

HELLENIC REPUBLIC  
MINISTRY OF ENVIRONMENT  
ENERGY & CLIMATIC CHANGE  
SPECIAL SERVICE OF COORDINATION  
& IMPLEMENTATION OF ACTIONS IN THE  
SECTORS OF ENERGY, NATURAL WEALTH  
AND CLIMATIC CHANGE (EYSED EN/KA)

**RESTRICTED PROCEDURE TENDER INVITATION FOR THE  
SELECTION OF CONTRACTOR FOR THE PROJECT  
PHASE A' – Call for Expression of Interest  
“Provision of Consultant’s Services for the Promotion of  
Exploitation of the Natural Wealth (Hydrocarbons)”  
THE MINISTRY OF ENVIRONMENT, ENERGY & CLIMATIC  
CHANGE PROCLAIMS**

Public restricted procedure tender aiming at selecting contractor for the project **“Provision of Consultant’s Services for the Promotion of Exploitation of the Natural Wealth (Hydrocarbons)”** with budget €772.357, 72 (exclusive of VAT), which will be held pursuant to the regulations of the relevant legislation and the more specific terms of these tender documents

## TABLE OF CONTENTS

### TABLE OF CONTENTS

#### **PART A' GENERAL TENDER PARTICULARS**

Article 1 Tender Particulars

Article 2 Selection Criterion

Article 3 Provisions of clarifications on the Tender Invitation –  
Presumption of Participation

Article 4 Language of Procedure

Article 5 Information on Phase B' of the Tender

#### **PART B' SCOPE**

Article 6 Scope of work

#### **PART C' RIGHT OF PARTICIPATION**

Article 7 Time and way of expression of interest dossiers submission

Article 8 Persons entitled to participate in the Tender

Article 10 Technical and professional ability/economic and financial  
standing

Article 11 Supporting documents of participation in sub-dossier A'

Article 12 Supporting documents on technical ability in sub-dossier  
B'

Article 13 Supporting documents of economic and financial standing  
in sub-dossier B'

Article 14 Reliance on the capacities of auxiliary undertakings

Article 15 Participation Guarantee

Article 16 Provision of clarifications

#### **PART D' TENDER PROCEDURE – CONTROL OF APPLICATIONS FOR PARTICIPATION**

Article 17 Applications for participation

#### **PART E' JUDICIAL PROTECTION – GENERAL PROVISIONS**

Article 18 Administrative appeals-Provisional judicial protection

Article 19 Identification of preselected candidates

Article 20 General Provisions

**PART A' GENERAL TENDER PARTICULARS**

**ARTICLE 1**

**TENDER PARTICULARS**

**1.1 Table with general tender particulars**

CONTRACTING AUTHORITY:	<b>MINISTRY OF ENVIRONMENT, ENERGY &amp; CLIMATIC CHANGE</b>
PROJECT TITLE:	<b>Provision of Consultant's Services for the Promotion of Exploitation of the Natural Wealth (Hydrocarbons)</b>
AWARDING CRITERION:	<b>The more economically advantageous offer</b>
PRE-ESTIMATED COST:	<b>€ 772.357,72 (EUROS) exclusive of VAT € 950.000,00 (EUROS) inclusive VAT</b>
PERIOD OF PROJECT:	<b>The duration of the project is twelve (12) months starting from the signature date of the contract, while, under any circumstances, termination date of the contract is the 30.11.2015</b>
FINANCING:	<b>The project is co-financed by the Operational Programme "Competitiveness and Entrepreneurship" of the period 2007-2013</b>
WAY OF SUBMISSION OF APPLICATIONS FOR PARTICIPATION:	<b>Expression of interest dossiers shall be submitted to the seat of the Contracting Authority or they may also be sent by mail or by registered mail to the protocol office of the Contracting Authority</b>
CLOSING DATE & TIME FOR SUBMISSION OF TENDERS:	<b>28/08/2014 at 15:00 am</b>
DATE & TIME OF TENDERS UNSEALING:	<b>29/08/2014 at 12:00 am</b>
PLACE OF TENDERS SUBMISSION	<b>119 Mesogeion Ave., Athens 101 92, General Protocol office of the General Secretariat of</b>

	<b>Energy and Climate Change</b>
CPV CODE:	<b>From 73200000-4 to 73220000-0, from 74140000-2 to 74150000-5 (except for 74142200-8), and 74420000-9, 74421000-6, 74423000-0, 74423200-2, 74423210-5, 74871000-5, 93620000-0</b>
CONTACT PARTICULARS: Address: Contact person: Tel/Fax/Email address	<b>EYSED EN/KA, 119 Mesogeion Ave. 101 92 Athens</b> <b>Mrs E. Zacharaki</b> <b>Tel. 210 6969119 &amp; 210 6969865</b> <b>Fax: 210 6969460</b> <a href="mailto:eysed@eka.ypeka.gr">eysed@eka.ypeka.gr</a> & <a href="mailto:zacharakie@eka.ypeka.gr">zacharakie@eka.ypeka.gr</a>

DATE of sending for publication in the Official Journal of the European Union (OJEU)	24/07/2014
DATE of publication in the Bulletin of Public Contracts Tender Invitations of the Government Gazette:	01/08/2014
DATE of publication in 2 daily financial journals of wide circulation:	27/07/2014
DATE of posting in 2 daily political newspapers of wide circulation:	27/07/2014

## 1.2 Definitions

In this tender invitation as well as in the other tender documents hereof, the following terms shall have the following meaning:

- **Tenderer:** the economic operator which participates in the Tender procedure by submitting a tender.
- **Tender procedure:** a procedure that commenced with the publication of this Call for Expression of Interest and aims at the conclusion of the Contract.
- **Pre-selection Procedure:** the procedure followed during this Phase A' of the Tender.
- **Phase B' Tender Invitation:** the tender invitation which will be sent by the Contracting Authority to pre-selected tenderers for their participation in the Phase B' of the Tender, which shall include the carrying out terms and any other necessary data and information for Phase B' of the Tender and shall be accompanied by the relevant documents and Annexes.
- **Documents:** Where the Tender Documents/Contract Documents require the production of documents/certificates issued by public services, it will not be required to provide the original documents or certified copies, but simple, legible photocopies of these documents shall be accepted. Simple, legible photocopies of private documents shall be accepted, if these documents are initially ratified by a lawyer, as well as clear photocopies of the original for those private document endorsed by public services. Clear photocopies of foreign documents shall be accepted provided that these documents have been initially ratified by a lawyer or by the competent public authorities.
- **Committee:** the Committee for acceptance of tenders and carrying out the Tender procedure, which will be appointed on the basis of the relevant provisions. A representative of the Petroleum Policy Directorate will be appointed as member to the committee.
- **Economic Operator:** Any Provider of Services who participates in the Tender as member of a joint venture or association of persons.

