

**Athens, 08/01/2020**

**P/N: 11**

**INTERNATIONAL PUBLIC TENDER**  
**WITH THE COMPETITIVE DIALOGUE PROCEDURE**  
**PHASE A’ – Invitation for the Expression of Interest**

**The IBRAA**

**hereby ANNOUNCES**

**an International Public Tender with the competitive dialogue procedure**

in order to select the Private Partnership Institution for the project:

**“Design, construction, financing, maintenance, operation & supply of equipment for the construction of a personalized medical services building by means of a Public Private Partnership (PPP)”**

to be realized according to:

- ✓ Law 3389/2005 "Public and Private Partnerships: (Official Government Gazette vol. A', no. 232 / 22.9.2005), as in force,
- ✓ Directive 2014/24/EU of the European Parliament and of the Council, dated February 26<sup>th</sup>, 2014 on public procurements and repealing Directive 2004/18/EC, as currently in force,
- ✓ Law 4412/2016 "Public Works, Procurement and Services Contracts" (adaptation to Directives 2014/24 / EU and 2014/25/EU)" (Official Government Gazette vol. A, no. 147 / 8.8.2016), as in force,
- ✓ Presidential Decree 774/1980 (Official Government Gazette vol. A', no. 189 / 1980) "Codification in a single text of the provisions applicable to the Court of Audit, under the title *Court of Audit Organization*", in particular article 19 thereof, as amended and in force, following the amendments brought about through article 25 of Law 3614/2007 (Official Government Gazette vol. A', no. 267),
- ✓ Law 4270/2014 "Principles of financial management and supervision (integration of Directive 2011/85/EU) - public accounting and other provisions" (Official Government Gazette vol. A, no. 143 / 28.6.2014), as in force,
- ✓ Law 4250/2014 "Administrative Simplifications - Annulments, Mergers of Legal Entities and Services of the Public Sector - Amendment of the provisions of the Presidential Decree 318/1992 (Official Government Gazette vol. A, no.161) and other regulations" (Official Government Gazette vol. A, no. 74 / 26.03.2014), as in force,
- ✓ Law 4129/2013 "Ratification of the Code of Laws for the Court of Audit" (Official Government Gazette vol. A', no. 52/28.02.2013) as in force,
- ✓ Article 26 of Law 4024/2011 (Official Government Gazette vol. A', no. 226) "Constitution of collective administrative bodies and appointment of their members by lottery",
- ✓ Law 4013/2011 (Official Government Gazette vol. A', no. 204) "Establishment of a single Independent Authority on Public Procurements and the Central Electronic Registry of Public Procurements",
- ✓ Law 3861/2010 (Official Government Gazette vol. A', no. 112) "Strengthening transparency through the obligatory publication of law and governmental,

administrative and local governmental bodies on the "Diavgeia Programme" website and other provisions",

- ✓ Paragraphs 4 and 5 of article 20, articles 80-110, paragraph 1a of article 176 of Law 3669/2008 (Official Government Gazette vol. A', no. 116) "Ratification of the Codification of public works' construction-related legislation",
- ✓ Law 3548/2007 (Official Government Gazette vol. A', no. 68) "Registration of publications of institutions of the State in the prefectural and municipal Press and other provisions" ,
- ✓ Law 3469/2006 (Official Government Gazette vol. A', no. 131) "National Printing House, Official Government Gazette and other provisions", (Official Government Gazette vol. A', no. 34) "Codification of legal provisions on access to public documents and data",
- ✓ Joint Ministerial Decision no. Π1 2380/2012 (Official Government Gazette vol. B', no. 3400) "Regulation on specific matters relating to the operation and management of the Central Electronic Registry of the Ministry of Development, Competitiveness, Infrastructure, Transportation and Networks",
- ✓ Ministerial Decision no. 57654/2017 (Official Government Gazette vol. B', no. 1781) "Regulation on specific matters relating to the operation and management of the Central Electronic Registry of the Ministry of Economy and Development",
- ✓ Presidential Decree 80/2016 "Obligations of persons authorized to manage public funds" (Official Government Gazette vol. A', no. 145),
- ✓ Interministerial Decision no. 1191/14-03-2017 (Official Government Gazette vol. B', no. 969) "Determination of the time and manner of calculation of the procedure of withholding and paying the 0.06% levy to the benefit of the Authority for the Review of Preliminary Recourses (A.R.P.R.)",
- ✓ Ministerial Decision no. 56902/215/19-05-2017 (Official Government Gazette vol. B', no. 1924) "Technical details and procedures of operation of the National Electronic Public Procurements System (N.E.P.P.S)";

- ✓ Law 4071/2012 (Official Government Gazette vol. A', no. 85/11.04.2012) "Provisions for local development, local administration and decentralized administration - Integration of Directive 2009/50 / EC", as in force,
- ✓ Law 3882/2010 "National Infrastructure for Geospatial Information - Harmonization with Directive 2007/2 / EC of the European Parliament and of the Council, dated 14 March 2007 and other provisions. Amendment of Law 1647/1986 "Land Registry and Mapping Organization of Greece (L.R.M.O.G.) and other relevant provisions" (Official Government Gazette vol. A', no. 166/22.09.2010), as in force,
- ✓ Law 2690/1999 "Ratification of the Code of Administrative Procedure and other provisions" (Official Government Gazette vol. A', no. 45/09-03-1999), as in force,
- ✓ the Regulation on the review of Preliminary Recourses before the Authority for the Review of Preliminary Recourses (Presidential Decree 39/2017, Official Government Gazette vol. A', no. 64/04.05.2017),
- ✓ the Regulation on the Operation of the Authority for the Review of Preliminary Recourses (Presidential Decree 38/2017, Official Government Gazette vol. A', no. 63/04.05.2017), Joint Ministerial Decision no. 117384/26.10.2017 by the Ministers of Economy and Development and Environment and Energy
- ✓ "Regulations on technical matters concerning the award of Public Procurements for projects, studies and technical and other related scientific services using the individual tools and procedures of the National Electronic Public Procurements System (N.E.P.P.S)" (Official Government Gazette vol. B', no. 3921/31.10.2017),
- ✓ Law 3310/2005 "Measures of securing transparency and precluding violations of the law throughout the process of concluding public procurements" (Official Government Gazette vol. A', no. 30), as amended by virtue of Law 3414/2005 (Official Government Gazette vol. A', no. 279), for the purposes of cross-checking the contractor's data against data held with the N.R.C.,
- ✓ Presidential Decree 82/1996 (Official Government Gazette vol. A', no. 66) "Registration of shares of Greek Societes Anonymes participating in procedures of undertaking works or supplies of the State or legal entities belonging to the *lato sensu* public sector",

- ✓ Joint Ministerial Decision no. 20977/2007 (Official Government Gazette vol. B', no. 1673) by the Ministers of Development and State regarding "Documentation required for keeping the registers provided for under Law 3310/2005, as amended by means of Law 3414/2005" alongside Decision no. 1353/19.09.2019 by the Minister and Deputy-Minister of Finance "Determination of non-cooperating states for financial year 2019 pursuant to the authorizing provision of par. 4 and the criteria set out in par. 3 along with par. 1, 2, 4 and 5 of article 65 of Law 4172/2013" (Official Government Gazette vol. B', no. 3558/23.09.2019),
- ✓ Law 2859/2000 (Official Government Gazette vol. A', no. 248) "Ratification of the Code on Value Added Tax",
- ✓ Presidential Decree 420/1991 (Official Government Gazette vol. A', no. 11.10.91) "Establishment of a legal entity under private law, titled *Institute for Biomedical Research of the Academy of Athens*", as currently in force,
- ✓ Ministerial Decision no. 82792/Z1/24.05.2019 (Official Government Gazette vol. on Servants of Bodies belonging to Public Administration and the State, no. 370/11.06.2019) "Amendment of Ministerial Decision no. 152594/Z1/19.09.2016, titled Appointment of the members of the Board of Directors of the Institute for Biomedical Research of the Academy of Athens (IBRAA)" (Official Government Gazette vol. on Servants of Bodies belonging to Public Administration and the State, no. 500),
- ✓ Minutes no. 213/18.11.2019 of the Board of Directors of the IBRAA, by means of which said Board was reconstituted as a collective body, in accordance with article 155 par. 5.3 of Law 4653/30.10.2019 (Official Government Gazette vol. A', no. 167/30.10.2019),
- ✓ Resolution of the Board of Directors of the IBRAA, reached at its Meeting no. 214/[\*], whereby the Announcement of an International Public Tender by means of the procedure of Competitive Dialogue (Phase A' – Invitation for expression of interest), aiming at the selection of the Private Partnership Institution for the project under the title "**Design, construction, financing, maintenance, operation & supply of equipment for the construction of a personalized medical services building by means of a Public Private Partnership (PPP)**".

**and invites**

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any party interested to submit, in accordance with the terms hereof, its expression of interest at Phase A’ of the procedure (preselection) of competitive dialogue for the purposes of selecting the Private Partnership Institution for the project cited above.

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## **Article 1 General Information**

### **1.1. Announcement for Public-Private Partnerships contracts (PPP)**

The Institute for Biomedical Research of the Academy of Athens (hereinafter "**IBRAA**"), calls for an international e-tender for the selection of a Private Partnership Institution for the performance of the project under the title "Design, construction, financing, maintenance, operation, & supply of equipment for the construction of a personalized medicine service building, by means of a PPP" (hereinafter the "**Partnership**" or the "**Project**") and invites any economic institutions interested to submit an Expression of Interest (Phase A' of the Tender) through the National Electronic Public Procurements System (hereinafter the "**N.E.P.S.**") in accordance with the terms of this Invitation and the accompanying Annexes, so that those selected in Phase A' can participate in the continuation of the Tender.

The IBRAA, is a non-profit legal person governed by private law, outside the General Government (Public) Sector ("Register of Services and Organizations of the Greek Administration", as in place for the year 2018, under the Ministry of Administrative Reconstruction, General Directorate for Public Organizations, Structure, Process, and Records Directorate, Structures Department, Sector on the Ministry of Education, Research and Religious Affairs, p. 35 "Legal Persons governed by Private Law"). The IBRAA also forms a part of the Registry of Institutions of the Central Government, maintained with the Hellenic Statistical Authority (as updated in March 2018), being an Institution within Subsector S1311 (thereby of the Sector of Central Government and Public Enterprises (L.P. under Public Law, L.P. under Private Law, S.A.s) (p/n 347).

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The submission of the Partnership in question to the provisions of Law 3389/2005, as in force, has been approved by means the Inter-Ministerial Committee of Public-Private Partnerships' decision, dated = 13.12.2017, (Minutes of the Meeting no. 36) (ADA: ΩΝΠ1465ΧΙ8-ΠΨ9) according to the provisions of article 3 of Law 3389/2005.

This Invitation for the Expression of Interest was approved by the IBRAA Board of Directors' resolution, no. 4354/20-12-2019 (ADA: 6ΦΜΙ4694Φ7-ΞΞΦ)

### **1.2. Contracting Authority**

Trade Name	Institute for Biomedical Research of the
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	Academy of Athens (IBRAA),
Postal Address	4, Soranou Efesiou st.
City	ATHENS
Postal Code	11527
Country	GREECE
NUTS Code	EL303
Competent service unit	Department for Supplies
Contact Details	Telephone 210-6597702  Fax 210-6597547  e-mail: <a href="mailto:sdit@bioacademy.gr">sdit@bioacademy.gr</a>  web: <a href="http://www.bioacademy.gr">www.bioacademy.gr</a>
Contact Person	Giannakopoulou Vasileia

The Project concerns the construction and equipment of a new building providing specialized services in the field of personalized medicine. This is a state-of-the-art building installation of high technical specifications with a total indicative surface of 23,000m<sup>2</sup> aiming at a dynamic synergy between academic and business entities towards new applications.

It also concerns the reconstruction of the Lomverdeios’ building, located at Sotiria Hospital for the creation of a clinical studies unit, of a total surface of 555m<sup>2</sup>.

The building facilities shall house the state-of-the-art laboratory infrastructures for the development and offering of highly specialized services in personalized medicine in collaboration with various entities such as:

- Universities
- University Clinics
- Research Centers
- Hospitals – Clinics
- Pharmaceutical Industries
- Diagnostic centers
- Information Technology companies in the health sector.

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At the same time, the building space will be offered to start-ups and other innovative businesses active in the field of biotechnology, diagnostics and medical applications, which will have direct access to research infrastructures and the unique opportunity to interact with scientific staff.

The equipment shall include, but not be limited to, laboratory micro-equipment, a house for animal models / unit for infectious diseases, a bio-projection laboratory, a radiator & MRI for testing on guinea pigs, cytometer – cell separator, metabolomic – proteomic equipment, computer clusters’ upgrade, bio-bank equipment, GMP room for cellular therapy, pharmacology equipment.

### **1.3. The IBRAA**

**1.3.1.** The IBRAA is the largest and most modern research center on biomedical sciences in Greece and one of the first European centers of “translational research”. It is housed in a modern building complex made up of four buildings in the limits of the Municipality of Athens with the Municipality of Holargos-Papagos, at a distance of 3 km from the center of Athens.

**1.3.2.** The basic principle on which the IBRAA was established and operates is the combination of basic research with clinical research, which provides the basis for immediate exploitation of the results of basic biological research in medical applications, namely the development of the so-called “translational research”.

**1.3.3.** As the largest institute (school) on biomedical research in Greece, IBRAA provides to 450 researchers of all levels, including postgraduate students, doctoral candidates, postdoctoral scientists and technicians, the ability to carry out their research activities, supported by 35 employees of the financial, administrative, technical and engineering sectors. In addition, 6 Postgraduate specialization programs (in cooperation with various Greek Universities) are conducted at the Foundation’s facilities, attended by 150-200 postgraduate students each year while it also houses 50 research groups that focus their activities on understanding the basic mechanisms and the pathophysiology of the immune system, the cardiovascular and nervous system as well as the stem cells, growth, aging and cancer.

**1.3.4.** During IBRAA’s operation, the research carried out at the Institute is of international accreditation as its researchers have published an impressive number of scientific works and have received top international scientific distinctions, such as an election

at the European Academy of Sciences (Academia Europaea), and the EMBO (European Molecular Biology Organization) Council, and have received grants from the European Research Council, etc.

- 1.4.** Law 3389/2005 allowed for the implementation of the aforementioned object of the Partnership on the basis of the provisions of this Law, namely as a Partnership between Private and Public Sector (PPP). Law 3389/2005, inter alia:
  - 1.4.1.** defines in its provisions the procedure for the subjection of partnerships between the Private and the Public Sector,
  - 1.4.2.** established the Inter-Ministerial Committee of Public-Private Partnerships (hereinafter, I.C.P.P.P.), the competences of which include the approval of the submission of the above partnerships in this Law’s provisions and any other relevant decision making,
  - 1.4.3.** established a Special Secretariat for Public-Private Partnerships (S.S.P.P.P.), currently operating as the General Secretariat of Private Investments and Public Private Partnerships (article 2 of presidential decree 84/2009 – Official Government Gazette vol. A’, no. 123), the main purpose of which is the assistance of the I.C.P.P.P. and any public entities interested,
  - 1.4.4.** contains more specific provisions regarding the awarding procedures for the selection of a Private Institution which will undertake the execution of projects or the provision of services that have been subject to the provisions of this Law through a Partnership Agreement, and
  - 1.4.5.** includes basic principles and data on the contractual framework governing partnership agreements and their specific content thereof, as well as other more specific regulations related to the overall implementation of partnership agreements.
- 1.5.** Within the framework of the aforementioned objective and its mission, the IBRAA, in respect with the relevant procedure, submitted to the S.S.P.P.P. a proposal for the implementation, inter alia, of the construction project and equipment of a new building providing specialized services in the field of personalized medicine and the overall building renovation of the sight of Loverdeios’ Foundation for preclinical and clinical studies in Attica, through a PPP. Subsequently, and according to the

provisions of Law 3389/2005 a relevant application was submitted to the S.S.P.P.P. for the subjection of this Partnership in the provisions of Law 3389/2005.

