued by the entity’s competent body as specified in article 20.2.2 for the Bidders, approving the transference of the financial /credit capacity or technical and professional capacity (experience) by the operator to the bidder, a capacity to be available throughout the execution of the Contract.

20.6 Clarifications on the submission of the back-up documentation detailed above

All documentation, certificates, documents, etc., to be submitted by the Bidders, shall be original or merely legible photocopies of public documents. As regards the certifications of photocopies, valid shall be the stipulations of article 1, Law 4250/14, about the abolishment of the requirement for certifying documents’ photocopies.

In the required tender 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.

It is not required for the legal statements to bear a signature authentication; their date shall fall within the last thirty (30) calendar day-period prior to their submission.

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All public documents, that are related to foreign Companies and are to be submitted by the Bidders in the framework of this tendering process, shall be legible photocopies of the original copies ratified either by the pertinent Consular Authorities of the country of the bidder, or via the seal of the Apostille, in line with the Convention of Hague dated 05.06.61 (ratified by law 1497/84), so their originality be certified. The translation of the subject documents can be performed either by the Translation Department of the Greek Ministry of Foreign Affairs or by the relevant consular authorities, or by an attorney, by virtue of Article 454 of the Code of Civil Procedure and article 53 of the code of attorneys, or by a sworn translator of the country of origin – if such a service exists.

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 “provisional Contractor”. In case the information concerns a “provisional Contractor” established in a State other than that of the contracting authority, then the awarding 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 case of a consortium / association, the requirement for submission of the aforementioned documents, data, certificates and official statements shall be valid for each member separately.

ARTICLE 21 EXECUTION OF THE CONTRACT

Upon completion of the review of the back-up documentation for the award and the positive review by the State’s Council and the Parliament, the provisional Contractor shall be called upon to sign the Contract within twenty (20) calendar days as of the date of the announcement of the results pertaining to the review of the Back-Up Documentation.

The contract shall be signed - on the part of the Contractor - by his representative, already authorized to that end, who shall initial and stamp each page of the Contract Documents. Contracts to be concluded with Joint Ventures/Consortia shall be signed by the Legal Common Representative, on condition that he is legally authorized to this end.

At the Contract signing stage, the selected Contractor ought to submit the following:

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21.1 In case the provisional Contractor, on the basis of the best quality/price ratio, is a Joint Venture, then five (5) calendar days prior to the signing of the Contract he 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 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 provisional Contractor, on the basis of the best quality/price ratio, is a Company, he shall also 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.).

21.2 Five (5) 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

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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.

21.3 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 and the provisions of article 10.3 of the CC. The Contractor, upon signing the Contract, shall submit the original Good Performance Letter of Guarantee.


21.4 Should the deadline for the contract signing elapses idle on the appointed Contractor’s fault, who, despite having been called, does not show up for the signing of the Contract or does not submit the required guarantees, or fails to comply with his obligations as stipulated in this document, then the Contractor is declared forfeited without any requirement for the prior communication to him of a special order and the Letter of Guarantee for Participating in the Tender becomes payable in favor of AM. In this case, AM’s Board of Directors can nominate as the Contractor the Bidder whose offer follows in the classification drawn by the Tender Committee. If no one of the bidders comes to sign the agreement, then the awarding procedure shall be annulled. AM reserves the right not to award the Tender and to annul it (in line with article 19 of this Invitation), without this constituting any kind of obligation for any compensation to any interested party.

ARTICLE 22 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 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.

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ARTICLE 23 CONTRACTUAL TIMES FOR THE SUPPLY

A period of nine hundred and forty (940) calendar days following the signing of the Contract is defined as the overall contractual time period required for full completion of the Scope of the Supply. The partial contractual times for the delivery of the supply are included in article 8 of the Conditions of Contract.

More detailed information about the time schedule and the Contractor’s obligations against it are included in articles 8 and 9 of the Document entitled “Conditions of Contract”.

ARTICLE 24 FUNDING - ESTIMATED BUDGET - RETENTION - ADVANCE PAYMENT - PAYMENTS

- 24.1** The Contract Scope estimated Budget amounts to **64,250,000.00 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.**
- 24.2** No price re-adjustment is foreseen for the Contract validity period.
- 24.3** It is clarified that the VAT shall be borne by the Project Owner.
- 24.4** **Provision is made for an interest-bearing Advance Payment to the Contractor equal to thirty percent (30%) 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, as foreseen in detail in article 10.1 of the CC.**
- 24.5** The Advance Payment shall be amortized, in line with article 10.1 of the Conditions of Contract.
- 24.6** Upon granting the Advance Payment to the Contractor, payments of the Contractual Price shall be effected, in accordance with the provisions of article 10, paragraph 2 of the document entitled “Conditions of Contract”.
- 24.7** The Contractor shall bear all taxes, duties, retention, etc., as per the Greek Legislation and article 10 of the CC.
- 24.8** The Supply shall be co-funded in the framework of the European Regional Development Fund (ERDF) “2014-2020”, through the Act “Tramway Westbound Extension to Piraeus” and the Business Plan “ATTICA”.