- **Preselected Candidate:** shall be any Candidate who has qualified after completion of this Phase A' of the Tender and has been invited to submit a tender.
- **Call for Expression of Interest:** shall mean this document.
- **Tender Documents/Contract documents:** this Call for Expression of Interest, the Tender Invitation, the General/Special Contract Specifications, the Technical Specifications and the Contract that will be signed.
- **Solemn Statement:** Where Tender Documents/Contract Documents require the submission of a solemn statement that, for nationals on the one hand, a Solemn Statement of the legal representative of the legal entity or physical person, dated within the last thirty calendar days prior to the closing date for the submission of tenders without requiring authentication of signature. And for foreigners on the other hand, a text of equivalent proving value which will be accompanied by an official translation into Greek as defined in Article 454 of the Code of Civil Procedure and the Lawyers' Code.
- **Candidate:** shall mean any service provider who participates in the Tender procedure by filing an application for participation.
- **Phase B' of the Tender procedure or Phase B':** is the phase of the Tender following the qualification of Candidates that lasts until the completion of the Tender Procedure.

### **1.3 Legal Framework**

Tender procedure will be held pursuant to the Greek and European Union law in force governing awarding of public contracts and more specifically pursuant to the provisions of:

- the PD 60/2007 (GG 64/A/16.3.2007) "Adaptation of the Greek Legislation to the provisions of the Directive 2004/18/EC on the coordination of procedures for the award of public contracts, public supply contracts and public service contracts, as it was amended by the Directive 2005/51/EC of the Commission and the

Directive 2005/75/EC of the European Parliament and the Council dated 16<sup>th</sup> November 2005”;

- L. 3886/2010 “Judicial protection during conclusion of public contracts – Harmonization of the Greek legislation with the Directive 89/665/EEC of the Council dated 21<sup>st</sup> June 1989 (L 395) and the Directive 92/13/EEC of the Council dated 25<sup>th</sup> February 1992 (L76), as they were amended by the Directive 2007/66/EC of the European Parliament and the Council, dated 11<sup>th</sup> December 2007 (L 335)” (GG A’ 173/30.09.2010);
- L. 3614/2007 “Management, control and implementation of development interventions for the program period 2007-2013” (GG A’ 267/2007), as it was amended by, among others, L. 3840/2010, and is in force;
- the PD 118/2007 “Regulation of Public Procurements” (RPP), (GG 150/B’/10.7.2007), to the extent that the application thereof is permitted and complies with the awarding of the tendered services.
- L. 4155/13 (GG/A/29.5.2013) and the Ministerial Decision P1/2390/2013 (GG/B/2677/21.10.2013) “Technical details and procedures of operation of the National System for online Public Contracts (ESIDIS)”, with the reservation of note 1, subparagraph 20, L. 4254/2014 “Measures for support and development of the Greek economy within the frameworks of application of L. 4046/2012 and other provisions” (GG 85/A’/07.04.2014);
- L. 4250/2014 (GG 74/A’/26.3.2014) “Administrative Simplifications-Abolishment, Mergers of Legal Entities and Services of the Public Sector – Amendment of Provisions of the PD 318/1992 (A’ 161) and other provisions”
- The Ministerial Decision No. 14053/EYS 1749 (GG 540/B/27.03.2008) on the Management System of the Minister of Economy and Finance, as it was amended and is in force;

- The decision No. E(2007)5338/26.10.2007 of the Commission of the EC on the approval of the Operational Programme “Competitiveness and Entrepreneurship” for community support by the European Regional Development Fund within the frameworks of the convergence objective in the regions of Greece – CCI2007GR161PO001;
- The decision No. 181/104/A2/09.01.2014 (ADA:BI6NF-E38) of the General Secretary of Public Investments –ESPA, with subject “Integration of the Horizontal Action “Promotion of exploitation of the natural wealth (Hydrocarbons)” with code MIS 427937 in the Operational Programmes:  
 “Competitiveness and Entrepreneurship”  
 “Macedonia-Thrace”  
 “Crete & Aegean Islands”  
 “Thessaly-Continental Greece-Epirus”  
 “Attiki” and
- Any other provision of the European Union or national legislation to the extent concerning this tender procedure.

## **ARTICLE 2**

### **SELECTION CRITERION**

- 2.1 The criterion for the award of the Contract is that of the "most economically advantageous offer", as defined in Article 51 of the Presidential Degree 60/2007. The specific criteria will be determined in Phase B' Tender Invitation.
- 2.2. Indicatively, the criteria to be evaluated are as follows:
  - 2.2.1. Methodology and proposed way to organize the implementation of individual actions. The effectiveness and efficiency of the proposed structure of the economic operator to perform the object of the tender invitation (organizational competence in relation to the objectives of the project, linking of the organizational structure with the management requirements,



degree of ensuring flexibility and transparency, provision for implementation of a certified quality management system, differentiation of tasks etc).

### **ARTICLE 3**

#### **Provision of clarifications on the Tender Invitation – Presumption of Participation**

- 3.1 The detailed Tender Invitation as well as a summary thereof are available at the website [www.ypeka.gr](http://www.ypeka.gr)
- 3.2 Candidates may request in writing (by letter or fax or email) additional information or clarifications on the contents of this tender invitation until the 10th day before the closing date for submission of applications for participation, ie until Thursday 19 of August 2014, at 15:00 hours. Requests for clarifications should be addressed to the Contact Person. The Contracting Authority will answer to all clarifications requested within the above period no later than six days before the closing date for submission of applications for participation (Friday 22 of August 2014). The relevant questions of the interested parties shall be answered in writing to the persons submitting the questions and will be posted, together with the answers, on the website of the Contracting Authority. No candidate may in any event invoke oral answers on behalf of the Contracting Authority.
- 3.3 Following the procurement of the tender documents and the provision of any additional information/clarifications, as defined in this Article, it is concluded, as an irrebuttable presumption, that the candidate is aware of the specific characteristics and nature of the project.
- 3.4 Following the submission and opening of applications for participation, **no** clarifications, modifications or refutation of terms of the tender invitation or the applications for participation shall be accepted and they shall be rejected as inadmissible.

- 3.05. Participation in the tender procedure constitutes an irrebuttable presumption that the candidate, as well as every member thereof - in case that the tenderer is a joint venture or an association – is fully aware of this tender invitation and of the documents accompanying it as well as of the applicable legislation, as referred to in Article 1.3. of this tender invitation.
- 3.6. Participation in the tender also constitutes an irrebuttable presumption that the candidate has fully and unreservedly accepted the legality of all terms of the tender documents.

