

## **Clarifications for the Call for Tenders for the exploration for and exploitation of hydrocarbons in Onshore Western Greece**

*(Ministerial Decree D1/A/12891/31.07.2014, Greek Official Journal 2185/B/08.08.2014)*

### **FREQUENTLY ASKED QUESTIONS**

**1. The Call for Tenders states that any document not available in Greek or English may be submitted “in the original language along with a certified translation into Greek or English language”. What does “certified” mean in this context?**

Certified translation means a translation by a public authority of any country or by a person or legal entity authorized to provide an officially accepted translation under Greek Law or the Law of any other member state of the EU.

**2. Should documents issued by foreign authorities bear the apostille certification provided for by the Hague Convention Abolishing the Requirement for Legalisation for Foreign Public Documents?**

Any document issued by a non-Greek public authority should indeed bear an apostille according to the aforementioned Convention. A document issued by a state that has not acceded to the aforementioned Convention or whose accession has been objected to by Greece should be certified as to the originality of its signature by the competent Greek Consular Authorities.

**3. Does the phrase “all documents and information” at the beginning of the Legal Capacity Documentation section of the Call for Tenders, under heading 3.7, mean that there is no obligation to provide documents for the information required?**

All information required by this section of the Call for Tenders should be presented in relevant documentation.

**4. Is there a model format for the “notarial deed or declaration” that forms part of the Legal Capacity Documentation of the application?**

There is no model format or standardized wording for the required notarial deed or declaration. What matters is that the notarial document contains all the information required by the Call for Tenders.

**5. Who is supposed to issue the Registration Certificate and provide “the name of any sovereign state or legal entity or national of any sovereign state that directly or indirectly holds 50% or more of the voting shares of the Applicant or otherwise has an interest that constitute control”, as parts of the Legal Capacity Documentation of the application?**

The Registration Certificate must be issued by the public authority competent to issue such certificates according to the law under which the company is registered. The “name of any sovereign state or legal entity or national of any sovereign state that directly or indirectly holds 50% or more of the voting shares of the Applicant or otherwise has an interest that constitute control” must be provided by the competent organ according to the law under which the company is registered or, in case there is no relevant legal provision, according to the company’s own articles of association. In case there is no relevant provision either in the law or in the company’s own articles of association, the name must be provided by the company’s executive board.

**6. Regarding the “first class bank acceptable to the Ministry” requirement contained in the Call for Tenders, does it have to be a Greek bank or a foreign bank with a presence in Greece?**

Guarantees may be provided by any first class bank lawfully operating in the EU with a branch in Athens or with an established correspondent banking relationship with a first class bank in Athens.

**7. The Call for Tenders demands that the Applicant include official documentation certifying that the Applicant does not fall within the following parameters:**

- c) has been convicted of an offence concerning its professional activity by a judgment which has the force of res judicata;**
- d) has committed an act of professional misconduct in the course of its business or profession;**
- e) has made false statements or misrepresentations in providing any information required under the law, or has failed to provide such information.**

**Do these provisions refer to the Applicant companies themselves or to the natural persons that participate in their administration and representation bodies?**

The aforementioned documentation concerns only the natural persons who have executive powers and may bind the company.

**8. Does the reference to “an act of professional misconduct” in the provision (d) mentioned above apply to current and ex public servants only and therefore not to private law companies?**

The aforementioned provision applies to any individuals who either have been or still are subject to disciplinary supervision by a public authority or professional body.

**9. The two provisions numbered (1) and (2) under heading 3.7 of the Call for Tenders are joined with an “or” in the English version but with an “and” (“και”) in the Greek version of the text. Are the two provisions linked disjunctively or conjunctively?**

The two aforementioned provisions are linked disjunctively. In other words, the Application Letter shall be accompanied either by the documentation described under (1) or by the documentation described under (2).

**10. In the Greek version of the Call for Tenders, the Applicant’s Representative is referred to sometimes as “Εκπρόσωπος του Αιτούντος” and at other times as “Αντιπρόσωπος του Αιτούντος”. Is there a difference between the two terms?**

Both these terms have the same meaning in the Call for Tenders, namely “Applicant’s Representative” and are used interchangeably.