- 1.6.** By a resolution, dated 13.12.2017, the I.C.P.P.P., at its 36/13.12.2017 Meeting, (ΑΔΑ: ΩΝΠ1465ΧΙ8-ΠΨ9), approved the subjection of the implementation -inter alia- under the provisions of Law 3389/2005 of the project on Design, Construction, Finance, Maintenance, Operation & equipment Supply for the construction of a building for the provision of personalized medicine services of the Institute for Biomedical Research of the Academy of Athens (I.B.R.A.A.) and the complete renovation and equipping of the "Lomverdeios' Building" of Sotiria Hospital where the standard Clinical Trials Unit for generic and original medicines, the technical details of which project are attached herein as Annex 1, shall be installed.
- 1.7.** All building infrastructures to be captured by this Partnership will be built on real estate properties, whose process of acquisition by the Contracting Authority or their concession to the Contracting Authority for use has been completed or is to be completed immediately. The building infrastructures and installations to be built will house the most updated laboratory facilities for the development and provision of highly specialized medical services of personalized medicine. Following the commencement of operation of such building infrastructures and installations, the Contracting Authority shall pay, through a Public Investments Programme, periodic availability payments until the expiration of the Partnership, to the Special Purpose Societe Anonyme which the Private Institution selected under this procedure is obliged to set up, under Law 3389/2005.
- 1.8.** Availability payments will be linked to the availability criteria and operating specifications that shall be included in the Phase B' documents. The aforementioned shall be specified in detail in the Phase B' invitations and other accompanying issues, including the manner and frequency of the availability payments, together with all the necessary details, regarding the performance of the Project (construction and result specifications, maximum construction time, technical management and insurance services etc.).
- 1.9.** The Contracting Authority reserves the right to modify (increase or decrease) the building programs and the Equipment Table (in accordance with paragraph 2.1.16), in order to best meet its needs. In any case, the Project's object cannot be limited in

a manner that the Project's total initial budget (including the construction, the equipment supply and the provision of technical management and insurance services) is reduced to a percentage of less than 75% thereof.

- 1.10.** If any of the above modifications is deemed necessary, the Contracting Authority's relevant decisions in relation to the object of this Partnership will be made in due time and will be communicated to the Candidates, the latest with the publication of Phase B' Declaration – Invitation for Submission of Binding Bids and its accompanying documents.
- 1.11.** In relation with the Project, the Private Institution will undertake:
- 1.11.1.** The drafting of all the necessary studies to be submitted within the implementation of the Partnership Agreement, as well as all the deeds and actions for the drafting of the documents required to ensure the timely issuance of all the authorizations and approvals provided for in the relevant provisions regarding the construction, total completion, maintenance and operation of the Project.
- 1.11.2.** All the construction works of the building infrastructure and facilities of the Project and the configuration of the surroundings, as set out in the relevant provisions of Greek and EU Law each time applicable and the outcome specifications to be determined through the competitive dialogue during the Phase B' of the Tender.
- 1.11.3.** The Project's financing through equity or/and equity funds, as shall be specified in the documents relating to Phase B' of the Tender.
- 1.11.4.** The insurance of the building and other facilities, systems and infrastructures that constitute the object of the Partnership Agreement, both during the Project's design and construction period and during its operation period.
- 1.11.5.** The provision, maintenance and periodic replacement/renewal of lifecycle cost components, parts and accessories as shall be referred to in detail during Phase B' of the Tender, so that the above and the locations in which these shall be installed are fully available for use for the purpose sought for.
- 1.11.6.** The technical management throughout the Partnership Agreement, consisting, mainly, of the inspection, the usual, preventive and corrective maintenance, the heavy maintenance, the day-to-day technical operation and supervision for the readiness and operation capacity of the facilities, the building infrastructures'

systems and their surrounding area, so that the Project is perfectly suitable and available, in accordance with the availability requirements, specifications and objectives that shall be specified over Phase B' of the Tender as well as of Greek legislation and EU legislation which will be defined during Phase B' of the Tender.

**1.11.7.** The surveillance and cleaning of the building and the other facilities that pertain to the Project and throughout the duration of the Partnership Agreement, as determined in detail in Phase B' of the Tender and subject to the provisions of the current legislation on the protection of personality and personal data of the medical community's members.

**1.12.** The total contractual term of the Partnership is twenty-seven (27) years as of the Entry into Force of the Partnership Agreement enters, in accordance with what shall be particularly mentioned in the Phase B' documents. The deadline for the completion of the Project's construction and the Equipment's supply until its operational start-up is estimated at a maximum of three (3) years in total, commencing from the date on which the Partnership Agreement enters into force.

**1.13. Alterations**

Any alteration, transformation, substitution or succession of the Contracting Authority or the bodies and services referred to in this Invitation does not affect the progress of the awarding process. In this case, the Contracting Authority shall inform the participants regarding the assignment procedure.

**1.14. Κωδικοί CPV**

The main CPV codes for the Project go as follows:

71335000-5	Technical studies
45000000-7	Construction works
38434540-2	Biomedical equipment
50000000-5	Reparation & Maintenance services
90900000-6	Cleaning & Disinfection services
79713000-5	Surveillance services
90520000-8	Radioactive, toxic, medical and hazardous waste services

66510000-5	Security services
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### 1.15. Personal Data

The Contracting Authority acts as the data processor for the personal data of individuals, which will be collected during the Tender. Processing of such data shall be carried out in accordance with the provisions of the data protection legislation, as each time applicable. Such personal data may be communicated to institutions, to which the Contracting Authority assigns the execution of a specific project on its behalf, namely to its Directors, officers, and its employees in general, provided that in any case the confidentiality is upheld, within the framework of their lawful activities, as well as to public bodies and judicial authorities, within the framework of their competences. The processing's purpose is to assess the Expression of Interest Files, to fulfill the statutory obligations of the Contracting Authority, to inform Candidates on the assessment of the Expression of Interest File submitted by each one of them and to protect and secure the transactions in general. Natural persons who submit an Expression of Interest File as Candidates, or as legal representatives of a legal entity that is a Candidate or as an representatives of an Association that is a Candidate, consent to the processing of their personal data, as above, for the purposes specified and retain all their statutory rights of access, correction, objection to the processing and revocation of their consent (Annex 4).

### Article 2: Definitions and Interpretation

2.1. For the purposes of this Invitation for the Expression of Interest, the below terms mentioned below will have the following meaning:

2.1.1. **"Contractor"**: is the Tenderer, to whom the outcome of the Tender will be awarded, upon completion of Phase B' thereof, and who will have to set up a Special Purpose Societe Anonyme, which shall sign the Partnership Agreement, under the capacity of a Partnership Private Institution.

2.1.2. **"Contracting Authority" or ("IBRAA")**: is the Institute for Biomedical Research of the Academy of Athens

2.1.3. **"Proxy"**: is the person designated as the contact person on behalf of the Candidate, in accordance with paragraph 18.2.B (g) of the present Invitation.

- 2.1.4. "Special Purpose Societe Anonyme" or "SPSA":** is the Societe Anonyme, which will be set up by the Private Institution (paragraph 2.1.23 below, exclusively and solely for the purposes of the Partnership Agreement, in accordance with article 1 par. 4 of Law 3389/2005, which shall have its registered seat in Greece and be governed by the provisions of Law 4548/2018 and in addition to Law 3389/2005, as applicable. The Private Institution will be the founder – initial shareholder of the SPSA, and in the case of a candidate which is an Association, its members proportionately to their participation in the Association, as stated in the Letter of Expression of Interest in accordance with the example included in Annex 2 and for which, the provisions of Law 3389/2005 will, inter alia, apply.
- 2.1.5. "Acceptable Project":** is any technical work, which is taken into consideration in order to assess the technical capacity of the Candidate, the Manufacturer and the Designer.
- 2.1.6. "Phase A'":** is the current pre-selection phase of the Tender, which will be conducted in accordance with what is described in this Invitation and shall be completed with the nomination of the Preselected.
- 2.1.7. "Data Room":** is the specific space, designated by the Contracting Authority within its premises during the Phase B' of the Tender, where Tenderers will be able to study documents, data and information material related to the Contracting Authority and the object of the Partnership.
- 2.1.8. "Debt Funds":** are liabilities, of any kind, towards banks and credit institutions, irrespective of the duration of the relevant contracts, including bond loans (simple, exchangeable or convertible), as these obligations arise from the Financial Statements of the Last Three (3) Fiscal Years. Debt Funds exclude (a) any loans from shareholders or partners as well as subordinated loans (with non-recourse rights), including interest rate swap contracts and relevant derivative financial tools, which have been received as part of concession contracts by the respective special purpose companies, and (b) any loans for the financing of VAT and the State's financial contribution.
- 2.1.9. "Binding Bid" or "Bid":** is the bid, which shall be submitted by the Preselected to the Contracting Authority, within the framework of this Tender, during the B.II Stage of

the Phase B' of the Tender, according to the terms of the Invitation for the Submission of a Binding Bid.

- 2.1.10. "Tenderer":** is any Preselected, who will be called and will receive the Invitation for the Submission of a Binding Bid, during the B.II phase of the Tender.
- 2.1.11. "Tender":** is the procedure that commenced with the publication of the Abridged Invitation for the Expression of Interest and aims at the conclusion of the Partnership Agreement.
- 2.1.12. "Preselection Procedure":** is the procedure followed during Phase A' of the Tender.
- 2.1.13. "Candidate's Representative":** is the person designated by the Candidate, together with his/her substitute, according to paragraph 18.4 of this Invitation.
- 2.1.14. "Interested Party":** is any natural person or legal person interested in taking part in this Tender.
- 2.1.15. "Association":** is any association, including a temporary partnership, or a consortium of natural persons or/and legal persons.
- 2.1.16. "Equipment":** is the equipment of medical technology that the PPI shall acquire and install or shall have at its disposal at the Project, as set out in Annex 1 and shall be mentioned in detail, specified and finalized at Phase B' – Stage I of the Tender.
- 2.1.17. "Tender Committee" or "T.C.":** is the collective advisory body, set up by the Contracting Authority for the purposes of reviewing and evaluating the Expression of Interest Files, in accordance with article 25.2 hereof.
- 2.1.18. "Project":** is the overall object of the Partnership Agreement, namely the Design, Construction, Finance, Operation, Maintenance and Equipment Supply for the Construction of a Personalized Medicine Service Building and the Reconstruction of the Lomverdeios' Building for the Creation of a Clinical Study Unit of Medication in the Region of Attica through a PPP.
- 2.1.19. "Concession Project":** is, either according to article 2 of Law 4413/2016 or according to article 1 par. 1 (articles 46 and 47 of Directive 2014/23/EU) and article 1 par. 7 of Directive 2014/24/EU, / ), the public project, the execution of which falls under the competence of the contracting authorities referred to in articles 2 and 33 par. 1 ex. b' of Directive 2014/24/EU, par. 9 of same Directive, (art. 2 and 223 of Law 4412/2016)



on the public project, the execution of which falls under the competence of the contracting authorities referred to in articles 1 par. 9) of this Directive, the contractual consideration for the performance of which is either in the form of the right to exploit the project exclusively or the above right in conjunction with the payment of a fee.

**2.1.20. “PPP Project”:** is any project which

(a) is awarded or executed in Greece according to the provisions of Law 3389/2005, as in force, or

(b) is awarded or executed according to the provisions of the law on public-private partnerships of the Member States of the European Union (EU), or the European Economic Area (EEA), or States which have signed bilateral agreements or association agreements with the EU, or have ratified the Government Procurement Agreement (GPA) of the World Trade Organization (WTO), and have the same basic characteristics as PPP projects under Law 3389/2005, or, where such legislation does not exist, and in each of the above cases, it is executed by Private Institutions, which undertake to finance – through equity or debt funds, all or part of the construction of the project and all risks associated with financing, constructing and availability, as well as other related risks, for a consideration paid partially by the State or other Public Institution (availability payments).

**2.1.21, “Submission Date”:** is the actual date of submission of an application for the expression of interest by each Candidate..

**2.1.22. “Partnership Agreement Effectuation”:** is the date on which the Partnership Agreement will enter into force, in accordance with what is specified thereof, and on which the 27-year duration of the Partnership will commence.

**2.1.23. “Equity”:** is the total of equity funds, as these arise from the Financial Statements of the last Three (3) Fiscal Years.

**2.1.24. “Private Institution”:** is the Tenderer, to whom the result of the Tender will be awarded after the end of Phase B’ – Stage II of the Tender, and who will be called to set up the SSSA which will sign the Partnership Agreement.

**2.1.25. “Deadline for Submission”:** is March 18<sup>th</sup>, 2020, or whichever other date the Contracting Authority may set as deadline of the submission of an application for the expression of interest.

**2.1.26. "PPP Building Project":** is the PPP Project, the main technical object of which concerns the construction of building infrastructure.

**2.1.27. "Designer":** is the economic institution designated by the Candidate with the Expression of Interest File for the conduct of studies, or its substitute at the time, according to the provisions of this.

**2.1.28. "Candidate's Members":** is, in the case of an Association, the natural or legal persons composing the Candidate by a specific participation percentage and which, in any case, should be mentioned in the Candidate's Expression of Interest.

**2.1.29. "Legal Representative":** is, in the framework of this, the natural person to whom the power to represent and manage the affairs of the legal person has been legally assigned. In case there are more than one legal representative with the same powers of representation, execution of the documents provided herein can be carried out by one of them, unless the power of representation is jointly assigned.

**2.1.30. "Financial Statements":** are the consolidated financial statements, or, if the preparation of consolidated financial statements is not obligatory, the plain financial statements, which have been drafted in accordance with the accounting standards required by the law of the State of residence of the person submitting them, are audited by a sworn auditor and have been published in accordance with the law of the State of residence of the person submitting them. In the absence of a statutory obligation for publication of financial statements, in addition to the unpublished Financial Statements, a relevant solemn declaration regarding the absence of the obligation for publication must be submitted, together with all the information required according to this Invitation. Notably, in the case of a foreign Candidate or a member thereof, the Financial Statements shall be accompanied by an official translation of the information incorporated in the Financial Statements' required by this Invitation, in accordance with the provisions of articles 15, 20 and 22 of this Invitation.

**2.1.31. "Financial Statements of the Last Three (3) Fiscal Years":** are the Financial Statements of the last three (3) consecutive accounting years, which have expired prior to Submission Date. In the event that the Financial Statements of an accounting year have not been published, a Solemn Declaration shall be submitted, stating the reasons for the non-publication as well as the audited unpublished Financial

Statements, together with all the information required pursuant to this Invitation. Also, in case that the last accounting year expired prior to Submission Date and the Financial Statement of the last fiscal year have not been drafted and/or audited until the Submission Date, a Solemn Declaration shall be submitted stating the reasons for the non-drafting or/and non-auditing of the Financial Statements for the three (3) consecutive accounting years immediately preceding the last fiscal year. In the case of companies operating for less than three (3) years, all Financial Statements existing up to Submission Date shall be submitted, and the required economic data will be obtained via these, for the years these companies operate.