#### **ARTICLE 4**

##### **LANGUAGE OF PROCEDURE**

- 4.1. The official language of the proceedings is the Greek language. Any document or decision which will be issued by the contracting authority will be written in the Greek language. The Contracting Authority will provide a translation of this Tender Invitation or part / summary thereof in English, without additional fee. The translated text will be available only for the convenience of the foreign interested parties and, in any case, only the Greek text of the Tender Invitation shall apply.
- 4.2. Tenders shall be submitted only in Greek. Any understanding between the contracting authority and the interested parties, the tenderers and the provisional or final contractor, as well as any objection or memorandum by the said persons addressed to the Contracting authority will be submitted in the Greek language.
- 4.3 The interested parties, the tenderers and the provisional or final contractor shall be required to facilitate the communication of any foreign employees thereof with the contracting authority, by appointing and having suitable interpreters present.

## **ARTICLE 5**

### **INFORMATION ON PHASE B' OF THE TENDER**

- 5.1 Only prequalified tenderers will be entitled to participate in Phase B' of the Tender by submitting a technical and economic Binding offer.
- 5.2 An invitation to submit a Tender shall be sent to the Prequalified tenderers by the Contracting Authority, by whom they will be called to receive the B' Phase Invitation for Expression of Interest together with the other documents and other material accompanying it. By the same act they will be invited to participate in Phase B' of the Tender, by submitting their relevant Binding Offer. The invitation to submit a Tender shall be sent to the Prequalified Tenderers at least forty (40) days before the date fixed for the submission of their Binding Offer.
- 5.3 It is pointed out that at submission of their Binding Offer to Phase B' of the Tender, Tenderers are asked to:
  - 5.3.1 submit a technical and economic offer pursuant to the more specific provisions to Phase B' of the Tender;
  - 5.3.2 submit a letter of bank guarantee for participation in the Tender.
- 5.4 More information and details concerning Phase B', as regards the evaluation of Binding Offers and the Project award, shall be included in Phase B' Invitation for Tenders.

## **PART B' SCOPE**

### **ARTICLE 6**

#### **Scope of Work**

6.1 The scope of this tender is the provision of advisory services to the Contracting authority in order to strengthen the managerial capacity of the competent Governmental Services, the Central Administration and the newly established state enterprise "Hellenic Hydrocarbons Management Company SA" (hereinafter "EDEY"), in order to improve the mechanisms, the procedures and the tools for the development of the hydrocarbons sector in Greece, along the lines of best international practices. The provided services are developed in 4 axes:

#### **a. Regulatory and Organizational Framework**

The first axis (direction) concerns the examination, completion and improvement of the basic institutional and organizational framework that was set up and governs the exploitation of hydrocarbons in Greece. The provision of the following services is specifically expected:

- Study of regulatory and organizational framework adequacy and suggestions for its improvement and completion thereof.
- Study of a tailor made model for horizontal coordination of the involved governmental and administrative services, including EDEY, for the formulation and application of policy in the primary sector of hydrocarbons exploitation in our country.
- Assessment of organizational, administrative and training needs of those involved.

#### **b. Hellenic Hydrocarbons Management Company SA (EDEY)**

The second axis concerns in particular, the strengthening of the managerial capacity of EDEY. This is a newly established company, which is presently under construction and which needs to be staffed, organized and operated based on the best standards of similar to EDEY companies in other countries, in a manner consistent with the

applicable law governing it. Provision of the following services is expected:

- A study with subject the organizational structure and the operating procedures regulation and procurements regulation of the company.
- A study of the company's organization and staffing and the recording of its training needs.

### **c. Strengthening of operational capacity**

The third axis refers to the technical assistance provided at work to Government Services, Central Administration and EDEY for the optimum way to manage calls for tenders and contracts in the hydrocarbons sector, on the occasion of two contractual procedures which are ongoing and relate to granting licenses to (a) conduct survey for hydrocarbons in the Greek Territory and (b) explore and produce hydrocarbons under lease agreements in various areas. The provision of services in the following sectors is expected:

- Expert opinion during tender procedures phase.
- Evaluation of work performance of the selected Lessees (e.g. time schedule and budget, results of their work).
- Technical studies on the assessment of available resources and potential reserves, checking and validating thereof etc., based on the results of the Lessees work.
- Study on the requirements on Quality (QA, QC), Health - Safety and Environment issues of the activities associated with hydrocarbons.

### **d Medium & long-term planning**

The fourth axis concerns the planning of optimal development of the hydrocarbons sector in the medium & long-term, so as to ensure at first the sufficiency of the country's energy supply and increase of energy reserves and exports to the benefit of the Greek economy and secondly the rational development of this sector, taking under consideration the

requirements of the global energy market and industry, the policies for protection of the environment and the climate and the geo-strategic facts and equilibriums. More specifically provision of services in the following sectors is expected:

- Study of rational development planning of the hydrocarbons sector in the medium & long-term.
- Feasibility studies for infrastructure projects of the primary sector, up to and including the secondary sector.

**6.2 Contract duration:** The duration of the project is twelve (12) months starting from the signature date of the contract, while, under any circumstances, termination date of the contract is the 30.11.2015.

## **PART C' RIGHT TO PARTICIPATE**

### **ARTICLE 7**

#### **-TIME AND WAY OF EXPRESSION OF INTEREST DOSSIERS SUBMISSION**

- 7.1 The closing date for submission of applications for participation with the expression of interest dossiers shall expire on 28th of August, at 15:00 local time of Greece.
- 7.2. Expression of interest dossiers shall be submitted to the seat of the Contracting Authority, in Athens, namely the Ministry of Environment, Energy and Climate Change, General Protocol office of the General Secretariat of Energy and Climate Change, Ground floor, 119 Mesogeion Ave., Athens, Greece, Post Code GR - 101 92.
- 7.3 The dossiers may also be sent by mail or by registered mail to the protocol office of the Contracting Authority (to the above stated address) at the Candidate's sole responsibility as to the content and the time of their delivery to the Contracting Authority. In this case, dossiers should be received and registered until the date and time specified in paragraph 7.1 above. In the case of mailing, the Contracting Authority shall have no responsibility for non-timely delivery or non delivery of the application or for the content of dossiers that accompany it. Candidates are held solely responsible for the timely submission of their dossiers, while mailing or sending of the expression of interest dossier before the closing date, is in no case sufficient for timely participation in the tender.
- 7.4. Overdue submission and registration of an Expression of Interest dossier as above shall have as a consequence the exclusion of the Candidate, even if occurring force majeure reasons cause the delay. The submission of an expression of interest dossier violating the terms of this Invitation for Expression of Interest shall also entail exclusion of the Candidate.