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ARTICLE 25 APPLICABLE LEGISLATION

The Contract to be signed, and any claims by both parties deriving due to this contract or on the occasion of this contract from the date when it is assigned to the Contractor, shall be governed by the terms of the contractual documents, the Greek Legislation, Law 4412/16 (as in effect) 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 2014/25/EU, Law 4412/16 and Law 3886/10 (until 31.03.17), the Greek Civil Code and the Tender Documents.

ARTICLE 26 PUBLICITY

A summary of this Invitation to Tender has been transmitted for publication in the Official Journal of the European Communities (OJEC) on 15.02.17. Also a summary of this Invitation to Tender shall be also in DIAVGEIA, AM's web page and in the Greek Press. In addition, the Invitation to Tender shall be posted in KIMDIS (Central Electronic Registry for Public Contracts) and all Tender Documents in AM web page. The publication expenses shall be borne by AM.

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ΥΠΟΔΕΙΓΜΑ Α1

ΕΓΓΥΗΤΙΚΗ ΕΠΙΣΤΟΛΗ ΣΥΜΜΕΤΟΧΗΣ

Εκδότης (Πλήρης επωνυμία Πιστωτικού Ιδρύματος)

...../Ε.Τ.Α.Α.-
Τ.Μ.Ε.Δ.Ε.

Ημερομηνία έκδοσης:

Προς: (Πλήρης επωνυμία Αναθέτοντος Φορέα¹)

.....
.....

(Διεύθυνση Αναθέτοντος Φορέα²)

.....
.....

Εγγύηση μας υπ' αριθμ. ποσού

..... ευρώ³.

Έχουμε την τιμή να σας γνωρίσουμε ότι εγγυόμαστε με την παρούσα επιστολή ανέκκλητα και ανεπιφύλακτα παραιτούμενοι του δικαιώματος της διαιρέσεως και διζήσεως μέχρι του ποσού των ευρώ⁴ υπέρ του:

(i) [σε περίπτωση φυσικού προσώπου]: (ονοματεπώνυμο, πατρώνυμο) ΑΦΜ: (διεύθυνση) ή

(ii) [σε περίπτωση νομικού προσώπου]: (πλήρη επωνυμία) ΑΦΜ: (διεύθυνση) ή

(iii) [σε περίπτωση ένωσης ή κοινοπραξίας:] των φυσικών/νομικών προσώπων

α) (πλήρη επωνυμία) ΑΦΜ: (διεύθυνση)

β) (πλήρη επωνυμία) ΑΦΜ: (διεύθυνση)

γ) (πλήρη επωνυμία) ΑΦΜ: (διεύθυνση)


(συμπληρώνεται με όλα τα μέλη της ένωσης / κοινοπραξίας)

¹ Όπως ορίζεται στα έγγραφα της σύμβασης.

² Όπως ορίζεται στα έγγραφα της σύμβασης.

³ Το ύψος της εγγυητικής επιστολής συμμετοχής καθορίζεται στα έγγραφα της σύμβασης σε συγκεκριμένο χρηματικό ποσό αναγράφεται ολογράφως και σε παρένθεση αριθμητικώς.

⁴ Όπως υποσημείωση 3.

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ατομικά και για κάθε μία από αυτές και ως αλληλέγγυα και εις ολόκληρο υπόχρεων μεταξύ τους, εκ της ιδιότητάς τους ως μελών της ένωσης ή κοινοπραξίας, για τη συμμετοχή του/της/τους σύμφωνα με την (αριθμό) Διακήρυξη της ΑΤΤΙΚΟ ΜΕΤΡΟ Α.Ε. για την ανάδειξη αναδόχου για την ανάθεση της σύμβασης: “(τίτλος σύμβασης)

.....”

Η παρούσα εγγύηση καλύπτει μόνο τις από τη συμμετοχή στην ανωτέρω απορρέουσες υποχρεώσεις του/της (υπέρ ου η εγγύηση) καθ’ όλο τον χρόνο ισχύος της.

Το παραπάνω ποσό τηρείται στη διάθεσή σας και θα καταβληθεί ολικά ή μερικά χωρίς καμία από μέρους μας αντίρρηση, αμφισβήτηση ή ένσταση και χωρίς να ερευνηθεί το βάσιμο ή μη της απαίτησής σας μέσα σε **πέντε (5) ημέρες** από την απλή έγγραφη ειδοποίησή σας.

Η παρούσα ισχύει μέχρι και την


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

Αποδεχόμαστε να παρατείνουμε την ισχύ της εγγύησης ύστερα από έγγραφο της Υπηρεσίας σας, στο οποίο επισυνάπτεται η συναίνεση του υπέρ ου για την παράταση της προσφοράς, σύμφωνα με το άρθρο 8.6 της Διακήρυξης, με την προϋπόθεση ότι το σχετικό αίτημά σας θα μας υποβληθεί πριν από την ημερομηνία λήξης της.