**2.1.32. “Summarized Call for Expression of Interest”:** is the “contract declaration” (summary of this Invitation), which was sent to the Publications Office of the European Union for publication in the Official Journal of the European Union on December 20<sup>th</sup>, 2019.

**2.1.33. “Preselected”:** is any Candidate, who will be preselected after the completion of this Phase A’ of the Tender.

**2.1.34. “Invitation for the Expression of Interest” or “Invitation”:** is the current issue of the Phase A’ Declaration – the Invitation for the Expression of Interest along with the Annexes.

**2.1.35. “Invitation for Submission of Bids”:** is the call for the submission of Binding Bids, which the Contracting Authority shall address to the Preselected in Stage B.II of the Phase B’ of the Tender.

**2.1.36. “Invitation to Dialogue”:** is the invitation for the participation in the dialogue to be held between the Contracting Authority and the Preselected during the B.I Stage of Phase B’ of the Tender, which the Contracting Authority will address to the Preselected at the B.I Stage of the Phase B’ of the Tender.

**2.1.37. “Invitation for the Submission of Binding Bids”:** is the invitation to tender to be sent by the Contracting Authority to the Tenderers, which will include the terms and requirements for the drafting and the submission of binding bids, during the B.II Stage of Phase B’ of the Competitive Dialogue, and will be accompanied by the Partnership Agreement Draft and other issues and annexes.

- 2.1.38. "Bidder":** is the Tenderer who has submitted a Binding Offer during the Stage B.II of Phase B' of the Tender.
- 2.1.39. "Design – Construction Contract":** is the contract to be concluded between the SPSA, which will be set up by the Partnership Private Institution, and the constructor, and which will be signed at the same time as the Partnership Agreement, and its object will be the conduct of all the necessary studies and the execution of all the works for the complete and proper construction of the Technical Project.
- 2.1.40. "Partnership Agreement":** is the explicit contract of onerous ground, according to article 1 par. 2 of Law 3389/2005, to be concluded between the two contracting parties, namely the Contracting Authority and the SPSA, which will be set up by the Partnership Private Institution selected after Phase B' of the Tender.
- 2.1.41. "Advisors":** are the consultants designated for the Project by the Contracting Authority in order to assist in the process of awarding the Partnership Agreement.
- 2.1.42. "Partnership Agreement Draft":** is the draft of the Partnership Agreement, which will accompany the Invitation to Dialogue (Phase B' – Stage I) and will be the subject of consultations, according to the provisions of article 4 hereof.
- 2.1.43. "Technical Project":** is the design, construction and generally the execution of construction works or engineering works related to or are relevant to the Project, according to article 2 par. 7 of Law 4412/2016 and article 8 ex. h' of Law 3389/2005.
- 2.1.44. "Solemn Declaration":** is the Solemn Declaration of article 8 of Law 1599/1986, as its content is determined by the no. ΔΙΑΔΠ/Α1/18368 (Official Gazette vol. B', no. 1276/01.10.2002) Decision of the Minister of Interior, Public Administration and Decentralization, and in case that the Candidate or the person that solemnly declares is foreign, the affidavit or the declaration before an administrative or judicial authority or a notary public is also considered as a Solemn Declaration, according to the legislation of the Candidate's or the declaring person's country of origin/residence. In the case of a legal person, the solemn declaration is signed by its legal representative or by a legally authorized person and the relevant authorization deed is attached (i.e. BoD Minutes).
- 2.1.45. "Candidate":** is any economic institution (natural person or legal person or Association), submitting an Expression of Interest.

**2.1.46. “Phase B’ of the Tender” or “Phase B”:** is the tender phase following the Candidates’ pre-selection and lasts until the end of the tender procedure and is separated into the following two stages:

**Stage I: Dialogue**

**Stage II: Submission of Binding Bids – Awarding (selection of a Partnership Private Institution)**

In this Invitation for the Expression of Interest, unless otherwise stated within the text:

- (1) Headings are only given for the purpose of material organization and do not affect interpretation.
- (2) The definitions contained in this article 2 or in specific terms hereof apply in its entirety.
- (3) The use of the singular form is considered to include the plural form and vice versa, whereas the use of a gender is considered to include other genders.
- (4) Any reference to days shall be deemed to be in calendar days, unless it is expressly stated to be working days.
- (5) The calculation of the deadlines set will take place in accordance with the provisions of the Greek Civil Code (articles 240 – 247 GCC) and Regulation (EEC, EURATOM) no. 1182/71 of the Council, dated June 3<sup>rd</sup>, 1971, on the determination of the rules applicable to deadlines, dates and time limits.

**Article 3: Financing Budget**

**3.1.** The total financing budget of the Project’s availability payments, which shall be disbursed to the Partnership Private Institution throughout the period which follows the commencement of operation of the facilities, in accordance with the specific references found in the Partnership Agreement Draft, has been indicatively valued using current net value, according to Interministerial Decision on Public and Private Sector Partnerships no. 36/13.12.2017, to EUR 71,800,000.00, VAT exclusive.

**3.2.** The Project’s construction finance shall be realized in equity or/and debt capital of the SPSA. Moreover, the liability for securing the capital required for covering the SPSA’s

expenditure and the Project's overall construction as well as the technical administration, surveillance and security during operation throughout the Partnership's duration shall exclusively lie with the PPI or the SPSA whereas the Contracting Authority shall in no way contribute to financing the above.

#### **Article 4: PPI Selection: Applicable Legislation, Procedure Overview, Assignment Criterion**

##### **4.1. Applicable Legislation**

**4.1.1.** The PPI's selection shall take place through the procedure of competing dialogue (preselection procedure) under article 13 of Law 3389/2005 and article 30 of Law 4412/2016 (article 30 of Directive 2014/24/EU of the European Parliament and Council) and shall occur according to the legislation mentioned at the top of this Invitation, all relevant provisions-regulations and the conditions set out in the documents pertaining to Phases A and B of the Tender.

**4.1.2.** References to any law, decree, regulation or other legal text or any decision of regulatory or other content are deemed to regard this same law, decree, regulation, other legal text or decision in the content applicable at the date of this Invitation for Interest and include the amendments thereto.

##### **4.2. Procedure Overview**

**The tender procedure** shall proceed in two (2) phases, as follows:

###### **Phase A': Preselection**

###### **Phase B': Dialogue and Submission of Binding Bids – Assignment**

**4.2.1.** During **Phase A' (Preselection)**, Interested Parties must exhibit their interest in writing by submitting an Expression of Interest File, in accordance with the specific provisions of this Invitation of Submission of Interest. The preselection of Candidates shall take place following the examination of the Expression of Interest Files and on the basis of what is stipulated in articles 25 and 28 of this Invitation. Based on data submitted through the Expression of Interest File, the Contracting Authority shall preselect during Phase A' six (6) Candidates, conditional upon the existence of a sufficient number of eligible Candidates, and shall invite them to participate in Phase B' of the Tender.

**4.2.2. Phase B' of the Tender shall comprise of two (2) consecutive and distinct stages:**

## Stage I: Dialogue

### Stage II: Submission of Binding Bids – Assignment (PPI selection)

In which only the Preselected during Phase A' of the Tender of Competing Dialogue are entitled to participate based on the provisions of article 4.2.1 of this Invitation.

**4.2.2.1.** During Stage I of Phase B' of the Tender, a letter shall be dispatched by the Contracting Authority to the Preselected, by means of which (letter) they shall be called to receive the Invitation to Dialogue. In such Invitation to Dialogue, the terms shall be defined, under which the dialogue shall be conducted; the purpose of the dialogue shall be to investigate and specify the means through which the Contracting Authority's needs may be optimally met.

**4.2.2.2.** It is indicatively mentioned that the Contracting Authority shall conduct dialogue with each of the Preselected regarding the basic technical, financial and legal aspects of the Project, and may, at the Contracting Authority's discretion, discuss all aspects of the Partnership Agreement. In conducting the dialogue, the dialogue's issues that shall be put forth to the Preselected shall concern the basic technical, financial and legal aspects of the Project as well as all aspects of realization of the Partnership. In conducting the dialogue, the Preselected shall be called to submit their views and remarks on the examined aspects of the Project in writing and potentially present same during meetings with the each time competent body of the Contracting Authority.

**4.2. 2.3.** Participation in dialogue shall be a requisite condition for the participation of a Preselected as a Tenderer in Phase B' – Stage II of the Tender (Submission of Binding Bids), in accordance with the specific provisions in the documents of Phase B' of the Tender.

**4.2. 2.4.** Throughout the dialogue, the Contracting Authority shall ensure equal treatment of all Tenderers by procuring, among other things, for the provision of the exact same piece of information to the Tenderers. Suggestions, solutions and overall confidential information that shall be brought to the Contracting Authority's attention by a Tenderer and that shall be classified as confidential pursuant to article 21 of Law 4412/2016 may not be notified to other Tenderers without same Tenderer's consent.

**4.2. 2.5.** The Contracting Authority, upon choosing the solution/-s that optimally meet(s) its needs, shall proclaim the dialogue's completion (Stage I of Phase B' of the Tender) and notify the Tenderers accordingly.

**4.2. 2.6.** During **Stage II of Phase B' of the Tender**, a letter shall be dispatched by the Contracting Authority to the Tenderers, by means of which the latter shall be called to receive the Invitation for Submission of a Binding Bid along with the accompanying documents and data. Along with the Invitation for Submission of a Binding Bid, the Tenderers will be given, among other things, the technical and environmental requirements, the conditions, the availability requirements with respect to the buildings' facilities and systems, etc., as well as a Partnership Agreement Draft, regarding which, the Contracting Authority reserves its right to request comments and remarks by the Tenderers in writing, also in accordance with the specifications that shall be provided through the Invitation for Submission of a Binding Bid. Upon completion of this process, the finalized text of the Partnership Agreement Draft, as formed on the Contracting Authority's discretion, shall be dispatched to the Tenderers. The Binding Bid must incorporate all elements required for the realization of the solution/-s that had been defined through the dialogue process during Stage I of Phase B' of the Tender.

**4.2. 2.7.** The Tenderers shall submit their Binding Bids within a time limit that shall be defined in the Invitation for Submission of a Binding Bid and which (time limit) shall last at least sixty (60) days as of the date of dispatch to the Tenderers of the letter described in point 4.2. 2.6 of this Invitation.

**4.2. 2.8.** The Contracting Authority reserves its right, if so it sees fit, to request clarifications by the Tenderers' on their Binding Bids or to complete same, provided that such clarifications or completions:

- do not engender any amendments to the Binding Bid's key elements,
- do not cause distortion of competition and
- do not prejudice against any Tenderer.

**4.2. 2.9.** The Contracting Authority may ask the Tenderer that submitted the most cost-effective, in economic terms, Offer to either provide clarifications regarding his/her Offer or to complete same, provided that such clarification or completion:

- do not engender any amendments to the Offer's key elements,
- do not cause distortion of competition and
- do not prejudice against any other Tenderer.



**4.2. 2.10.** During the submission of the Binding Bid of Stage II of Phase B’ of the Tender, the Tenderers will be asked to submit a letter of guarantee with regards to participation in the Tender.

**4.2. 2.11.** Further information and details regarding Phase B’ as well as a thorough description of the consultation process on the Partnership Agreement Draft, the evaluation of the Binding Bids and the assignment of the Project shall be incorporated in the Invitation to Dialogue (Stage I) and the Invitation for Submission of Binding Bids (Stage II).

### **4.3. Criterion of assignment of the Partnership Agreement**

The criterion which applies to the assignment of the Partnership Agreement is the “optimal price-quality ratio”, in accordance with article 10 par. 1 of Law 3389/2005, article 30 par. 1 ex. 5 of Directive 2014/24/EU of the European Parliament and Council and article 30 par. 1 of Law 4412/2016, as such (criterion) applies during the execution of public contracts to be realized by means of a PPP pursuant to Law 3389/2205. The specific criteria shall be encompassed in the Invitation for Submission of a Binding Bid. In any event, the price criterion shall be of particular gravity.

### **Article 5: Language of the procedure**

**5.1.** The Greek language is the official language of the procedure and all documents that shall be issued by the Contracting Authority shall be drafted in the Greek language.

**5.2.** All documents that shall be included in the Expression of Interest File that shall be submitted by the Candidates shall be drafted in the Greek language or be accompanied by an official translation into the Greek language. For the purposes of this Invitation, as “official” translation should be understood the one performed by the Service of Translations of the Ministry of Foreign Policy or the competent Consulate or a lawyer, as such is defined in articles 454 of the Greek Code of Civil Procedure (GCCP) and 36 par. 2 ex. c of the Lawyers’ Conduct Code or another person that bears such competence in the jurisdiction where the document has been drafted.

**5.3.** All public documents and other documentation concerning foreign persons that shall be submitted by Candidates through this procedure, shall be lawfully certified either by placing the Apostille Stamp under the Hague Convention of 05.10.1961, ratified through Law 1497/84 or, if the Hague Convention of 05.10.1961 is not applicable, by the competent Consulate of the respective country, so as to certify their authenticity and shall be

accompanied by an official translation into the Greek language; such translation may be certified either by a person bearing such competence under the provisions of national law or by a person bearing such competence in the jurisdiction where the document has been drafted. It is hereby clarified that this requirement applies to any documents considered as public documents pursuant to article 1 of the abovementioned Convention and, in particular: (i) documents coming from an authority or civil servant of a judicial bodies of the State, (ii) administrative documents, (iii) notarial documents and (iv) official certifications, such as registration certifications, certifications meant to provide a certain date and signature certifications placed on a private document.

Informatory documents, technical prospecta and other documents -whether corporate or not- having a special technical content may be submitted in the English language even without an accompanying translation into the Greek language.

**5.4.** Any extrajudicial action and other remedial action against the procedure's validity, pursuant to article 27 of this Agreement, shall be submitted in the English language.

Any communication, both in writing and oral, between the competent bodies of the Tender and the Interested Parties, the Candidates, the Preselected, the Tenderers and the PPI shall be conducted in the Greek language mandatorily. The obligation of all the above to facilitate the communication of foreign employees with the Contracting Authority by means of the appointment and presence of translators at their expense is hereby reinstated.

**Article 6: Discretion of the Contracting Authority to postpone, cancel and repeat the Tender or invalidate its outcomes**

**6.1.** The Contracting Authority reserves its right to amend the schedule concerning any of the Tender's phases at its full discretion, without any liability towards the Interested Parties, the Candidates, the Preselected, the Tenderers or/and third parties, upon a justified decision. Moreover, it preserves the right to postpone or repeat the tender procedure or cancel the Tender or even to decline ratification of its outcomes overall, at any point of time and for whichever reason, at its full discretion, without any liability towards the participants to the Tender or/and third parties, following a substantiated opinion.

**6.2.** Indicatively, the Tender's outcome may be cancelled or nullified with a justified decision by the Contracting Authority pursuant to a justified opinion by the T.C.