- 7.5. After the submission of applications for participation any submission of additional or clarifying data, other than those that may be requested by the Tender Committee, shall not be accepted, but it shall be rejected as inadmissible.
- 7.6. The applications for participation will be unsealed on the following business day after the closing date at 12:00.
- 7.7. All those who have submitted an application for participation may attend in person or by their legal representative or by a duly authorized person the unsealing of applications for participation. Applications for participation will be unsealed on 29<sup>th</sup> of August at 12:00 hours, at the office no 126, 1<sup>st</sup> level of the Contracting Authority.
- 7.8. Applications for participation shall include the following dossiers: (A) Supporting Documents sub-dossier and (B) Material Qualifications sub-dossier (of technical ability and economic and financial standing).

## **ARTICLE 8**

### **PERSONS ENTITLED TO PARTICIPATE IN THE TENDER**

- 8.1. The following persons may participate in the tender:
  - 8.1.1. Physical persons or legal entities of private or public law, incorporated under the laws of an EU Member State, which have their registered office, their central administration or their principal place of business within the EU, the EEA and within countries which are Contracting parties to the Agreement on Government Procurement (GPA) that was concluded within the frameworks of the negotiations of the Uruguay Round (GATT).
  - 8.1.2 Associations - Joint Ventures of the physical persons and/or legal entities under point 8.1.1, submitting a joint application for participation. In the case of associations, tenderers are not required to have taken a specific legal form in order to apply for participation. The Contracting Authority reserves the right to oblige the Association, which will be



declared as contractor, before executing the contract, to adopt a specific legal form as follows:

(a) to assume the form of a joint venture as defined in the relevant legislation;

(b) to assume the form of a commercial law company, incorporated under the provisions of the Commercial Law.

In any case, the members of the Association – Joint Venture shall be each jointly, severally and in full liable before the Contracting Authority for the execution of the project. In the event that, due to incapacity for any reason or force majeure, a member of the Associations - Joint Ventures can not meet its obligations at the time of assessment of the applications for participation, the remaining members shall continue having the responsibility of the entire joint application for participation with the same price. If the above incapacity occurs at the time of execution of the contract, the remaining members shall continue to have responsibility for the entire joint application for participation, with the same economic offer and the same terms. The remaining members of the association in both the above cases may suggest a substitute, who must fulfil the terms of this invitation. Substitution shall be evaluated, upon submission of the relevant supporting documents by the Committee and shall be approved by decision of the Contracting authority.

8.2. Candidates should have special technical and professional capacity relevant to the object of the tender, in accordance with the provisions of Article 10 of this Invitation.

8.3. It is pointed out that each candidate, physical person or legal entity may not participate, either independently or as a member of an Association-Joint Venture or in any other way, in more than one applications for participation.

## **ARTICLE 9**

### **PERSONAL STATUS OF CANDIDATES**

9.1 A candidate shall be excluded from this Tender Procedure as long as they are concurrent in his person, or in case of association of persons, even in the person of one economic operator participating in the association, the reasons for exclusion of par. 1 and 2, article 43 of the PD 60/2007 and more specifically if there is an irrevocable convicting judgement against the Candidates or-in case of associations of persons-even for one financial operator participating in the association, for one or more reasons listed below:

- a) participation in criminal organization, as such is defined in Article 2, paragraph 1 of the Joint Action 98/773/JHA of the Council;
- b) corruption, as it is respectively defined in Article 3 of the Council Act dated 26<sup>th</sup> May 1997 and in Article 3, paragraph 1 of Joint Action 98/742/CFSP of the Council;
- c) fraud within the meaning of Article 1 of the Convention on protection of financial interests of the European Communities;
- d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering,
- e) embezzlement (Criminal Code 375), fraud (Criminal Code 386, 388), extortion (Criminal Code 385), forgery (Criminal Code 216, 218), perjury (Criminal Code 224), corruption (Criminal Code 235-237) and fraudulent bankruptcy (Criminal Code 398) or the corresponding legislation of the establishment country
- f) an offense concerning its professional conduct.

9.2. The candidate who himself, or, in case of an association of persons, even one economic operator participating in the association:

- a) is under bankruptcy, liquidation, cessation of activities, compulsory administration or arrangement with creditors or

undergoing reorganization or judicial assistance (if a physical person) or is in any corresponding situation arising from a similar procedure under national laws and regulations;

b) proceedings for a declaration in bankruptcy, liquidation, compulsory administration, settlement with creditors, reorganization or judicial assistance (if a physical person) or any other similar proceedings under national laws and regulations have been moved against him;

c) has committed professional misconduct related to the scope of the tender or to his professional capacity, which can be established freely by any means by the Contracting authority;

d) is guilty of serious misstatement in supplying or failing to supply the information required

shall be excluded from this Tender.

9.3 The candidate who himself, or, in case of an association of persons, even one economic operator participating in the association:

a) has not fulfilled his obligations relating to the payment of social security contributions under the legislation of the country in which he is established or with that of the country of the contracting authority;

b) has not fulfilled his obligations relating to the payment of taxes and duties in accordance with the legislation of the country of the contracting authority,

shall be excluded from this Tender.

9.4 The candidate who himself, or, in case of an association of persons, even one economic operator participating in the association:

9.4.1. establishes an offshore company as defined in item a', par. 4, article 4 of L. 3310/2005, as it was supplemented by par. 4, article 4 of Law 3414/2005;

9.4.2. lost the right to participate in public tenders by decision of another public service or Legal Entity of Public Law or operator

of the wider public sector, due to non-fulfilment of his contractual obligations;

9.4.3. does not submit all the supporting documents required by this Invitation for Expression of Interest, and/or violates any obligation of those mentioned herein,

9.4.4. does not submit all application documents officially translated into the Greek language, subject to more specific provisions;

shall be excluded from this Tender.

- 9.5. It is pointed out that in case of filing a joint application for participation, the above reasons for exclusion shall be applicable to each of the participants in the joint application for participation. If a reason for exclusion is concurrent for a single participant only in a joint application for participation, the filed joint application for participation shall be excluded from the tender.

## **ARTICLE 10**

### **TECHNICAL AND PROFESSIONAL ABILITY/ECONOMIC AND FINANCIAL STANDING**

- 10.1 Each tenderer who meets the requirements of Articles 8 and 9 of this invitation for Expression of Interest, must have, in addition, specific technical and professional capability as well as economic and financial good standing, as referred to in this article.