**11. In case of participation of a newly established company (100% owned by a parent company) which does not have Balance Sheet, Income Statement or other required financial documents to prove its own financial capabilities, the financial documents of the parent company can be submitted instead?**

According to the second paragraph of the Financial Capacity Documentation section of the Call for Tenders, financial documentation shall include the financial structure of the Applicant and its ultimate parent company, if any, including annual reports, audited balance sheets and profit and loss statements for the past three (3) years, and any reports which the Applicant or its ultimate parent company may have filled to competent authorities responsible for securities regulation during that period.

**12. The Bid Guarantee of EUR 100,000 should be for each Applicant, no matter how many blocks a company is bidding for, or for each Block Area an Applicant bids for.**

The Bid Guarantee of EUR 100,000 is valid for each Application (per Block), provided by the Applicant either it is a single legal entity or a Consortium.

**13. In case the bidder is a consortium, separate Bid Guarantees that together cover the whole amount requested will be acceptable?**

One Bid Guarantee that covers the whole amount requested will be preferable.

**14. Does the phrase “the Evaluation Committee will invite Applicants to negotiate competitively” at the forth bullet of the Evaluation Procedure section of the Call for Tenders, under heading 4.2, mean that each Applicant will be officially informed of the other competitive offers and will be asked to “negotiate competitively” by matching or exceeding them?**

Applicants, when invited to negotiations, will officially informed about their own deficiencies and will be asked to improve them.

**15. Does the phrase “more than one Applicant may be invited to negotiate” at the forth bullet of the Evaluation Procedure section of the Call for Tenders, under heading 4.2, mean that the Evaluation Committee may not invite another Applicant if the “best offer” is in its satisfaction? How many Applicants will invite and on which criteria based on?**

Applicants financially and technically qualified may be invited to negotiate on the biddable items. Any “best offer” according to an Applicant’s criteria, can become “better” through negotiations.

**16. How does the mark scheme work for the “technical criteria” (i.e. total length of 2D seismic, number of wells) and “financial commitment”?**

Technical criteria are directly linked to the quality and the timeframe of the minimum exploration work programme for each exploration Phase, as indicated in the Biddable Items section of the Call for Tenders, under heading 1.

Therefore, each proposed work will be assessed in conjunction to the exploration strategy applied for and to the financial commitment (Minimum Expenditure). Any numbers provided are meaningless if not accompanied by precise documentation and realistic financial commitment.

**17. How does the mark scheme work for the “financial criteria”? Which will be the criterion to judge and rank the offered “royalty”, since the royalties will be offered on a scale based on R factor the value of which is not known at the evaluation stage?**

According to the Biddable Items section of the Call for Tenders, under heading 3, royalties are asked to be submitted on specific (defined) tranches of R factor and will be evaluated on a single comparative basis.

**18. We understand the guarantee should be issued for a period of 208 days (the offer must be valid 180 days after the application deadline plus the 28 days additional period included in the text of the bid guarantee form). Could you please confirm this is correct, i.e.: the expiry date of the Bid Guarantee should be September 1<sup>st</sup>, 2015 ?.**

The Application deadline is the 6<sup>th</sup> of February 2015.

The validity period of an Application is 180 days, starting from the day following the Application Deadline as per 3.1.3.,( i.e. the starting day is the 7<sup>th</sup> of February 2015).

Thus, the Application validity period expires on the 5<sup>th</sup> of August 2015.

The expiration of the bid guarantee as per Annex C is as follows:

- If the Applicant is the selected one, the bid guarantee **will continue to be valid** and will expire after the signing of the lease agreement and the issuance of the performance guarantee (Bank Guarantee as per Model Lease Agreement) to the Lessor.
- If the Applicant is not the selected one, the bid guarantee will expire on 2<sup>nd</sup> of September 2015 **unless** the Bank receives **earlier** a notification of the Lessor to the Applicant stating that another Applicant is the selected one. In such case the bid guarantee will expire on the date of this notification.