- 6.2.1.** on grounds of unlawful conduct of the procedure, insofar as this unlawfulness affects the Tender's outcome,
- 6.2.2.** in case competition had been insufficient or there are serious indications that there has been collusion between the Tenderers at the expense of genuine competition,
- 6.2.3.** if the period for submission of bids, to the extent there is any such, ends and the Tenderers are not granted the necessary extension,
- 6.2.4.** if the Tender's outcome is deemed non-satisfactory or price-inefficient,
- 6.2.5.** in case the Contracting Authority no longer has an interest in performing the performance of the contractual scope,
- 6.2.6.** if the Decision of Submission to I.C.P.P.P. under protocol number 36/13.12.2017, by virtue of which this Partnership was subjected to the provisions of Law 3389/2005, is revoked as per article 5 par. 3 of Law 3389/2005.
- 6.3.** The Contracting Authority also reserves the right, following an opinion by the Tender Committee, to decide, along with the cancellation or nullification of the Tender, the repetition of any of the Tender's phases, either by amending its terms or not, to resort to an arbitration procedure; the latter case presupposes that the terms and conditions of article 26 par. 4 ex. b and article 32 par. 2 ex. a and c of Directive 2014/14/EU of the European Parliament and Council (articles 26 and 32 of Law 4412/2016).
- 6.4.** Upon finding errors or omissions at any stage of the procedure, the Contracting Authority may partly cancel the Tender's procedure or/and reform its outcome in respect of this or decide to resume it from the point where the error or omission occurred and onwards, in all cases pursuant to the opinion that shall be expressed by the Tender Committee.
- 6.5.** In all the above instances, the Tender Committee's opinion or the Contracting Authority's deviation from the Tender Committee's opinion shall be justified.
- 6.6.** If the Tender is cancelled, nullified or repeated for whichever reason or cause, pursuant to the provisions of this Invitation, the Interested Parties, the Candidates, the Preselected or the Tenderers as well as the PPI have no claims to indemnity.

**6.7.** The Interested Parties, the Candidates, the Preselected and the Tenderers shall bear all expenses which correspond to their participation in the Tender's phases with no liability on the Contracting Party's end.

**6.8.** Participation in the Tender by a single Candidate / Tenderer does not inhibit the award of the Tender's outcome.

**Article 7: Evidence from participation in the procedure**

**7.1.** Participation in the procedure constitutes incontestable evidence that the Candidate as well as each of its Members (in case of a Tenderer that is an Association) has become fully aware of:

**(a)** this present Invitation and its accompanying data and documentation

**(b)** the legislation in force.

**7.2.** Participation in this procedure constitutes evidence that the Candidate as well as each of its Members (in case of a Tenderer that is an Association) accept the terms and provisions hereby included without reservations.

**Article 8: Data Room – Estate Overview**

**8.1.** Interested Parties of this present Phase A' and Tenderers of Phase B' shall be entitled to visit the sites where the Project is scheduled to be carried out, upon communication with the Contracting Authority. During Phase A' of the Tender, such visits shall take place fifteen (15) calendar days as of the Deadline for Submission of applications for the expression of interest, latest, and, accordingly, the Interested Parties must submit their applications on time.

**8.2.** During Phase B' of the Tender and before the submission of Binding Bids, a Data Room shall operate, through which Tenderers will be able to collect additional technical information following communication thereon with the Contracting Authority. A list of the data that shall be included in the Data Room shall be entailed in the Invitation to Dialogue. The Contracting Authority may fill in the data relating to the Data Room and notify all Tenderers accordingly.

**8.3.** The Interested Parties or Tenderers shall procure, at their own means and expenditure, to obtain full information on the wider land area where the Project shall be realized. The

submission of an Expression of Interest File indicates that the Interested Parties have obtained full information on the conditions and peculiarities prevalent in these areas.

**Article 9: Contracting Authority**

**9.1.** The IBRAA is the Contracting Authority.

**9.2.** The Contracting Authority's contact information goes as follows:

Address: 4, Soranou Efesiou st., P.O. 11527

NUTS Code EL303

Tel.: 210-6597702

Fax : 210-6597547

e-mail : sdit@ bioacademy.gr

Website (URL) : [www.bioacademy.gr](http://www.bioacademy.gr)

Contact Person : Vasileia Giannakopoulou

**9.3.** For the purpose of reviewing the applications of expression of interest and assessing same according to the specific provisions mentioned in this Invitation as well as for the purpose of realizing the rest of the actions hereby mentioned, the Contracting Authority's Board of Directors shall appoint a Tender.

**9.4.** Alterations or changes of composition of the authorities, bodies or services hereby mentioned or a possible relocation thereof to a different address does not affect the legality of this Invitation and the development of the tender procedure, whether in Phase A' or Phase B'. In such an event, the Contracting Authority shall notify the Interested Parties thereon in writing.

**Article 10: Access to the Invitation**

**10.1.** This present Invitation is on disposal at the Contracting Authority's seat and on the Contracting Authority's website <http://www.bioacademy.gr>, as mentioned in par. 9.2 above. Furthermore, this present Invitation shall be on disposal in the special, accessible to the general public site "electronic tenders" over the [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal. The contact person cited in paragraph 9.2 above shall be responsible for distributing and providing all relevant information on working days and hours.**10.2.** The Interested Party's legal

representative shall submit a plain authorization for the purpose of reception of the above documents; said authorization shall include references to the receiver's and the Interested Party's full names and, in the case of a legal entity, the company name and full name of its legal representative as well as the full contact details, telephone number and fax number.

**10.3.** The Interested Parties may also receive this present Invitation by mail upon the condition that they first undertake the expenditure for mail delivery. The Contracting Authority dispatches the Invitation through the Hellenic Post using the best delivery service available or through a private company of the Interested Party's choice and without being in any way liable for timely delivery.

#### **Article 11: Submission of the Expression of Interest File**

##### **11.1. When and how files for the expression of interest are filed**

**11.1.** For the sake of valid participation in the procedure, the Interested Parties shall electronically submit through N.E.P.S.'s [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal the Expression of Interest File by **Wednesday, 18/03/2020, 12pm (local Greek time)**.

**11.1.2.** Files submitted in a non-timely manner shall be rejected on grounds of inadmissibility. A random delay or a delay attributable to force majeure shall not be recognized as a justified reason for the delayed submission of the Expression of Interest File. The Candidate alone bears the risk of such non-timely submission.

##### **11.2. Submission through the N.E.P.S.**

**11.2.1.** Candidates must submit the Expression of Interest File electronically through the N.E.P.S.'s [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal to an electronic folder of the subsystem.

**11.2.2.** In order to participate in this present procedure, the economic institutions interested are required to have a digital signature, granted by an authority certified for granting digital signatures, and to enroll in the electronic system (N.E.P.S. – [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal) by following the enrollment procedure under article 5 par. 1.2 to 1.4. of the Joint Ministerial Decision no. 117384/26-10-2017 (Official Government Gazette vol. B', no. 3821) "*Regulations on technical matters concerning the assignment of Public Procurements on projects, researches and provision of technical and other pertinent scientific services using specific instruments and procedures of the National Electronic Public Procurements System (N.E.P.S.)*".

**11.2.3.** The association of economic institutions submits a joint Expression of Interest File, which shall, by law, be digitally signed, whether by all economic institutions making up the association or by a duly authorized representative of these entities. The extent and type of bid of each of the association's members, including the allocation of the fee among (the association's) members, and their representative/coordinator are defined in the bid, under penalty of rejection of the bid.

**11.2.4.** Foreign Candidates, and in the case of an Association the non-Greek members thereof, are not obliged to sign the herein mentioned documentation by means of an electronic signature but may rather certify the originality of signatures by whichever other means, insofar as the use of advanced digital signature is not mandatory in public procurement procedures in their respective country of origin. In such case, the Expression of Interest File shall include a Solemn Declaration, stating that the use of advanced digital signature is not provided for under the legal framework of the country of origin or that the use of such advanced digital signature is not mandatory for the purposes of participating in public procurement procedures and which (Solemn Declaration) is dated ten (10) Business Days prior to Submission Date, maximum. This paragraph applies to all references to a digital signature that may be found in this present Invitation.

**11.2.5.** The electronic Expression of Interest File (application) includes the following subfolders:

**11.2.5.1.** Subfolder A, marked as "**Documentation for Participation**", which shall include Subfolder A1 "**Letter of Expression of Interest**" and "**Legalizing Documents**" and Subfolder A2 "**Evidence on Personal Status**" which shall include the documents required as per articles 12, 13, 14, 18, 19 hereof.

**11.2.5.2.** Subfolder B, marked as "**Material Qualifications**", which shall include Subfolder B1 "**Evidence on Financial and Economic Adequacy**" and Subfolder B2 "**Evidence on Technical and Professional Capacity**", which shall include the documents required as per articles 12, 15, 16, 19, 20, 21, 22 hereof.

**11.2.6.** Using the relevant field of the subsystem, the Interested Party marks data of confidential nature, pursuant to article 21 of Law 4412/2016, when drafting the Expression of Interest File. In this case, the Bidder submits in the relevant (sub)folder the relevant justification in a digitally signed pdf document and explicitly mentions all relevant legal

provisions or administrative acts that make confidentiality of such information compelling, attached to the electronic bid.

**11.2.7.** In case of submission of data using the formatting of compressed digital documents (e.g. electronic document in ZIP format), the Bidder must submit those documents it wishes to classify as confidential, as per the above, as separate electronic documents in a Portable Document Format (PDF) form or as a separate electronic document in the format of compressed digital document that shall include same.

**11.2.8.** The user – Interested Party submits the above (sub)folders through the subsystem, as described below:

**11.2.8.1.** Data and documentation included in the (sub)folder marked as "**Documentation for Participation**" are the ones set out in articles 12, 13, 14, 18, 19 hereof and are electronically submitted by the financial institution in a Portable Document Format (PDF) document format, insofar as these have been drafted/produced by same, bear an accredited digital signature or advanced digital signature whereupon accredited certifications as per article 8 par. 3 of J.M.D. 117384/26-10-2017 has been used.

**11.2.8.2.** Applicants draft the **presentation of their Material Qualifications** by filling in the respective special electronic form in the subsystem and attaching to the portal "Attachments to the Electronic Application of Expression of Interest" and the (sub)folder each time relevant all data that pertain to their applications in a Portable Document Format (PDF) document form.

**11.2.8.3.** Bidders produce the electronic documents ["print-outs" of the Participation and Material Qualifications Documentation in a Portable Document Format (PDF) document format] using the subsystem. These documents shall be executed by the applicants using an accredited digital signature or advanced digital signature whereupon accredited certifications as per article 8 par. 3 of J.M.D. 117384/26-10-2017 and shall be attached to the respective (sub)folders that pertain to the application for expression of interest. During submission of offers through the system, the subsystem conducts automatized checks meant to confirm the electronic application of expression of interest in relation to the electronic documents produced (Participation Documentation and Material Qualifications) and, insofar as these checks prove successful, the application of expression of interest is submitted to the subsystem. Otherwise, the application cannot be submitted and the



subsystem notifies the applicants through an "Error" message in the applicants' user's interface, so that the applicants proceed to all corrective actions.

**11.2.8.4.** In case the Documentation for Participation and the material qualifications have not been fully incorporated in the subsystem's electronic forms, applicants shall attach the relevant, digitally signed electronic documents, in accordance with the terms of this present declaration.

**11.2.8.5.** The subsystem issues an electronic receipt of submission of offer, which is sent to the financial institution by e-mail.

**11.2.9.** Prior to the final date for the submission of offers, applicants may request the withdrawal of an bid submitted by means of a request to the Contracting Authority in writing in a Portable Document Format (PDF) document form that shall bear an accredited digital signature or advanced digital signature whereupon accredited certifications as per article 8 par. 3 of J.M.D. 117384/26-10-2017 shall be used, through the subsystem's "Contact" function. Following a decision by the Contracting Authority, approving the relevant request by the offering party, a certified user by Contracting Authority shall proceed to reject the relevant electronic application in subsystem prior to the Deadline for Submission of applications.

### **11.3. Submission of the Expression of Interest File in writing**

**11.3.1.** Within three (3) business days, starting from the electronic submission of the above data, the Candidate is obliged to submit to the Contracting Authority in writing, using a stamped envelope, the documents that require submission in hard copy as per the provisions of articles 11 par. 2 of Law 2690/1999 "Administrative Procedure Code", as amended by virtue of article 1 par. 2 of Law 4250/2014.

**11.3.2.** Candidates must submit the data above to the Contracting Authority's protocol and, more specifically, to the Department for Supplies of the Contracting Authority under the following contact details:

Department for Supplies Address: 4, Soranou Efesiou st., Athens

P.O. Box: 11527

NUTS Code: EL 303

**11.3.3.** The data set out above must be submitted in two (2) copies, in hard copy. In case of discrepancy between the electronic form and the hard copy, the hard copy prevails. **Article**

**12: Eligible for participation in the Tender – Changes of composition**

**12.1.** Natural persons or legal entities are eligible to participate in the Tender whether severally or as Associations, insofar:

**12.1.1.** same (persons or entities) or their Members having their residence in the European Union (E.U.) or the European Economic Area (E.E.A.) or in states which have signed bilateral agreements or association agreements with the E.U. or ratified the Agreement on Public Procurements (A.P.P.) of the International Trade Organization (I.T.O.) or other countries that do not fall under any of the above categories but have signed a bilateral or multilateral agreement with the European Union and;

**12.1.2.** meet the terms and conditions set out in article 14 of this present Invitation.

**12.2.** Associations that shall participate in the Tender are not obliged to have a certain legal form in order to exhibit their interest in participating. In the case of a candidate that is an Association, each Member's participation stake shall be determined and may not subject to alterations (with the exception of potentially approved instances of change of composition of Candidates/Tenderers, in accordance with this present article 12) and, in case this Tenderer is proclaimed as PPI, shall constitute each Member's binding participation stake in the SPSA's initial share capital.

**12.3.** Execution of the Partnership Agreement requires, pursuant to article 1 par. 4 of Law 3389/2005, that the PPI establishes a Special Purpose Societe Anonyme (SPSA). More specifically, the PPI shall establish a SPSA for the exclusive purpose of realizing the Partnership Agreement; the SPSA shall have the PPI as its sole founder and shareholder and, in the case of Associations, the Members of the PPI shall be the founders and shareholders proportionately to their participation, as these will have been stated in accordance with article 12 of this Invitation. The SPSA shall enter into contract with the Contracting Authority.

**12.4.** Furthermore, the SPSA may enter into contract for the following purposes, among others:

**12.4.1.** The performance of the researches required by the researchers arranged to perform these researches in accordance with article 16.1 hereof, regardless of whether these hold shares of the Candidate/Tenderer and, consequently, the SPSA, or cooperate with same.

**12.4.2.** For the Project's construction, with constructing companies arranged to perform the respective part of the Project and according to the percentages arranged, in accordance with article 16.2 hereof, regardless of whether these hold shares of the Candidate/Tenderer and, consequently, the SPSA, or cooperate with same.

**12.4.3.** For technical management of the building infrastructure and other infrastructure of the Project that forms the Partnership's scope, with the enterprises arranged to perform such services and according to the percentages arranged, regardless of whether these enterprises, in accordance with article 16.3 hereof, hold shares of the Candidate/Tenderer and, consequently, the SPSA, or cooperate with same.

**12.4.4.** In any case, these agreements shall be approved by the Contracting Authority in accordance with the specifics of the Invitation to Submission of Binding Bids and the other accompanying documents.

**12.5.** In case a Business Related to a Candidate (as defined below) submits an independent Expression of Interest File (namely participates in the Tender as an independent Candidate) or participates as a member of an Association that submits an independent Expression of Interest File, then both such Candidates bear the burden of satisfactory proof towards the Contracting Authority that the submitted Expressions of Interest and, sequentially, in Phase B' of the Tender, the proposals in the dialogue and the Binding Bids, though separate, have not exerted influence onto each other. Otherwise, the Contracting Authority is entitled to exclude either one of the Candidates or both of them at its discretion.