- 10.2. As a minimum condition for qualitative selection and qualification of the candidates fulfilment of the following criteria for technical and professional ability is required:

**10.2.1. Criterion of the candidates' General and Specific Experience:** as regards the general experience and the specific engagement with projects within the scope of this invitation for Expression of Interest, candidates should, on penalty of exclusion, have completed during the last five-years up to the

publication of this tender, firstly, at least two (2), similar to the hereby tendered, projects, with cumulative contract value equal or greater than two and a half million (2.500.000,00) Euros, secondly, a project with a similar contract value to the hereby tendered project. As similar to the under award one, projects shall be considered those concerning the supply of advisory services in the sector of hydrocarbons, as those are specified in Article 6 above.

**10.2.2 Criterion of Organizational Structure:** Regarding the organizational structure candidates must have an appropriate organizational structure for the smooth implementation of the project and in particular a) employ twenty (20) persons with relevant specialization to the scope of the tendered project, indicatively engineers, geologists, geophysicists, environmental scientists, petroleum engineers, lawyers with specialization / experience in the exploration and production of hydrocarbons sector (upstream).

**10.2.3. Project Team Criterion:** The adequacy in number and the experience required by the Project Team in similar projects to the subject of this Invitation for Expression of Interest, undertaken in the past, is checked. Specifically, the Project Team will consist of at least ten (10) members, possessing the following characteristics:

- The Project Manager with proven at least twenty five (25) years experience in setting up and managing upstream sector projects.
- 2/3 of the members of the project team with proven at least ten (10) years experience.
- One (1) Economist with experience in corporate finances and financial forecast models.
- One (1) Lawyer with experience in European and International law and the drafting of contracts relevant to upstream sector.

- One (1) Geologist or Engineer with experience in assessing and appraising hydrocarbon deposits.
  - One (1) Engineer with experience in environmental, health and safety issues in the upstream sector.
  - One (1) member with experience in business administration and management.
  - Five (5) members, geophysicists, petroleum engineers and geologists, with experience in the exploration and production of hydrocarbons (upstream) and the management of data.
- 10.3. As a minimum condition for the qualitative selection and pre-qualification of the candidates, it is required that the following criteria of economic and financial standing are fulfilled:
- 10.3.1. The annual turnover for every of the last three (3) fiscal years to be greater than one and a half million Euros (1,500,000.00 €). If the Candidate is active for a period shorter than the last three (3) fiscal years, then the annual turnover for each of those fiscal years should be greater than the threshold set above;
- 10.3.2 Have a positive average of earnings before tax, interests and depreciation for the last three (3) fiscal years.
- 10.4. If the applicant is an association of physical persons or legal entities or a Joint Venture, the specific technical, professional ability and economic and financial standing which is required, in accordance with this article may ensue cumulatively by all members of the Joint Venture or the Association.

**ARTICLE 11**  
**SUPPORTING DOCUMENTS OF PARTICIPATION IN SUB-**  
**DOSSIER A'**

- 11.1. Candidates shall submit together with the application for participation thereof, under penalty of exclusion, in the sub-

dossier "PARTICIPATION SUPPORTING DOCUMENTS" the following supporting documents in the same order and numbering in the Greek language. Documents issued abroad will be accompanied by an official translation into Greek as provided in Article 454 of the Code of Civil Procedure and of the Code on Lawyers:

**11.1.1. Application for Participation:** The candidate must submit an application to participate in the Tender, in the form of a letter to the Contracting Authority, stating the full particulars of the candidate applying for participation. In case of a legal entity, the application shall be signed by the legal representative of the tenderer, as such is provided by the articles of association, or alternatively, as he is duly appointed by the suitable act as the case may be, while in case of an association or joint venture by the common representative designated to that purpose by the participants or the representatives of all members. The application shall mention also particulars of any perchance appointed procedural representative. Particularly for legal entities submission of the relevant resolution/minutes of the competent, under the articles of association, organ of the legal entity which resolved the participation of the entity in the tender and authorized the legal representative to proceed to all necessary actions shall be required.

**11.1.2. Act of Establishment/commencement of business:** If the candidate is a legal entity, it must file a copy of the articles of association or other respective document proving the establishment of the candidate's legal entity and any amendments thereto with the respective Government Gazette issues, where they are provided based on the relevant provisions governing its operation. It is recommended to submit the most recent codified articles of association and any perchance subsequent amendments thereto, together with the relevant Government Gazette issues where such is provided. If the candidate is a natural person he

must file a **certificate of business commencement** by the competent Tax Office (DOY).

11.1.3. **Act of establishment of association – joint venture: At least the private establishment agreement** thereof shall be submitted and additionally any other appropriate document, including indicatively, minutes of resolutions of the Board of Directors (in case of an SA company) or decisions of administrators (in case of Limited Liability Companies, Private Capital Companies, General Partnerships or Limited Partnerships), setting out:

- i. the members of the association who filed an application for participation, who will be mentioned by name and will be jointly, severally and in full liable each vis-à-vis the contracting authority,
- ii. the part of the project (participation percentage) that each member of the Association undertakes in the execution of the Project,
- iii. the common legal representative of the association or the joint venture for the Tender and any perchance procedural representative of the Association for the Tender with full contact details,
- iv. the Coordinator/Head of the Association,
- v. that if selected as Contractors they will establish, if requested by the Contracting Authority, a joint venture in accordance with the provisions of the relevant legislation or a commercial law company,
- vi. that the joint venture will be established in order to provide the services specified in this Invitation for Expression of Interest, or the company will be established with a view inter alia the provision of services under this Invitation for Expression of Interest and the Contract will be signed after the issuance of tax identification number by the competent tax authority,



vii. that the members of the joint venture will be jointly, severally and in full liable for complying with the terms of the Contract.

11.1.4. Solemn Statement by the candidate or the legal representatives of the candidates in case of legal entities, in which the following will be stated:

- i. the particulars of this tender in which they participate,
- ii. that the application for participation was drawn up in accordance with the terms and specifications of this invitation for Expression of Interest and that they accept all the terms hereof,
- iii. that the submitted application for participation covers the entire tendered project,
- iv. that he waives any right to claim compensation in respect of any decision of the Contracting Authority to postpone or cancel the tender,
- v. that he participates in one only application for participation within the frameworks of this tender,
- vi. that he is not subject to any of the reasons for exclusion, such as those described in details in par. 9.1., 9.2., 9.3 and 9.4 of the Invitation for Expression of Interest, and
- vii. that all the particulars set forth in the application for participation are true and accurate.