Βεβαιώνουμε υπεύθυνα ότι το ποσό των εγγυητικών επιστολών που έχουν δοθεί, συνυπολογίζοντας και το ποσό της παρούσας, δεν υπερβαίνει το όριο των εγγυήσεων που έχουμε το δικαίωμα να εκδίδουμε.

Η Εγγυητική Επιστολή θα είναι εισπρακτέα και πληρωτέα στην Ελλάδα και οποιαδήποτε διαφορά επ’ αυτής θα υπόκειται στην αποκλειστική δικαιοδοσία των αρμόδιων Ελληνικών Δικαστηρίων της Αθήνας κατά το ελληνικό δίκαιο.

(Εξουσιοδοτημένη Υπογραφή)

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SAMPLE A2

PARTICIPATION LETTER OF GUARANTEE

Issued by (Full name of the Credit Institution)

...../ETAA TMEDE

Date of issuance:.....

To: (Full name of the Awarding Body ¹)

.....

(Address of the Awarding Body²)

.....

Our Guarantee no. against the amount of euro³.

We hereby declare that we irrevocably and unreservedly guarantee waiving our rights to to make use of the benefit of division and discussion up to the amount of euro ⁴ in favour of:

(i) [in case of a physical entity]: (full name, father's name), Tax Payer's Number (address), or

(ii) [in case of a legal entity]: (full name), Tax Payer's Number (address), or

(iii) [in case of a Joint Venture/ Consortium]: of physical/ legal entities

a) (full name), Tax Payer's Number (address),

b) (full name), Tax Payer's Number (address),

c) (full name), Tax Payer's Number (address),

(fill in all members of the Joint Venture/ Consortium)

individually and for each one of the above and jointly and severally liable in their capacity as members of the Joint Venture/ Consortium for its/their participation, in accordance with ATTIKO METRO S.A. Invitation to Tender (number) for the appointment of a Contractor for the award of a Contract "(title of Contract).....".

This guarantee covers only the obligations of the entity (-ies) (*in favour of whom this guarantee is issued*), as these ensue from the participation to the above tender procedure throughout its validity period.


The aforementioned amount remains at your disposal and shall be paid in full or in instalments. Payment shall be made without disagreement, dispute or objection of

¹ As specified in the Contract documents

² As specified in the Contract documents

³ The amount of the Letter of Guarantee for participation in the tender is set in the contractual documents against a specific amount, it is written in full and in numbers in brackets.

⁴ See footnote 3

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any kind on our part, without examining the validity or non validity of your claim, within **five (5) days** upon receipt of your written notification.

The present guarantee shall remain valid until


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

We hereby accept to extend the validity period of the guarantee further to the transmission by your Service of the pertinent document, accompanied by the consent of the entity(-ies) in favour of whom/which this guarantee is being issued for the extension of the Offer, in line with article 8.6 of the Invitation, on condition that your pertinent request is submitted to us prior to the expiry of the Letter of Guarantee.

We hereby certify that the amount of the Letters of Guarantee already provided, including also the amount of the present guarantee, does not exceed the threshold of the Letters of Guarantee that we have the right to issue.

The Letter of Guarantee shall be collectable and payable in Greece. Any dispute to be raised concerning this Letter of Guarantee shall be subject to the exclusive jurisdiction of the competent Courts in Athens, Greece and the Greek legislation.

(Authorized Signature)

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ΥΠΟΔΕΙΓΜΑ Β


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-311/17** 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 θέση εγγυητικής επιστολής ή συμβουλής ή συστάσεως κατά τη διάταξη του άρθρου 729 του Αστικού Κώδικα.

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|  | <p>PROJECT: SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY”</p> <p>INVITATION TO TENDER</p> | <p>RFP-311/17</p> <p>A.Σ. 38694</p> |
|---|---|---|

**SAMPLE B2
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-311/17** 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

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|  | <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-311/17</p> <p align="center">A.Σ. 38694</p> |
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ΠΙΝΑΚΑΣ Γ1

ΔΙΑΓΩΝΙΖΟΜΕΝΟΣ:

**ΧΡΗΜΑΤΟΛΗΠΤΙΚΗ ΚΑΙ ΟΙΚΟΝΟΜΙΚΗ ΙΚΑΝΟΤΗΤΑ ΤΟΥ ΔΙΑΓΩΝΙΖΟΜΕΝΟΥ
(Σε περίπτωση Κοινοπραξίας)**

| A/A | 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 | | |
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Ημερομηνία
Ο ΥΠΟΨΗΦΙΟΣ


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|---|---|--|
|  | PROJECT: "SUPPLY OF ROLLING STOCK (SERIES II) FOR THE ATHENS TRAMWAY" INVITATION TO TENDER | RFP-311/17 A.Σ. 38694 |
|---|---|--|

TABLE C2

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 | | |
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Date
THE BIDDER