**12.5.1.** For the purposes of this Invitation, "**Related Enterprise**" means any enterprise whose annual statements have been consolidated with those of the Candidate as per the requirements set out in Law 4308/2014. In the case of economic institutions that do not fall under Law 4308/2014, "related enterprise" means any enterprise in relation to which the Candidate meets any of the criteria under a) to d) below:

a. Holds the majority of voting rights of the other entity's (subsidiary's) shareholders, partners or members.

b. Holds the right to appoint or dismiss of the majority of members of the other entity's (subsidiary's) administrative, managerial or supervisory body and is simultaneously a shareholder, partner or member of this entity.

c. Holds the right to exert dominating influence over the other entity (subsidiary), in which it is a shareholder, partner or member, whether on the basis of an agreement entered into with said entity or of a provision in any of its constitutional documents or its articles of incorporation.

d. Is a shareholder, partner or member of the other entity either:

d.a'. Controls, on its own, the majority of voting rights of the shareholders, partners or members by virtue of an agreement it has concluded with other shareholders, partners or members of this entity (subsidiary)

d.b'. The following conditions are cumulatively met:

I. The majority of administrative, managerial or supervisory bodies of this entity (subsidiary) that held management during the current period and the preceding period, up to the drafting of the consolidated financial statements, has only been appointed by virtue of exercise of its voting rights.

II. The voting rights which the Candidate holds represent a minimum of 20% of total voting rights in the subsidiary.

III. No third party holds any of the rights mentioned in parts a', b' or c' of this paragraph with respect to the other entity (subsidiary).

IV. Has the power to exert or actually exerts controlling influence or control over the other entity (subsidiary).

**12.6.** A change in the composition of the Preselected/Tenderers or/and change of persons as per articles 16.1 to 16.3 hereof, is permissible upon finalization of the outcome of Phase A' of the Tender and prior to the expiry of the deadline for submission of Binding Bids, which shall be specified in the Invitation for Submission of Binding Bids (Phase B' – Stage II) provided that such change is approved by the Contracting Authority in writing, following an application by the Tenderer to this end. Notably, requirements as to change in composition may be further specified in the Invitation for Submission of a Binding Bid. More specifically:

**12.6.1.** In this case, the Tenderer is obliged to notify the Contracting Authority of its intention to change its structure prior to submitting its Binding Bid by simultaneously submitting all data and documents necessary, as per this Invitation, for its reassessment following such change and more specifically:

**(i)** The Contracting Authority must be notified of the change in writing thirty (30) days before the lapse of deadline for submission of Binding Bids, latest, and shall be subject to the Contracting Authority's prior consent, following the expression of opinion by the Tender Committee.

**(ii)** The Bidder shall continue to meet all Quality Selection Criteria defined in article 13 of this present Invitation and the new member entering the Tenderer's composition must meet the Personal Status Criteria defined in article 14 of this Invitation.

**(iii)** In case of entry of a new member in the Tenderer's composition or in case of subrogation of the Constructor or the Designer or the Manager or the third party upon whose competence the Preselected relies, all relevant notifications to the Contracting Authority regarding changes of composition as per this article, shall be accompanied by the documentation stipulated in this Invitation with respect to the new member or new Constructor or new Designer or new Manager or new third party.

**(iv)** No change in composition of the Preselected is allowed during the last thirty (30) days before expiry of deadline for submission of the Binding Bids, with the exception of **(a)** changes justified on objective grounds (e.g. liquidation, bankruptcy etc.) or **(b)** changes justified on grounds of corporate transformation (e.g. merger, demerger, transformation etc.). Every such change shall be conditional upon the Contracting Authority's prior approval, to the extent that the Preselected keeps meeting the Quality Selection Criteria specified in article 13 of this Invitation.

**The conditions under (i) to (iv) above are cumulatively applicable and any potential infringement of any of the above conditions, shall lead to the exclusion of the Preselected from the Tender.**

**12.6.2.** In this case, the Tender Committee shall reassess whether the Tenderer still meets, in full or otherwise, the exclusion and selection criteria of this Invitation whereas in case that more than six (6) applications for expression of interest have been submitted and assessed, there shall be reassessment as to whether (the Tenderer) still meets the competence and

experience criteria based on which he/she was deemed Preselected against non-preselected Candidates. In case the reassessment outcomes above show that the Tenderer either does not fully meet the selection criteria and minimum assessment criteria hereby set out or no longer meets the competence and experience criteria, based on which he/she was found to excel over the rest of the Candidates and was preselected and, therefore, would not be subject to preselection, this Tenderer shall be excluded from the continuation of the tender procedure and said tender procedure shall proceed through the review and assessment of the Binding Bids of the remaining Tenderers.

**12.7.** Offshore firms or associations or natural persons that reside, have their registered or de facto seat or office in non-associate countries, as such are defined in article 65 of the Income Tax Code (Law 4172/2013, as amended and in force) and set out in decision 1353/19.09.2019 by the Minister and Deputy Minister of Finance (Official Government Gazette, vol. B', no. 3558/23.09.2019) do not meet the conditions for participation in the Tender either on an individual basis or as member of a Candidate which is an Association or as partners or holders of more than 1% of the share capital of the financial institution that is a Candidate or Candidate which is an Association.

**12.8.** In order to preserve competition, the Contracting Authority does not wish mergers to occur among Candidates/Preselected/Tenderers. Such mergers shall be admissible only upon an objective justification, at the Contracting Authority's full discretion, of the necessity of a merger and, in any event, only upon the Contracting Authority's prior approval. The Contracting Authority may anyway accept or reject in writing the merger requested, in compliance with the present Invitation's conditions, at its full discretion.

### **Article 13: Quality Selection Criteria**

#### **13.1. General**

**13.1.** The subsequent articles specify the quality selection criteria which Candidates have to meet and relate to the following: (a) Personal Status Criteria, as specified in article 14, (b) Financial and Economic Status Criteria, as specified in article 15 and (c) Technical and Professional Criteria, as specified in article 16.

**13.2.** Compliance with the Quality Selection Criteria constitutes a continuous requirement which has to be met even after the submission and assessment of the Expression of Interest File and throughout the Tender's duration. Tenders in Phase B' of the Tender shall be

obliged to include in their Binding Bid a confirmation as well as the documents specified in the Phase B' Declaration, attesting that they still meet the above quality selection criteria.

**Article 14: Personal Status Criteria**

**14.1.** Every Candidate or, in the case of an Association, every Member of the Candidate, must cumulatively meet the personal status criteria below, under penalty of exclusion:

**14.1.1.** The Candidate has not been irrevocably convicted on any of the grounds listed below:

a) participation in a criminal organization, as such term is defined in article 2 of the Council framework decision 2008/841/JHA of 24 October 2008 on the fight against organized crime (EE L 300 of 11.11.2008, p.42),

b) bribery, as such term 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 of 25.6.1997, p. 1) and article 2 paragraph 2 of the Council framework decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (EE L 192 of 31.7.2003, p. 54) as well as (defined) in the legislation in force or the financial institution's domestic law,

c) fraud, in the meaning ascribed to the term in article 1 of the agreement on the protection of the European Communities' financial interests (EE C 316 of 27.11.1995, p. 48), which has been ratified by means of Law 2803/2000 (Official Government Gazette vol. A', no. 48),

d) terrorist offences or offences related to terrorist activities, as defined in articles 3 and 4 of the decision 2017/541/JHA of 13 June 2002 on combating terrorism (EE L 88 of 31.3.2017, p. 6) or

e) money laundering or terrorist financing, as defined in article 1 of Directive 2015/849/EU of the European Parliament and the Council of 25 May 2015, with respect to the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (EE L 141 of 25.05.2015, p. 73), as incorporated into national law by means of Law 4557/2018 (Official Government Gazette vol. A', no. 139)

f) child labor and other forms of human trafficking, as defined in article 2 of Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council

Framework Decision 2002/629/JHA (EE L 101 of 15.04.2011, p. 1), as incorporated into national law by means of Law 4198/2013 (Official Government Gazette vol. A', no. 215).

A Candidate is also excluded when the person irrevocably convicted as above is a member of the administrative, managerial or supervisory body of the financial institution in question or has representation, decision-making or control power thereon. In the cases of limited liability companies (LLCs), partnerships (GPs, LPs) and private companies (PCs), the obligation stipulated under the previous extract concerns the managers. In the case of *societes anonymes* (S.A.), the obligation in question concerns the Chief Executive Officer as well as all Board of Directors' members.

**14.1.2.** The Candidate is in good standing with respect to the payment of tax obligations (tax compliance) and social security obligations (social security compliance) towards its employees, as in accordance with the Greek legislation in force or the legislation of the state where the Candidate maintains offices. There is no court decision that produces *stare decisis* or administrative decision of final and binding force as per the legislation applicable in the country of the Candidate's residence, which decision would certify the breach of the Candidate's obligations in question. The Contracting Authority may not prove through any due means that the Candidate (of a Member thereof) has breached its obligations with regards to the payment of taxes or social security contributions.

For Greek Candidates, payment of social security contributions concerns both principal and supplementary social security.

This paragraph shall no longer apply as a reason for exclusion when the financial institution under investigation fulfils its obligations either by paying the taxes or social security contributions due, including, accrued interest or fines, or by subjecting itself to a binding arrangement for the payment of same.

**14.1.3.** A Candidate is excluded from participation in the Tender if any of the following terms is met:

**14.1.3.1.** The Candidate's breach of obligations stipulated in article 18 par. 2 of Law 4412/2016, namely obligations grounded upon environmental, social security and labor legal provisions as constituted through EU law, national law, collective agreements or international provisions on environmental, social and labor law, which are listed under Schedule X of Annex A of Law 4412/2016, may be proven through the means expedient to this end.



**14.1.3.2.** The Candidate is subject to bankruptcy or has been subjected to a rehabilitation or special liquidation procedure or is under compulsory administration either by a liquidator or the court itself or has been subjected to a conciliation procedure or has ceased its business operations or is any similar condition as a result of any similar procedure stipulated by the each time applicable national legal and regulatory provisions of Greek law or law of the state of residence. Nevertheless, the Contracting Authority is entitled to not exclude a financial institution which is under any of the aforementioned cases upon the condition that the Contracting Authority has proven that the institution in question is in a position to perform the agreement, taking into consideration the applicable provisions and the measures for continuation of its business activity (article 73 par. 5 of Law 4412/2016).

**14.1.3.3.** A condition of conflicting interests in the meaning ascribed thereto by article 24 of Law 4412/2016 (article 24 of Directive 2014/24/EU of the European Parliament and Council) cannot be effectively mitigated through other, less intrusive, means.

**14.1.3.4.** A condition of distortion of competition due to the Candidate's (or its Member's) prior participation in the preparatory stages of the process of conclusion of an agreement, as defined in article 48 of Law 4412/2016, cannot be effectively mitigated through other, less intrusive, means.

**14.1.3.5.** The Candidate has exhibited serious or repeated misconduct during the performance of an essential claim within the framework of a preceding public procurement or a preceding procurement in which an assigning institution had been counterparty or a preceding concession agreement which resulted in the premature termination of this preceding procurement or agreement, indemnities or other similar penalties.

**14.1.3.6.** The Candidate (or a Member thereof) has been found guilty of seriously false statements during the provision of information required for attesting the lack of reasons for exclusion or the satisfaction of selection criteria, has withheld such information or is unable to submit the documents required so as to substantiate such information and

**14.1.3.7.** The Candidate has illicitly attempted to exert influence over the Contracting Authority's decision-making procedure, to obtain confidential information which would potentially grant (the Candidate) an illicit leverage in the procurement conclusion procedure or to provide, due to negligence, misleading information that would materially affect the decisions on exclusion, selection or assignment of the Partnership Agreement.

**14.1.4.** The Contracting Authority is aware of or capable to prove by expedient means that, within the two (2) years that preceded the termination of the deadline for submission of the application of expression of interest for participation, the Candidate has been convicted of any of the following:

aa) three (3) fines imposed by the competent supervisory bodies of the Labor Inspectorate on grounds of violations of labor law deemed by Ministerial Decision no. 2063/Δ1632/2011 (Official Government Gazette vol. B', no. 266), as each time in force, as "highly" or "very highly" important, which (violations) cumulatively arise from three (3) dawn-raids conducted, or

bb) two (2) fines imposed by the competent supervisory bodies of the Labor Inspectorate on grounds of violation of labor law with regards to undeclared employment, which cumulatively arise from two (2) dawn-raids conducted.

Penalties under aa) and bb) hereof must be of finalized and binding power.

**14.1.5.** Offshore companies falling under the scope of article 4 par. 4a of Law 3310/2005, as described in detail in article 12.7 hereof, are excluded from participation in the Tender.

**14.1.6.** A financial institution shall be excluded from the Tender if the terms of article 8 par. 4 of Law 3310/2005 (reason for exclusion under national law) are met.

**14.1.7.** At any point of time during the procedure of conclusion of a procurement, the Contracting Authority shall exclude a financial institution upon proof that such institution meets any of the terms of the preceding paragraphs due to its actions or omissions conducted prior to or along with the procedure.

**14.1.8.** In the event that the time period of exclusion has not been specified through an irrevocable decision in any of the cases of par. 14.1.1, such period such last five (5) years as of the date of irrevocable conviction while, in the case of par. 14.1.3, it shall last three (3) years as of the occurrence of any such event.

**14.2.9.** Any Candidate to whom, either himself or (in the case of a natural person or legal person) one of its members (in the case of an Association), the penalty of exclusion has been imposed on grounds of the joint ministerial decision provided for under article 74 of Law 4412/2016, said penalty is *ipso iure* extended to this Tender.

**14.1.10.** A financial institution falling within the scope of any of the instances mentioned in par. 14.1.3.1 to 14.1.3.7 may submit evidence in order to prove that the measures it has taken suffice so as to prove its credibility, despite the presence of a reason for exclusion. If such evidence is found to be adequate, the financial institution in question will not be excluded from the procedure of conclusion of procurement. To this end, the Candidate (or member thereof) shall prove that it has paid or has undertaken to indemnify any damages caused by the felony or misconduct, it has clarified the facts and conditions in a comprehensive manner through active cooperation with the investigating authorities and has taken certain technical and organizational measures as well as measures pertaining to human resources deemed appropriate for the avoidance of further felonies or misconducts.

The measures reached by said economic institutions are assessed in consideration of the gravity and the specific circumstances surrounding the felony or misconduct in question. If the measures are found to be insufficient, the financial institution shall be notified of such decision’s reasoning. A financial institution excluded by means of a final decision from participating in the procedure of conclusion of procurement, in the sense of article 74 of Law 4412/2016, or from the assignment of concession may not resort to the abovementioned option during the time period of exclusion, as such is specified in the applicable in the member – state decision in question.

**14.1.11.** The decision on the adequacy or inadequacy of the remedial measures under the preceding paragraph shall be issued in accordance with the stipulations of article 73 par. 8 and 9 of Law 4412/2016, within thirty (30) days as of the receipt by the Committee in question of the Contracting Authority’s decision’s draft, accompanied by all relevant evidence. If the deadline expires without any action having been taken, the Contracting Authority shall exclude the Candidate in question from the Tender. The Hellenic Single Public Procurement Authority shall be notified of the Contracting Authority’s decision as well as of the decision accepting the legal remedies against such decision.

**14.2.** In case the Candidate (or a member of an Association which is a Candidate) invokes its Financial and Economic Adequacy and Creditworthiness or the Technical and Professional of a third party-institution, the Personal Status Criteria, as specified above, must be met with respect to said third party-institution as well.