11.1.5. A solemn statement by the legal representative/s, that is, in any case and without prejudice to any perchance more specific power:

- i. the administrators of General Partnerships and Limited Partnerships,
- ii. the administrators of Limited Liability Companies and Private Capital Companies,
- iii. the Chairman and the Managing Director of an SA company and
- iv. the legal representatives of any other legal entity

that, until the day of submission of the application for participation, each of them has not been convicted by final judgment of an offense of the ones referred to in paragraph 9.1. and that there is no reason for his exclusion of the ones in paragraph 9.2 d) hereof.

**ARTICLE 12**  
**SUPPORTING DOCUMENTS ON TECHNICAL ABILITY IN**  
**SUB-DOSSIER B’**

12.1 The candidate must demonstrate his technical ability, as defined in Article 10 of the Invitation for Expression of Interest by submitting the following:

12.1.1. General information about the candidate, indicatively information on the characteristics, the activity, the technical infrastructure, the overall organization of the candidate, the capacity to provide the requested services, the means of quality control of the services provided by them.

12.1.2. A list of the proposed staffing of the Project Team, which should have specialized knowledge and experience in the execution of similar projects/services on the subjects specified in details in Article 6 above. The composition of the Project Team will be illustrated as in the following Table, which will provide data in synopsis of the experience and specialized knowledge of each of the proposed members of the Project Team, including specialized external associates, whom it intends to use as follows:

Team Member	Position in the Team	Duties	Documentation of Experience

where:

- The "Team Member" column is filled with the name of each proposed staff / external associate of the project team.
- The column "Position in the Team" is filled with the role of the executive/external association, in accordance with the proposed Team organization.
- The column "Duties" lists the works to be undertaken by each executive/external associate of the Project Team.

12.1.3. Signed detailed CVs of the proposed staff / external associates. The CVs should clearly reflect the participation and the role of the executive in projects of similar nature and size.

12.1.4 A list summarizing the main projects, similar to the tendered one, that they have carried out or are still carrying out during the preceding five-year period until the publication hereof, making reference to their economic value, the implementation period and the Client, as well as the participation percentage of the tenderer therein, identifying separately the active and completed and accepted contracts.

12.1.5 Certificates of good execution of projects, proving the good execution of similar services-projects contracts, in the private or public sector, as they are issued. Such contracts may refer to the candidate or to separate members of the Project Team.

### **ARTICLE 13**

#### **SUPPORTING DOCUMENTS OF ECONOMIC AND FINANCIAL STANDING IN SUB-DOSSIER B'**

13.1 Candidates must prove their economic and financial standing according to art. 10, by submitting published balance sheets or extracts of balance sheets (as provided in Article 43b of Law 2190/1920 for SA companies and in Article 8 of Law 3190/1995 for the limited liability companies) for the last three fiscal years,

namely 2010, 2011 and 2012 as well as income statements, if the candidate is required to draw up and publish such.

- 13.2. In the case of newly established legal entity, which participates as a member in an association - joint venture, it is obligatory to submit interim balance sheets or any other document in proof of the financial standing of the participant.
- 13.3. If the participant has no legal obligation to publish balance sheets, it is obligatory to submit a Solemn Declaration on his financial standing, as above or any other relevant document.

## **ARTICLE 14**

### **RELIANCE ON THE CAPACITIES OF OTHER ENTITIES**

- 14.1. In case of filing joint application for participation, the above supporting documents and declarations must be submitted for each of the participants in the joint application for participation. Subcontractors are not considered as participants in a joint application for participation and are not required to make such statements, except for those set forth in article 11.1.5.
- 14.2. Further the candidate shall have the option, under paragraph 2 of Article 45 and/or paragraph 3 of Article 46 of the PD 60/2007, to rely on the capacities (economic/financial and/or technical/professional) of other entities regardless of the legal nature of his commitment with them. In that case he must prove to the Contracting Authority that, for the execution of the contract, he will have at his disposal the necessary resources by producing the relevant commitment by those entities, namely:
  - 14.2.1. In case of a natural person:
    - a Solemn Statement of the natural person on his commitment to indeed make available to the candidate the necessary financial/technical resources required in order to prove the financial/technical capacity and the disposal thereof in favour of

the Participant throughout the period covered by the contract, including any perchance time extension thereof;

- a Solemn Statement that there is no reason for exclusion of the ones set forth in article 9 hereof and relate to physical person, concurrent in his person;
- a Private Agreement of the operator with the candidate, which will identify specifically and explicitly the details of the financial or technical means or resources of the third party which he wishes to be counted in favour of his participation, and by virtue of which it will ensue, by appropriate means, that such particulars will be available to him during the execution of the project and that the operator lending the experience is indeed able to ensure the use of such means.

14.2.2. In case of a legal entity:

- a decision of the decision-making organs of the operator which has the necessary resources, on its commitment to actually make available to the candidate the necessary financial/technical resources required in order to prove the financial/technical capacity and the disposal thereof in favour of the Participant throughout the period covered by the contract, including any perchance time extension thereof;
- a private agreement of the operator with the candidate, which will identify specifically and explicitly the details of the financial or technical means or resources of the third party which he wishes to be counted in favour of his participation, and by virtue of which it will ensue, by appropriate means, that such particulars will be available to him during the execution of the project and that the operator lending the experience is indeed able to ensure the use of such means;
- legalization of the operator's documents (current articles of association);
- a solemn statement that it does not fall in any of the exclusions of Article 9 hereof.

## **ARTICLE 15**

### **PARTICIPATION GUARANTEE**

- 15.1 This procedure does not require the submission of guarantees.
- 15.2 The participation guarantee that shall be required in Phase B', as well as the other guarantees, shall be determined in the Tender Invitation of Phase B' of the Tender.

## **ARTICLE 16**

### **PROVISION OF CLARIFICATIONS**

- 16.1 The Tender Committee and the Contracting Authority reserve the right, at their discretion and in compliance with the principle of equal treatment and transparency, to call by any means convenient and at any stage of the evaluation procedure the Candidates to clarify or supplement the submitted particulars within the specific time-limit that will be prescribed to them.
- 16.2. Any clarifications or submission of additional data, according to the provisions of this Invitation, shall be taken under consideration only as to the issues raised by the upper bodies of the Tender and may not change the data submitted with the expression of interest dossier.
- 16.3. Particulars and points of the applications for expression of interest that create ambiguities or contradictions, except in the case of manifest or minor errors, lead to the rejection of applications for expression of interest.
- 16.4. It is noted that, individual, fragmental and immaterial deviations from the provisions of this Invitation for Expression of Interest regarding the contents of sub-dossiers A "Participation Supporting Documents" and B "Material Qualifications", will not constitute grounds for exclusion and the Tender Committee and the Contracting Authority shall reserve the right to invite the Candidates within a reasonable time in order to restore the relevant deviation.

**PART D' TENDER PROCEDURE – EVALUATION OF  
APPLICATIONS FOR PARTICIPATION**

**ARTICLE 17**

**APPLICATIONS FOR PARTICIPATION**

17.1 The applications for participation shall be submitted pursuant to the provisions of article 7 of this Invitation for Expression of Interest.

17.2 As regards the **preparation of the applications for participation** the following shall apply:

17.2.1 Applications for participation shall be submitted in the Greek Language. All required supporting documents, as such are clearly specified in Articles 11, 12, 13 and 14 hereof, as regards the right of participation, technical ability, economic and financial standing as well as any perchance reliance on the capacities of auxiliary undertakings must have been drawn up or officially translated into the Greek language against penalty of exclusion. In addition to the above supporting documents required against penalty of exclusion, candidates may submit additional documents relevant to their professional profile and/or technical capability and financial standing in the English language.

17.2.2. Applications for participation shall be typed and numbered per page (numbering may be different for each sub-dossier), signed by the legal representative of the participant or the legal representatives of the participants or the joint legal representative and shall not have irregular corrections (erasures, deletions, additions etc.). If there are any corrections, additions etc., they should be made with the same printing machine type and initialled by the candidate.

17.3. As to the **validity of applications for participation** the following shall apply:

17.3.1. Applications for participation shall be valid and binding for the participants in the tender for 6 months from the day

following the closing date for submission thereof. Applications for participation indicating validity time of less than six (6) months shall be rejected as inadmissible.

17.3.2. The validity of applications for participation may be extended in writing, prior to their expiry, for a maximum period equal to that prescribed by the Tender Invitation. If a question of extension of their validity arises, the Contracting Authority shall forward a written question to the candidates, ten (10) working days before the expiry of validity thereof, if they accept the proposed extension. Candidates must reply within five (5) working days.

17.3.3. After the expiry of the above time limit for extension of the validity of the applications for participation, the tender results shall be obligatory cancelled, unless the contracting authority considers, as the case may be, with reason that the continuation of the tender serves the public interest, in which case the tenderers may choose either to extend their application for participation, if requested, before the expiry of the maximum limit, or not. In the last case the tender procedure shall be followed with those who extended their applications for participation.

17.4. As regards **the way of submitting applications for participation** the following shall apply:

17.4.1. All tenders will be submitted in a closed and sealed dossier, on which the following will be clearly written:

\* Application for participation in Phase A' of the Tender for Selection of Technical Consultant by Restricted Procedure for the Project "Provision of Consultant's Services for the Promotion of Exploitation of the Natural Wealth (Hydrocarbons)".

\* "Candidate" (full candidate's name, address, telephone number, fax, e-mail)

\* "Procedural Representative" (Full name, address, telephone number, fax, e-mail)



\* “Contracting Authority”: MINISTRY OF ENVIRONMENT, ENERGY AND CLIMATIC CHANGE, EYSED EN/KA

\* The note “To be opened only by the competent Tender Committee”

In case of candidate Association of Persons, the particulars of all members comprising it should be written.

17.4.2 The above main interest expression dossier of each Candidate will include two individual, closed also, sub-dossiers, which shall contain all relevant information as follows:

\* “Sub-dossier A - Participation Supporting Documents”, which will be submitted in one (1) original, the documents required under Article 11 hereof.

\* “Sub-dossier B- Material Qualifications”, which will be submitted in one (1) original, two (2) complete copies and one (1) copy in electronic form (CD), which shall include the documents required pursuant to articles 12 and 13 hereof.

17.4.3. The two sub-dossiers will necessarily indicate the same particulars as the outer dossier, in accordance with paragraph 17.4.1., and also the indication "SUB-DOSSIER A PARTICIPATION SUPPORTING DOCUMENTS" or "SUB-DOSSIER B MATERIAL QUALIFICATIONS", as appropriate.

17.4.4. In case that it is not possible, due to large volume, to enclose the particulars of the sub-dossiers in the main interest expression dossier, then the copies can be properly packed and accompany the main dossier with the indication “SUPPLEMENT TO APPLICATION FOR PARTICIPATION” and the other indications of the main dossier.

17.4.5. The particulars of interest expression dossiers must not bear any scratches, erasures, deletions, additions etc.. If there is any correction in these particulars, it must be clearly written and initialled.

**17.5. As to the control of participation supporting documents the following shall apply:** They shall be excluded from the tender

those against whom there is any of the cases specified in Articles 8 and 9 hereof concurrent and those who do not submit the supporting documents described in Article 11 thereof.

- 17.6. **As regards the control procedure of qualitative selection criteria the following shall apply:** A condition for the qualitative selection of tenderers is that they fulfil the criteria for qualitative selection. As to the criterion of technical ability related to Candidate's engagement project, his adequacy to execute the project shall be examined based on the criteria set out at point 10 and the documents submitted in order to prove fulfilment of such criteria, as defined in article 12. As to the tenderer's financial and economic standing criterion, the Tenderer's adequacy to execute the project shall be examined based on the criteria set out at point 10 and the documents submitted in order to prove fulfilment of such criteria, as defined in article 13.

In case of associations of persons those criteria shall be examined, in a cumulative way, for the persons participating to them.

- 17.7. **As regards the procedure for unsealing interest expression dossiers the following shall apply:**

17.7.1. The tenders shall be unsealed in public before the Tender Committee. Those tenderers or their legal representatives who wish so may attend unsealing.

17.7.2 The Tender Committee shall proceed with commencing the process of tenders unsealing on 29<sup>th</sup> of August, at 12:00 hours, at the office no 126, 1<sup>st</sup> floor of the Contracting Authority.