**Article 15: Economic and Financial Adequacy, Creditworthiness and documentation thereof**

**15.1.** The Candidate should cumulatively, under penalty of exclusion, meet the **minimum qualifications of economic and financial standing and creditworthiness**, as follows:

**15.1.1.** Each Candidate should have an average of over EUR ten million (€ 10,000,000) of Equity over the past three (3) most recent fiscal years, as evidenced by the Financial Statements of the Last Three (3) Fiscal Years. In the case of an Association, the weighted average of the Candidate Members' Equity will be taken into account based on the participation percentage of each Member of the Association. In case that a venture capital company or a fund participates in the Tender, the provisions of article 20.2 apply. In case the Candidate is a natural person, such Candidate must provide evidence of direct and personal ownership and possession of available, liquid financial means that are free of liens (the "**Net Equity**"), of a total market value exceeding the amount of EUR ten million (> € 10,000,000). In determining the Net Equity, solely the following parameters are taken into account:

- (a) cash deposits held with banks or other financial institutions that lawfully operate in the EU, the EEA or the OECD or/and
- (b) liquid and transferable movable assets.

**15.1.2.** In order for the economic and financial adequacy and creditworthiness requirements of the immediately preceding paragraphs to be proved, the Candidate, and, in the case of an Association, each of its Members, shall submit the Financial Statements of the three most recent accounting years, as well as a table conducted in accordance with Annex 8 hereof. In case of a foreign Candidate or a member thereof, the Financial Statements shall be accompanied by an official translation.

**15.1.3.** Each Candidate and, in the case of an Association each member thereof, shall provide evidence of its borrowing capacity for the implementation of the Project, evidenced by the submission of a Financial Support Letter issued by a credit institution with a credit rating of at least Caa2 on the Moody's scale or CCC+ on the Standard and Poor's scale or an equivalent (RD) of Fitch, drafted in accordance with the present Invitation's Annex 9, stating, at least, that the financial institution is aware of this Invitation (Phase A' of the Tender), that it is interested in considering the request regarding the financing of the Project either on its own, or in cooperation with other financial institutions, in case that the Candidate is selected as PPI. In addition, the Candidate will submit a solemn declaration, according to

Annex 10 hereof, which will be signed by the Candidate's Representative, ensuring the financing of the Project, exclusively with loan and/or own funds, the amount of which will cover the Project's requirements.

#### **Article 16: Technical and Professional Capacity and its Documentation**

The Candidate must cumulatively meet the following **minimum qualifications of technical and professional capacity**:

**16.1.** In order for the Candidate's technical and professional competence to conduct the studies required for the implementation of the Partnership's object to be proved, and regarding the designers who will conduct such studies, additional and supporting documentation shall be submitted. More specifically:

**16.1.1.** A copy of the Designer degree shall be submitted, as follows:

**16.1.1.1.** As far as Greek Designers are concerned, these must be registered with the Greek Registries of Designers or with the Designer Offices / Companies, listed in Annex XI, Appendage A of Law 4412/2016 (Annex XI of Directive 2014/24/EU of the European Parliament and Council) and, in particular, must have the following project development diplomas, which should be submitted:

- (i) Class E and higher in category 6 "Architectural studies of building constructions"
- (ii) Class E and higher in category 8 "Structural Design",
- (iii) Class E and higher in category 9 "Electromechanical Studies".

**16.1.1.2.** If the designers come from EU or EEA Member States, or states that have ratified the Government Procurement Agreement (GPA) of the World Trade Organization (WTO), which maintain registries corresponding to those referred to in paragraph 16.1.1.1, they shall be registered in project development classes and categories, equivalent to those referred to in paragraph 16.1.1.1 and shall submit the relevant registration certificates.

**16.1.1.3.** If the designers come from EU or EEA Member States or states that have ratified the Government Procurement Agreement (GPA) of the World Trade Organization (WTO), which do not maintain the abovementioned registries, and are registered in the professional / commercial registers of their respective states of residence, they shall have general experience equivalent to that resulting from the registration with the Registries of

Designers or with the Designer Offices / Companies, namely executive staff with experience in corresponding categories of studies, as follows:

- (i) For Category 6 "Architectural studies of building constructions", at least three (3) experienced executives, two of which with at least eight (8) years of experience and the third executive of at least twelve (12) years of experience.
- (ii) For Category 8 "Structural Design", at least three (3) experienced executives, two of which with at least eight (8) years of experience and the third executive of at least twelve (12) years of experience.
- (iii) For Category 9 "Electromechanical Studies", at least three (3) experienced executives, two of which with at least eight (8) years of experience and the third executive of at least twelve (12) years of experience.

In this case, a certificate of registration with the professional / commercial registry of their country of establishment must be submitted, or, if such certificate is not issued, an affidavit ensuring the inability of this certificate's issuance together with their entry in the registry, and, in addition, a curriculum vitae of their staff must be also submitted, from which the possession of the required suitability will be evidenced.

**16.1.2.** During Phase B' of the Tender, each candidate shall have an Advisor in Engineering and an Advisor in Electronics or Mechanical Engineer of an experience extending to the last fifteen (15) years in

- Premises designated for biomedical research or
  - Scientific research facilities, overall, or
  - hospitals – clinics, in any case with designated internal laboratories,
- of a surface of no less than 5,000sq.m.

As evidence of such candidate Advisor's technical and professional capacity, said candidates will also submit files and documentation at Phase B' of the Tender. The above criteria may be amended or further specified at a subsequent phase of the tender.

**16.1.3.** Moreover, at Phase B' of the Tender, each Candidate shall be entitled to the services of one (1) Advisor on matters of design, supply, installation and operational receipt and functional management of medical equipment similar to the specialized medical equipment which is included in the Partnership's scope. The documentation and files provided for under

Phase B’ of the Tender (Invitation to Dialogue or Invitation for Submission of Binding Bids, as the case may be) shall be submitted at Phase B’ of the Tender as evidence of each candidate Advisor’s technical and professional capacity.

**16.1.4.** More specifically, the Advisor’s experience in relevant projects concerning the design, supply, installation, maintenance, management and operation of the medical equipment must be presented. One or more projects that relate to research or biomedical equipment in facilities of biomedical research operations or hospital infrastructure that in any case include laboratories or scientific research facilities overall, completed within the last five (5) years as of publication of the tender and of a minimum amount of [€ 5,000,000] shall be considered as acceptable experience. The above criteria may be amended or further specified at a next phase of the tender. Candidates shall submit a solemn declaration, whereby stating that they accept the terms set out under articles 16.1.2 and 16.1.3 hereof and undertaking to submit all evidence required with respect to the technical and professional capacity of the Advisors as per the aforementioned provisions during Phase B’ of the Tender.

**16.2.** As evidence of the Candidate’s capacity to construct the object of the Project and with regard to the contracting enterprises who will undertake the implementation thereof, the following conditions of participation must be fulfilled and additional supporting documents must be submitted as follows:

**16.2.1.** Professional registration documents should be provided as per the below:

**16.2.1.1.** In the case of a contractor registered with the Contractors Registry, kept by the General Secretariat of Infrastructures of the Ministry of Infrastructures and Transportation, and listed in Annex XI of Directive 2014/24/EU of the European Parliament and Council, a registration certificate with the above Registry is required to be submitted.

**16.2.1.2.** In the case of a contracting enterprise established in an EU or EEA Member State, or in a state which has signed the Government Procurement Agreement (GPA) of the World Trade Organization (WTO), where an official registrar of accredited contractors is held, in accordance with Annex XI of Directive 2014/24/EU of the European Parliament and Council, a ratified (by the competent Authority) certificate of registration with these lists is required to be submitted.

**16.2.1.3.** In the case of a contracting enterprise established in an EU or EEA Member State, or in a state which has signed the Government Procurement Agreement (GPA) of the World

Trade Organization (WTO), where official lists of recognized contractors are not kept, a certificate of registration with the professional / commercial registry of their country of establishment must be submitted, or if such certificate is not issued, an affidavit before an administrative or judicial authority or a notary public certifying the inability of such certificate's issuance and its registration with the registries, and if no affidavit is provided for in that State, a Solemn Declaration must be submitted. In order to be deemed admissible, documentation regarding professional registration must be valid at least on the Deadline for Submission of Expression of Interest Files.

**16.2.2.** Minimum levels of financial adequacy must be met, and in particular, the contracting enterprise must have an average turnover of at least EUR twenty million (€ 20,000,000) over the last three (3) financial years, of which, at least EUR ten million (€ 10,000,000) in construction works and EUR four million (€ 4,000,000) in electromechanical (E/M) operations. If more than one contracting enterprises participate, the above minimum levels of average turnover may also be cumulative for the contracting enterprises arranged to undertake the construction of the Project.

To prove the criterion of the immediately preceding paragraph, contracting enterprises are required to submit:

**16.2.2.1.1.** the Financial Statements of the Last Three (3) Fiscal Years, as well as a table prepared in accordance with Annex 11, and

**16.2.2.1.2.** a solemn declaration, in which the accuracy of the data included in the table under Annex 11 shall be verified.

**16.2.3.** Each contracting enterprise must have completed a contract one or more building projects, other than warehouses and industrial buildings, during the ten (10) last accounting years, of a total construction value of at least EUR fifteen million (€ 15,000,000) of which at least EUR nine million (€ 9,000,000) shall relate to construction works and EUR five million (€ 5,000,000) to electromechanical (E/M) operations. It shall be noted that, in the case of participation of more contracting enterprises, the above minimum standards of technical adequacy may be cumulatively met as to the contracting enterprises arranged to undertake the construction of the Project. In assessing the contracting enterprises, a project or percentage of participation in a project is admissible and subject to assessment, insofar as its value amounts to a minimum of EUR one million (€ 1,000,000).



In addition, at least one (1) of the contracting enterprises , must have completed a construction work relating to biomedical research operations or hospital infrastructures, insofar as the latter include laboratories or other scientific research facilities of a minimum budget of EUR ten million (€ 10,000,000) during the last fifteen (15) financial years.

**16.2.4.** For the purposes of this present article, it should be noted that the project undertaken by a partnership or a consortium shall be declared by the contracting enterprise invoking it, only by the percentage or part of its participation in this project, and it will also indicate the object of the work it has carried out under the specific project.

**16.2.5.** In order to provide evidence as to the experience mentioned under paragraphs 16.2.3 and 16.2.4, contracting enterprises shall submit a solemn declaration, in accordance with Annex 12, stating that they have the experience required. The solemn declaration shall state the type of projects, their total value, the value of construction and E/M works, the place and time of their performance and completion as well as the employers (public or private institution).

**16.2.6.** In the case of a public project, the above solemn declaration shall be accompanied by a certificate issued or ratified by the employer’s – public institution’s competent authority, which will state the type of the project, the construction value thereof, according to the below-mentioned, and will certify the skillful, successful, timely and appropriate completion of the project, as well as the relevant works’ completion time.

**16.2.7.** In the case of a private project, the above solemn declaration shall be accompanied, where appropriate, either by the contract or by the construction contracts, or by a certificate of the private employer, which will mention the type of project, its construction value, according to the following, and will certify the skillful, successful, timely and appropriate completion of the project, as well as the relevant works’ completion time.

**16.2.8.** If the contracting enterprises are unable to submit the required certificate in the case of a public project or the construction contracts and the private employer’s certificate in the case of a private project, according to the above, it will be sufficient to provide an additional solemn declaration, stating the reasons for which the above documents cannot be produced, and will also certify the skillful, successful, timely and appropriate completion of the project, as well as the relevant works’ completion time.

**16.2.9.** It is also noted that the construction value of the project is deemed to be the value of the contracts (one or more pertaining to the same project), VAT exclusive, by which the

physical object of the project has been completed, or, in the case of a proprietary construction, the value of the project according to the assessment of the Body of Sworn Assessors or other similar accredited institution.

As evidence of the Candidate's ability to undertake maintenance, cleaning, technical operation and management of the Project, and with regards to each of the persons/entities who will undertake the above:

**16.3.1.** They must have the provision of the above services as their activity.

**16.3.2.** A Private Enterprise for Provision of Security Services (P.E.P.S.S.) operation license must be submitted, pursuant to law 3707/2008 (Official Government Gazette vol. A', no. 209), as amended and in force, which shall remain valid at least up to the Deadline for Submission of the Expression of Interest Files.

**16.3.3.** Minimum standards of sufficient funding must be met; more specifically, each one of the persons that shall undertake the provision of maintenance, cleaning, technical operation and management services with respect to the Project shall have a minimum annual turnover of EUR five hundred thousand (€ 500,000). In the case of more than one participating enterprises, the above minimum turnover standards may apply to all such enterprises cumulatively.

The enterprises undertaking the provision of maintenance, cleaning, technical operation and management services with respect to the Project are obliged to submit the Financial Statements of the Last Three (3) Fiscal Years as evidence of meeting the criterion set in the preceding paragraph.

**16.3.4.** at least one (1) of these persons or all of them cumulatively, should have executed or realized or completed a contract or renewed contracts of a total duration of at least one (1) year (such duration being uninterrupted) within the last decade, for the provision of technical management services as defined in paragraph 1.11.6 hereof, for the provision of services on the basis of such contract(s). In all or any of these contracts, the consideration for the technical management and maintenance services should amount to at least EUR three hundred thousand (€ 300,000) per annum, VAT exclusive.

**16.3.4.1.** 1. In order to demonstrate the experience mentioned immediately above, a legally ratified copy of the contract(s) mentioned above must be submitted, otherwise, extracts of the above contracts, from which the required information will be provided

according to the above and in the event this is not possible either, a solemn declaration of the enterprise that entered into a contract with the Candidate from which the information required above will be provided, and which will state the reasons for the inability to provide these contract(s) or extracts thereof.

**16.3.4.2.** In addition, they shall submit a certificate issued or ratified by the employer's – public institution's competent authority, or by the private employer, stating and certifying the skillful, successful, timely and appropriate provision of services and the duration of such provision with reference to the start and end dates.

**16.3.4.3.** If it is impossible to provide the required certificate of the public body or individual employer, it will be sufficient to provide a supplementary solemn declaration, stating the reasons for which the above documents cannot be produced and which will also certify the skillful, successful, timely and appropriate provision of services and the duration of such provision. In relation to the details required to be submitted, the following shall be noted:

(i) that the contract, in the case that it has been undertaken by a partnership or a consortium, is declared by each enterprise invoking it, only in proportion to its percentage or share of participation in it, and it also refers to the object of the technical management services it provided under the specific contract.

(ii) that, for the purpose of calculating experience, the following contracts are not taken into consideration:

(a) Contracts regarding the obligatory maintenance of projects in accordance with articles 138, 170 and 171 of Law 4412/2016, as in force;

(b) Contracts whose principal purpose is the provision of security and / or cleaning services; and

(c) Contracts whose principal purpose is the maintenance of outdoor and/or green areas.

(iii) that the principal object is the contractual object which exceeds 50% of the total financial consideration of the contract in question.

#### **Article 17: Invocation of third financial institutions' resources**

**17.1.** In order to meet the criteria of financial and economic adequacy and creditworthiness as well as criteria related to technical and professional competence, the Candidate may rely on and make use of the financial and / or technical and / or professional capacity of other economic institutions, as referred to in articles 78 par. 1, 75 par. 3 and 4 of Law 4412/2016 and articles 63 and 58 par. 3 and 4 of Directive 2014/24/EU, regardless of the legal nature of the links between the Candidate and those institutions. In this case, the invocation of the relevant information should be directly related to the role of the economic institutions in the implementation of this Partnership, which will be clearly stated in the expression of interest and will be stated in the relevant letter in Annex 6 hereof.

**17.2.** In such cases, Candidates shall provide the supporting documents evidencing that they will have the resources required at their disposal, for example by providing evidence of these entities' commitment to make the resources required for the realization of the Project available to the Candidates, in case they are awarded as PPI.

**17.3.** If other economic institutions are declared as the Candidate's subcontractors, without, at the same time, invoking their financial / or/and technical or/and professional competence, they will have to submit the European Single Contract Document by which they will certify that they have the corresponding qualifications required to carry out the work they undertake but also to affirm that there is no reason for their exclusion.

**Article 18: Content of Subfolder A1 "Letter of Expression of Interest" and "Legalizing Documents"**

**18.1.** Each Candidate shall submit for himself/herself as well as for third entities, in the competence of which the Candidate relies, , the following documents and supporting documents in Subfolder A1 in original form or as legally ratified copies and by following the format and the content of the relevant templates provided by the Annex of the present Invitation:

**18.2.** The application for expression of interest drafted in accordance with the Annex 2 of the present Invitation and signed (where appropriate) by:

- The Candidate's legal representative (natural person or legal person) or
- In the case of an Association, by the legal representatives of all Candidate's Members, or by the jointly designated Candidate's Representative according to the below mentioned document under 18.2.B (iii).

The aforementioned application for expression of interest is accompanied by a declaration of consent for the processing of personal data in accordance with the template of Annex 4 and Annex 5 hereto.

It should be noted that in the application for expression of interest, both the Candidate's Members and the persons who shall take on the specific object of project development, construction and management of the Partnership shall be obligatorily, explicitly and clearly defined..

**18.2.A. Legalizing Documents in the case of a single candidate that is a legal person**

(i) The Official Government Gazette or respective announcement by the General Commercial Registry regarding the incorporation and the codified Articles of Association in force (in the case of a Greek S.A., L.L.C., L.P., G.P. or P.C.), which shall be accompanied by a certificate on the amendments to the Articles of Association, issued by the competent, as the case may be, authority or Court or the corresponding, depending on the state of establishment, documents (in the case of a foreign legal person).

(ii) The Official Government Gazette regarding the current Board of Directors' constitution as a body (in the case of a Greek S.A.), or the Official Government Gazette regarding the administrator's appointment (in the case of a Greek L.L.C.) or the respective certificates issued by the General Commercial Registry or in the case of a foreign legal person, the corresponding documents (according to the Law of the state of establishment).

(iii) Minutes of a resolution of the Candidate's Board of Directors, in the case of an S.A. or a decision issued by the administrators, in case of L.L.C. or G.P. or L.P., according to which:

a) Approves the Candidate's participation in the Tender and the submission of the application for expression of interest in accordance with the for the Expression of Interest,

b) Accepts all the responsibilities and obligations for each matter related to the expression of interest in Phase A' of the Tender.

c) Declares that he/she is aware of and accepts unconditionally the terms of the present Invitation.

d) Pledges for the set-up of the SPSA, in the event that it is proclaimed as the PPI,

e) Appoints the representative for the Tender and the representative shall have the power to sign bindingly the application for expression of interest on behalf of the Candidate, all the documents of the Tender, as well as to proceed with the other actions herein mentioned,

f) Appoints a specific natural person as Proxy (who might be the same person as the Candidate's legal representative) with its full contact details (its full name, address, phone number, fax etc.), in order the Contracting Authority to be able to contact with the Candidate in accordance with the article 26 of this Invitation.

With respect to foreign legal persons, that are members of the Candidate, a decision issued by the competent, as per the law or its Articles of Association, body shall be submitted. This decision shall include the aforementioned information (points a-f).

(iv) The certificate of non-dissolution of the Candidate, which should have been issued no later than three (3) months prior to Deadline for Submission of applications for the expression of interest.

#### **18.2.B. Legalizing Documents in the case of an Association**

(i) The codified Articles of Association in force (in the case of a Greek S.A., L.L.C., L.P., G.P. or P.C.), which shall be accompanied by a certificate on the amendments of the Articles of Association by the competent, depending on the case, authority or Court or the corresponding, depending on the law of the state of establishment, documents (in the case of a foreign legal person), for each Member of the Candidate.

(ii) The Official Government Gazette regarding the current Board of Directors' constitution as a body (in the case of a Greek S.A.) or the Official Government Gazette regarding the administrator's appointment (in the case of a Greek L.L.C.) or the respective certificates issued by the General Commercial Registry or in the case of a foreign legal person, the corresponding documents (according to the law of the state of establishment), for each Member of the Candidate.

(iii) Minutes of a resolution of the Candidate's Board of Directors, in the case of a S.A. or a decision issued by the administrator(s), in case of an L.L.C. or G.P. or L.P., according to which:

- a) approves the Candidate's participation in the Tender and the submission of the application for expression of interest in accordance with the terms set out in the Invitation,
- b) the participation percentage of the Candidate are determined and the participation percentage of the other Candidate's Members are accepted,
- c) accept all the responsibilities and obligations for each issue related to the expression of interest in Phase A' of the Tender,
- d) it is declared that they are aware of and accept unconditionally and jointly and severally with the other Candidate's Members the terms of the present Invitation,
- e) it is declared that they pledge to set up jointly and severally with other Candidate's Members, in the event that he/she is proclaimed as the PPI, the SPSA. Furthermore, they pledge that the percentage of each founding member shall be equal to the declared percentage of the Candidate,
- f) a joint Representative of the Candidate and a substitute for the Tender and the representative shall have the power to sign bindingly the application for expression of interest on behalf of the Candidate, all the documents of the Tender, as well as to proceed with the other actions mentioned herein,
- g) a specific individual is appointed as an Proxy (who might be the same person with the candidate's legal representative) and which should reside within the area of Attica, with its full contact details (its full name, address, phone number, fax etc.), in order the Assigning Authority to have the ability to contact with the Candidate in accordance with the article 26 hereof.

With respect to foreign legal persons, that are members of the Candidate, a decision issued by the competent, as per the law or its Articles of Association, body shall be submitted. This decision shall include the aforementioned information (points a-g).

(iv) The certificate regarding non-dissolution of the each legal entity that is a member of the Candidate, which should have been issued no later than three (3) months prior to the Deadline for Submission of applications for the expression of interest.

(v) In case the candidate Association has taken the form of a consortium or a different legal form, the documents of incorporation of the consortium or the documents proving it has taken a different legal form.

**18.2.C. Legalizing documents with respect to natural persons**

(i) reference the case under 18.2.A, a solemn declaration that shall include the documents required as per 18.2.A (iii), a' – f'.

(ii) reference the case under 18.2.B, a solemn declaration that shall include the documents required as per 18.2.B. (iii), a' – g'.

**18.3.** Insofar as the Candidates rely on the competences of other institutions, the Subfolder "Documentation for Participation" must, aside from documents evidencing such obligation of these institutions, also include the following documents, as the case may be, with respect to the institutions providing their experience to the disposal of the Candidate:

**18.3.1.** Documents regarding the full legalization of these institutions, in accordance with the provisions of paragraphs 18.2.A (i) and (ii), 18.2.B (i) and (ii) and 18.2.C (i) and (ii) above.

**18.3.2.** In the case referred to in paragraph 18.2.A and 18.2.B, a resolution issued by the Board of Directors or by the competent statutory body of the institution required, based on which:

(i) The cooperation with the Candidate and the provision to the Candidate of the financial and / or technical and / or professional capacity of the organization shall be approved so that to be at the Candidate's disposal for the implementation of the Partnership Agreement. The relevant reference should be detailed and referred to the specific resources that will be available for the benefit of the Project,

(ii) shall be explicitly bound to provide to the Candidate specific resources for the Project,

(iii) the person who has the authority to sign binding for the economic operator all the documents required for the Tender, including the documents proving the undertaking of the economic operator against the Applicant, shall be declared.

**18.3.3.** A solemn declaration drafted in accordance with Appendix 13 hereof, from which the commitment to cooperate exclusively with the SPSA to be set up by the PPI will arise



and be demonstrated if the Candidate is proclaimed as the PPI.

Supporting documentation serving as evidence of fulfilment of the conditions for participation, as cited in article 12 and in this present clause.

**18.3.4.** Documentation provided for under articles 13 and 14 of the Invitation, along with the provisions of articles 15, 16, 20, 21 and 22.

**18.3.5.** In case the economic institution is a designer (individual or legal person), the documents and supporting documents referred to in paragraph 16.1, in accordance with those provisions, as well as a declaration made in accordance with the Annex 13 hereof, from which the commitment for exclusive cooperation with the Candidate shall arise and be proven, in case the Candidate is proclaimed as the PPI

**18.3.6.** In case the economic operator is a designer (natural person or legal person), the documents and supporting documents referred to in paragraph 16. 1, in accordance with those provisions, as well as a declaration made in accordance with the Annex 13 hereof, from which the commitment for exclusive cooperation with the Candidate shall arise and be proven, in case the Candidate is proclaimed as the PPI.

**18.3.7.** In case the economic institution is a contractor, the documents and supporting documents referred to in article 16.2, in accordance with those provisions, as well as a solemn declaration drafted in accordance with Annex 13 hereof, from which the commitment for exclusive cooperation with the Candidate will arise and be proved, in case the Candidate is proclaimed as the PPI, and

**18.3.7.** In case the economic institution is an enterprise having as its statutory purpose the maintenance, technical operation and management of projects and facilities, if necessary, the documents and supporting documents referred to in paragraph 16.2 are required, as referred to in these provisions, as well as a solemn declaration made in accordance with Annex 13 hereof, from which the commitment for exclusive cooperation with the Candidate will arise and be proved, in the event that the Candidate is proclaimed as the PPI.

**18.3.8.** Where the requested information of this Invitation require the submission of a solemn declaration, as such shall be understood to be the "Solemn Declaration" of article 8 of Law 1599/1986, as its content has been determined by the no. ΔΙΑΔΠ/Α1/18368 (Official Government Gazette vol. Β', no. 1276) decision of the Minister of the Interior, Public Administration and Decentralization. In the case of a declaration made under foreign law, a

declaration on a document of equivalent evidencing value with equivalent content, which has been drawn up before a judicial or administrative authority or a notary.

**18.4.** Each Candidate, consisting of more than one natural person or legal person, is required to appoint as Candidate's Representative a natural person who will act as its representative with regard to the Contracting Authority until the award of the Partnership Agreement, as well as a Deputy Candidate's Representative. The Candidate's Representative and the Deputy Candidate's Representative will act as the main (or lead) representatives in all discussions and negotiations with the Contracting Authority until the end of the tender procedure and may, subject to the provision of a legal authorization, as specifically mentioned in the present, sign and / or use their initial on the documents and information required to be submitted under this Agreement. Candidates must state the residence address of the above persons, the way of communication with the Contracting Authority and full contact details thereof (name, surname, residential address, Tax Identification Number, competent Tax Authority, ID card number, telephone number, fax number, etc.).

**18.5.** Moreover, each Candidate is required to appoint a Proxy, listing the full details (name, surname, residential address, Tax Identification Number, Tax Identification Number, ID card number, telephone number and fax number, etc.). The Proxy should be authorized to receive the notified documents and contact the Contracting Authority if required. The above nomination of the Proxy will be accompanied by a solemn declaration of acceptance of the person named as a Proxy. The Proxy may be the same as that of the Joint Representative or Deputy Representative.

The persons referred to in paragraphs 18.4 and 18.5 above should be able to fluently communicate, at least, in the Greek language.

#### **Article 19: Content of Subfolder A2 "Evidence on Personal Status"**

**19.1.** In submitting the application for expression of interest, each Candidate is obliged to submit the European Single Document on Procurements (E.S.D.P.), which is uploaded in portal and forms an integral part of this Invitation, in accordance with the provisions of article 79 par. 1 of Law 4412/2016. The E.S.D.P. is an updated solemn declaration bearing the consequences provided under Law 1599/1986 (Official Government Gazette vol. A', no. 75), as preliminary evidence meant to replace the certificates issued by public authorities or third parties and certifying that the financial institution in question meets:

- a) The relevant selection criteria, determined in accordance with article 13, and,
- b) the terms of article 14 hereof.

Candidates may be asked to submit all or some of the documentation set out in the following paragraph, if this is required for the sound performance of the procedure, at any point of time throughout the procedure.

**19.2.** In submitting the E.S.D.P. and through the Candidate's legal representative, it is possible to provide preliminary evidence regarding the reasons for exclusion mentioned in article 14 hereby with respect to all legal persons that are members of the administrative, managerial or supervisory body or have representative, decision-making or controlling power thereon.

**19.3.** For the purposes hereof, "Candidate's legal representative" means the legal representative thereof, as per the Articles of Association or resolution on representation in force at the time of submission of the Expression of Interest File or the natural person duly authorized to represent the financial institution in terms of conclusion of contracts or a certain procedure of conclusion of procurement.

**19.4.** In the case of an application submitted by an association of economic institutions, the European Single Document on Procurements (E.S.D.P.) is separately submitted by each of the association's members.

**19.5.** In the case of a Tenderer that is a financial institution relying on the competence of one or more entities, such Tenderer submits the E.S.D.P. of the institution, upon whose competence it relies, along with its own E.S.D.P.

**Article 20: Content of Subfolder B1 "Evidence on Financial and Economic Adequacy and Creditworthiness"**

**20.1.** Documents set out in article 15, as co-examined along article 22 of this Invitation, must be submitted as evidence of the Candidates' financial and economic adequacy and creditworthiness.

**20.2.** Any Candidate that is a venture capital company or a fund, and in the case of a Candidate Association, the members of the venture capital companies or funds, as evidence of the total aggregate of the capital invested and available for investment, including any capital not disbursed and frozen during the most recent audited fiscal year prior to the

issuance of this Invitation, a certification or report by a sworn auditor may be submitted, thereby certifying the relevant information, insofar as this is not derived from the Financial Statements of the Last Three (3) Fiscal Years.

**20.3.** Regarding the assessment on the extent to which the minimum standards on financial adequacy and creditworthiness are met, it is hereby noted that, in the event of a discrepancy between the tables found in the Annexes and the Financial Statements, evidence grounded upon the Financial Statements shall prevail. Moreover, in the event of a discrepancy between the tables found in the Annexes and the certifications or certificates issued by funding organizations and employers – institutions active in the public or private sector, evidence grounded upon the relevant certifications and certificates shall prevail.

**Article 21: Content of Subfolder B2 “Evidence on Technical and Professional Competence”**

**21.1.** Documents set out in article 16, as co-examined alongside article 22 of this Invitation, must be submitted as evidence of the Candidates’ Technical and Professional Competence.

**21.2.** Regarding the assessment on the extent to which the minimum standards on technical competence are met, it is hereby noted that, in the event of a discrepancy between the tables found in the Annexes and those in the Financial Statements, evidence grounded upon the Financial Statements shall prevail. Moreover, in the event of a discrepancy between the tables found in the Annexes and the certifications or certificates issued by funding institutions and employers – institutions active in the public or private sector, evidence grounded upon the relevant certifications and certificates shall prevail.

**Article 22: Content of Subfolder B “Material Qualifications”**

**22.1.** Each Candidate must submit information, as mentioned in the following paragraphs of this article, by means of the Subfolder B “Material Qualifications”, in order to be assessed and graded based on the criteria and grading mentioned in article 25.2 of this Agreement. More specifically, evidence to be submitted shall pertain to:

**22.1.1.** the economic and financial adequacy, that shall be assessed based on:

**22.1.1.1.** the Candidate’s Equity, in accordance with criterion A.1 of paragraph 25.2.1.1.A.

**22.1.1.2.** the Guarantor’s experience in ensuring the provision of loan capital, in accordance with criterion A.2 of paragraph 25.2.1.1.B.