17.7.3. Tenders will be unsealed as follows:

i. Initially, the main dossier shall be unsealed and subsequently the "Participation Supporting Documents" sub-dossier and the "Material Qualifications" (Technical ability and Economic and Financial standing) sub-dossier, which shall be initialled by the Committee per page.

ii. During unsealing of the sub-dossiers the Committee shall not be required to verify compliance of the Candidates, i.e. of their applications for participation with the terms of the Tender Invitation. The Committee shall verify the completeness of the dossier and the submission or not of all supporting documents.

iii. If the Participation Supporting Documents and Material Qualifications dossiers are complete and contain all requested hereby documents and supporting documents, which, within the frameworks of the principle of formality of the tender procedure should all be included, against penalty of exclusion, the tenderers shall be initially accepted to the tender. Dossiers for expressions of interest, which, in Tender Committee's discretion, are incomplete, conditional or combined with conditions irrelative with the purposes of this Tender, will not be taken under consideration and will be rejected.

iv. Subsequently, the Committee shall proceed, in closed sessions, to a thorough examination of the participation supporting documents and evaluation of the minimum participation requirements/qualitative selection criteria. Those tenderers who fulfil the participation conditions and the criteria for qualitative selection of articles 8, 9 and 10 of this Invitation for Expression of Interest shall be accepted.

v. The Tender Committee and/or the Contracting Authority may invite the Candidates to supplement and/or clarify the submitted only documents and certificates in accordance with Article 16 hereof.

17.7.4. After unsealing and control of the supporting documents and the qualitative selection criteria, the Committee shall draw up relevant minutes and shall make an introduction to the competent organ, by forwarding thereto the minutes, as regards the acceptance or the justified rejection of the applications for participation of tenderers who have submitted incomplete particulars in the sub-dossiers **“Participation Supporting**

**Documents” and “Material Qualifications Supporting Documents”** or whose submitted particulars do not fulfil the terms hereof. The competent organ shall respectively decide and care of the Contracting Authority shall notify its Decision to the Tenderers.

**PART E' JUDICIAL PROTECTION – GENERAL PROVISIONS**

**ARTICLE 18**

**ADMINISTRATIVE APPEALS – PROVISIONAL JUDICIAL  
PROTECTION**

- 18.1. Against decisions, acts or omissions of the Contracting Authority the legal remedies provided by L. 3886/2010 may be filed.
- 18.2. In particular, within ten (10) calendar days from the candidate's being fully aware of the illegal act or omission, he may bring interlocutory review versus that decision before the contracting authority (interlocutory review application), specifically identifying the legal and factual grounds justifying his request. As full it is considered the knowledge by the candidate of the act that prejudices his interests and of the reasons for it.
- 18.3 The contracting authority shall provide a reasoned response within fifteen (15) days from the filing of the appeal. If the above term expires with no action taken, the appeal is presumed to have been dismissed. In any case the contracting authority may accept in whole or in part the interlocutory review also after the expiry of the above term, until the day before the hearing of the application for interim measures, and in such case the hearing on the said application shall be respectively repealed in the part thereof which accepted the petitioner's interlocutory review. The authority may also cite initial or supplementary reasons for rejecting the interlocutory review, which must be received by the court no later than six (6) days prior to the initial or upon adjournment hearing of the application for interim measures.
- 18.4. Reviews shall be submitted to the Contracting Authority and shall be examined thereby.
- 18.5. The decisions of the contracting authority on any perchance reviews shall be communicated in writing to all candidates participating at the time of submission of the appeal.

- 18.6. Within ten (10) days term from the explicit or implicit dismissal of the interlocutory review, an application for interim measures may be filed to the competent court, which is not permitted to contain reasons different than those of the interlocutory review. For the filing of this application a fee shall be deposited the sum of which amounts to 1% of the budgeted value, including VAT. 1/3 of the amount of the fee shall be paid upon filing of the petition, 1/3 until the first hearing and if the application is dismissed, the applicant shall be condemned by the court's decision to pay the remaining 1/3.
- 18.7. The term for the exercise of interlocutory review, the exercise thereof as well as the term for the exercise of the application for interim measures preclude the conclusion of the contract, unless if, by the interim order, the competent judge rules otherwise. If a application for interim measures is brought, the applicant shall notify the contracting authority about it by any appropriate means, such as electronically and by fax, within five (5) days from the filing of the application. Within ten (10) days after the expiry of the above term, the contracting authority shall, if it has been notified pursuant to the above, send to the court by any means convenient the administrative file and the opinions thereof. In case a file is not sent by the contracting authority, the court may infer presumption of admission by the contracting authority regarding the real basis of the applicant's claims. The same presumption may be deemed to be concurrent, when some particulars have been sent by the contracting authority, but the court finds that they are incomplete and not sufficient in order to consider the merits of the raised allegations as probable. As for the rest, the filing of an application for interim measures shall not prevent the progress of the tender procedure, unless otherwise specified by the perchance issued provisional order.

## **ARTICLE 19**

### **IDENTIFICATION OF PRESELECTED CANDIDATES**

- 19.1 Phase A' of the Tender shall be concluded with the adoption of the relevant decisions by the Contracting Authority for the pre-selection of Candidates, where at least five (5) candidates shall be qualified who fulfil the participation criteria, as defined in article 9 hereof and the qualitative pre-selection criteria as defined in art. 10 hereof.
- 19.2. All the participants will be notified in writing of the outcome of pre-selection, while the qualified candidates will be invited to submit their technical and financial offers.
- 19.3. Expressions of interest which are vague, contradictory, conditional or do not include all requirements of this Invitation for Expression of Interest will be dismissed as inadmissible.

## **ARTICLE 20**

### **GENERAL PROVISIONS**

- 20.1. The information contained in this Invitation for Expression of Interest and its Annexes are intended to assist the interested parties to form their own opinion on the Tender and the Project. In any case, interested parties should conduct themselves, at their own sole responsibility, research and analysis of the actual and legal facts relating to the subject hereof with the assistance of their own economic, technical and legal advisors.
- 20.2. Participation of the candidates in the Tender does not give them any right to raise claims, including, without limitation, damages or reimbursement of expenses associated with the participation or the submission of an Expression of Interest dossier or a Binding Offer for the Project or for their participation in general in any stage of the Tender. Similarly, no claim for damages or reimbursement of expenses will be considered and no Candidate or Tenderer shall be entitled to rely on such claim if the Contracting Authority dismisses the Candidate or Tenderer, or if,

for any reason and at any stage, it decides that the process of Tender should be suspended, not continued, cancelled, resumed or called off in accordance with Article 6 hereof.

- 20.3. Filing of alternative offers for the Project is not permitted. If any perchance alternative offers are submitted, they will not be considered.
- 20.4. Likewise, counter-offers or modification of offers or proposals which, in the opinion of the Tender Committee and/or the Contracting Authority are assimilated with a counter-offer are not permitted.
- 20.5. This Invitation for Expression of Interest does not constitute in any way a proposal for the conclusion of contract.
- 20.6. The Tender and Contract shall be governed by the Greek law and shall be interpreted in accordance therewith and the contracts will be drawn up in the Greek language.
- 20.7. Disputes, if any, arising under the Tender will be settled by the materially competent Courts of Athens.