**22.1.1.3.** the 3-year average turnover of the contracting enterprise arranged to undertake the construction of the Project, in accordance with criterion A.3 of paragraph 25.2.1.1.C., and

**22.1.1.4.** the 3-year average turnover in the fields of maintenance, cleaning, technical operation, management and project maintenance of the companies which have technical management as their scope and object of business and are arranged to undertake the construction of the Project, in accordance with criterion A.4 of paragraph 25.2.1.1.D.

**22.1.2.** Technical and professional competence, that shall be assessed based on:

**22.1.2.1.** the Candidate's experience during the last fifteen (15) years in undertaking agreements as to PPP Building Projects or PPP Projects or Concession Projects or Long-term Leasing Agreements by means of a Project undertaking or Self-financed Projects, in accordance with criterion B.1 of paragraph 25.2.1.2.A,

**22.1.2.2.** the experience during the last fifteen (15) years of the contracting enterprises arranged to undertake the construction of the Project with regards to the construction of a complete building project (except for storages and industrial buildings), in accordance with criterion B.2 of paragraph 25.2.1.2.B,

**22.1.2.3.** the experience during the last fifteen (15) years of the contracting enterprises that shall undertake the construction of the Project with regards to the construction of biomedical research activities or hospital infrastructure, to the extent these include laboratories or scientific research facilities, in accordance with criterion B.3. of paragraph 25.2.1.2.C, and

**22.1.2.4.** the experience of technical management companies, which have technical management as their business scope and object, and shall undertake the Project's technical management, in accordance with criterion B.4.A and B.4.B of paragraph 25.2.2.2.D.

**22.1.2.5.** the experience of technical management companies which have technical management as their scope and object of business and shall undertake the Project's technical management in a building complex by means of a contract in the field of technical management, depending on the monetary value and duration of the contract in question, in accordance with criterion B.4 of paragraph 25.2.1.2.D.

**22.2.** In view of the above requirements, each Candidate must incorporate the following into the Subfolder "Material Qualifications":

**22.2.1.** In order for the Candidate to be assessed and graded based on the criterion under A.1 of paragraph 25.2.2.1.A, it must submit, in the form of a table, the information required as per the schedule found in Annex 8 of this Invitation. The accuracy of the schedule's information shall be checked based on the Financial Statements of the Last Three (3) Fiscal Years that were included in the Subfolder "Documentation for Participation".

**22.2.2.** In order for the Candidate to be assessed and graded based on the criterion under A.2 of paragraph 25.2.2.1.A, it must submit, in the form of a table, a list of projects, drawn up in accordance with Annex 14 of this Agreement, along with a solemn declaration on the accuracy of the information provided in the schedule found in Annex 1. The abovementioned solemn declaration shall be accompanied by certifications issued by lawfully operating financial institutions, that shall certify the amount of each loan agreement concluded and the respective projects.

**22.2.3.** In order for the Candidate to be assessed and graded based on the criterion under A.3 of paragraph 25.2.2.1.C, it must submit a table drawn up in accordance with Annex 11 of this Agreement. The accuracy of the schedule's information shall be checked based on the Financial Statements of the Last Three (3) Fiscal Years..

**22.2.4.** In order for the Candidate to be assessed and graded based on the criterion under A.4 of paragraph 25.2.1.1.D, it must submit a table drawn up in accordance with Annex 15 of this Invitation along with a solemn declaration relating to the accuracy of the information submitted through the above schedule as per Annex 15.

**22.2.5.** In order for the Candidate to be assessed and graded based on the criterion under B.1 of paragraph 25.2.1.2.A, it must submit a table drawn up in accordance with Annex 16 of this Invitation, which shall be accompanied by:

(a) a solemn declaration, verifying the accuracy of the information given in that table,  
and

(b) a certification issued or ratified by the competent authority of an employer – public institution or an employer operating in the private sector, by means of which the conclusion of the agreement per se, the time of conclusion thereof and the value of the agreement through which the project was realized shall be attested.

**22.2.6.** In order to be assessed and graded according to criterion B.2 of paragraph 25.2.1.2.B, a table drawn up in accordance with Annex 12 shall be submitted, which shall be accompanied by:

- (a) a solemn declaration, verifying the accuracy of the information given in that table, and
- b) a certification issued or ratified by the authority competent for the employer – public institution or a certification by an employer operating in the private sector, in order to certify the skillful, successful, timely and appropriate completion of the works of the project.

**22.2.7.** In order to be assessed and rated according to criterion B.3 of paragraph 25.2.1.2.C, a table drawn up in accordance with Annex 12 must be submitted, which shall be accompanied by:

- (a) a solemn declaration, verifying the accuracy of the information given in that table, and
- (b) a certificate issued or ratified by the competent authority of the employer-public body or by a certificate from the private employer in order to certify the skillful, successful, timely and appropriate completion of the works of the project.

**22.2.8.** In order to be assessed and rated according to criterion B.4 of paragraph 25.2.2.2.D, a table drawn up in accordance with Annex 17 must be submitted, which shall be accompanied by:

- (a) a solemn declaration, verifying the accuracy of the information given in that table, and
- (b) a certification issued or ratified by the competent authority of the employer-public body or by a certificate from the private employer in order to certify the skillful, successful, timely and appropriate completion of the works of the project.

**22.3.** In the event of failure to issue or produce the relevant certificates of the employer - public body or the private employer, which are required to be submitted in accordance with the provisions of the preceding paragraphs, these shall be replaced by a solemn declaration stating the reasons for which the above certificates cannot be issued or produced.

**22.4.** In the event that the Candidate invokes and makes use of the capabilities of other economic institutions under article 17 above, the specific financial, technical and professional resources of the institutions invoked by the Candidate and provided for the Project, should be included in the Subfolder "Material Qualifications", in accordance with

the above requirements. In particular, full details of these resources shall be provided, precisely as required for Candidates or their affiliated companies, with specific reference that these resources concern third-parties' resources.

**Article 23: Guarantee for participation in the procedure**

Participation in this procedure does not require the submission of guarantees. The participation guarantee that shall be required under Phase B' as well as the rest of the guarantees shall be specified in the Invitation for Submission of Binding Bids.

**Article 24: Tender Committee**

**24.1.** A Tender Committee (T.C.) shall be established by virtue of a resolution by the Contracting Authority for the purpose of conducting the Tender and reviewing and assessing the Submission of Interest Files as per the provisions of article 221 of Law 4412/2016 but without prejudice to article 1 par. 7 of Law 4412/2016.

**24.2.** The T.C. bears the responsibility for unsealing and assessing the Candidates Expression of Interest Files as well as rating and ranking same. The T.C. shall draft its Minutes and forward same to the Contracting Authority.

**24.3.** Expedient consultants of the Contracting Authority may assist the Contracting Authority and the T.C., at their full discretion, in reviewing, assessing and grading Candidates' Expression of Interest Files, if so required.

**Article 25: Procedure of electronic unsealing, assessment and grading of the Expression of Interest Files**

**25.1.** Electronic unsealing of the Expression of Interest Files

**25.1.1.** Upon expiry of the Deadline for Submission of applications for the expression of interest, and prior to the electronic unsealing, the Contracting Authority shall notify Candidates of the relevant list of participants, as such list is produced by the subsystem.

**25.1.2.** Subsequently, two (2) members of the T.C. shall proceed with the electronic unsealing of the "Documentation for Participation" subfolder and the "Material Qualifications" subfolder, on **Tuesday, March 24<sup>th</sup>, 2020**, at 11 am (local Athens time), in the presence of the rest of the T.C.'s members.



**25.1.3.** Initially, the T.C. proceeds with the unsealing of the documentation submitted. Following assessment of the data provided, the T.C. drafts Minutes and dispatches same to the Contracting Authority through the system. Following the issuance of a resolution approving the T.C.'s Minutes, the Contracting Authority notifies the rest of the participants of the above resolution.

**25.1.4.** If, for reasons of force majeure or technical reasons, unsealing does not take place on the day and time specified above or if no Expression of Interest Files have been submitted by this day and time, unsealing is deferred to a different day and time by means of a decision by the Contracting Authority. Candidates are notified of this decision through the "Contact" function at least five (5) business days prior to the new date and is uploaded in the Official Journal of the European Union (OJEU), the Central Electronic Registry of Public Procurements (C.E.R.P.P.) and the Contracting Authority's website as well as the special, publicly accessible portal.

## **25.2. Assessment of the Expression of Interest Files**

**25.2.1.** The T.C. reviews the content of Expression of Interest Files in closed conferences. It reviews their content on the same day as the electronic unsealing in the same order as the Expression of Interest Files had been submitted. In case that, due to the influx of a large number of Expression of Interest Files, it is not possible to review complete the overview within the same day, the procedure shall be continued over the following session.

**25.2.2.** The T.C. grades the Candidates based on the sub-criteria and the grading put forward in the following schedules. This grading is predetermined. Each Candidate's final grading equals the sum of points collected for each sub-criterion.

**25.2.2.1.** Economic and Financial Robustness (Maximum Grading: 40 points)

### **25.2.2.2. A. Equity (Maximum Grading of this Sub-criterion: 10 points)**

	3-year average Equity of the Candidate (or, in the case of a Fund, of capital invested and available for investment)	Points
A.1	€ 10,000,000 < Equity of the Candidate (or, in the case of a Fund, of capital invested and available for investment) ≤ € 20,000,000	5
	Equity of the Candidate (or, in the case of a Fund, of capital invested and	10

	available for investment)> € 20,000,000	
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For the purpose of marking sub-criterion A.1 below, the 3-year average Equity of the Candidate over the most recent fiscal years, based on the Last Three (3) Fiscal Years, shall be taken into account. In the case of an Association, the weighted average of Equity of the Association's Members shall be taken into account. If more than one Member partakes in the Candidate, weighting shall be performed by taking into account the Members' holding percentages in such Candidate's structure.

**B. Candidate's Experience in securing debt capital (Maximum Grading: 15 points)**

Within the framework of this sub-criterion, the Candidate's experience in ensuring debt capital over the last fifteen (15) years is graded, based on (i) the class of projects for which such (loan capital) has been reserved (executed or in force) and (ii) the total amount of concluded loan agreements.

		Points		
A.2	Candidate's Experience in securing loan agreements	€ 10,000,000 ≤ Total value of loan agreements concluded ≤ € 20,000,000	€ 20,000,000 ≤ Total value of loan agreements concluded ≤ € 30,000,000	€ 30,000,000 < Total value of loan agreements concluded
	Self-financed Projects or Long-time lease Contracts with Project(s) undertaking or Concession Projects or PPPs	10	12.5	15

In relation to grading and assessing evidence submitted with respect to this specific sub-criterion, the following shall apply:

- (i) Every loan agreement mentioned is admissible and subject to assessment insofar as it amounts to a minimum of EUR five million (€ 5,000,000), irrespective of whether debt capital was drawn from one person or more persons forming a partnership or consortium,
- (ii) In case it is a partnership or consortium that concludes the loan agreement, the weighted amount of the loan agreements per agreement, based on the participation percentage in the partnership or consortium, shall be taken into account and assessed.

**C. 3-year Average turnover of the contracting companies that arranged to undertake the Project’s construction (Maximum Grading of this Sub-criterion: 10 points)**

A.3	Turnover of the contracting companies arranged to undertake the construction of the Project	Points
	$\text{€ } 20,000,000 \leq \text{Contracting companies' turnover} \leq \text{€ } 30,000,000$	5
	$\text{€ } 30,000,000 < \text{Contracting companies' turnover} \leq \text{€ } 50,000,000$	7.5
	Contracting companies’ turnover > € 50,000,000	10

In particular, the 3-year average turnover of the contracting company arranged to undertake the Project’s construction shall be taken into account, based on the Financial Statements of Last Three (3) Fiscal Years. In the event that more than one contracting enterprises undertake the Project and without prejudice to article 16.2 above, the aforementioned average turnover pertains to these enterprises cumulatively.

**D. 3-year Average Turnover in the fields of maintenance, cleaning, technical operation, management and project maintenance services of the companies arranged to undertake maintenance, cleaning, technical operation, management and maintenance of the Project (Maximum Grading of this Sub-criterion: 5 points)**

	Turnover in the fields of maintenance, cleaning, technical operation, management and project maintenance services of the	Βαθμοί
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A.4	companies arranged to undertake maintenance, cleaning, technical operation, management and maintenance of the Project	
	€ 500,000 ≤ Technical Management Companies' Turnover ≤ 1,000,000	2.5
	Technical Management Companies' Turnover > € 1,000,000	5

In particular, the 3-year average turnover, based on the Financial Statements of the Last Three (3) Fiscal Years shall be taken into account. In the event that more than one technical management companies undertake the Project's technical management, the abovementioned average pertains to these technical management companies cumulatively.

**25.2.2.3. Technical and Professional Competence (Maximum Grading: 60 points)**

**25.2.1.2. A. Candidate's Experience in undertaking contracts (Maximum Grading of sub-criterion: 10 points)**

Within the framework of this sub-criterion, the Candidate's experience in concluding contracts (whether currently or previously in force) over the last fifteen (15) years, based on the contracts' class and the aggregate amount of the contracts concluded, shall be graded.

B.1	Experience of the Candidate in undertaking PPI Projects or Concession Projects or Long-term Leasing Agreements with a Project Undertaking or other type of self-financed Project		Points	
		€ 10,000.000 ≤ Total value of contracts ≤ € 20,000,000	€ 20,000.000 ≤ Total value of contracts ≤ € 40,000,000	Total value of contracts > € 40,000,000
	Self-financed Projects or Long-term Leasing Agreements with a Project Undertaking or PPI Projects or Concession Projects	5	7.5	12.5

In relation to the rating and assessing evidence submitted concerning this sub-criterion, the following shall apply:

- (i) Every loan agreement mentioned is admissible and subject to assessment insofar as it amounts to a minimum of EUR one million (€ 1,000,000), irrespective of whether the contractor was made up of one person or more persons forming a partnership or consortium,
- (ii) In case it is a partnership or consortium that undertakes the Project, the weighted amount of the loan agreement per agreement, based on the participation percentage in the partnership or consortium, shall be taken into account and assessed.

**B. Experience of the contracting companies arranged to undertake the Project's construction in constructing building projects (with the exception of warehouses and industrial buildings) of a minimum total constructing value of EUR fifteen million (€ 15,000,000) over the last fifteen (15) years (Maximum grading of sub-criterion: 10 points)**

Within the framework of this sub-criterion, the construction companies' experience over the last fifteen (15) years shall be assessed, based on the constructing value of the agreement in question.

	Experience of the contracting companies arranged to undertake the Project's construction by constructing a complete building project	Points
B.2	€ 15,000,000 < Construction value of building projects ≤ € 25,000.000	5
	Construction value of building projects > € 25,000,000	10

All projects invoked are admissible and subjected to assessment, to the extent their construction value amounts to a minimum of EUR one million (€ 1,000,000).

In case the invoked building project was realized against the backdrop of a partnership or consortium, only the part which corresponds to the participation percentage (within the partnership or consortium) of the constructing enterprise, which invokes such experience, shall be taken into consideration.

**C. Experience of the contracting companies arranged to undertake the construction of building projects relating to biomedical research activities or nursing infrastructures, insofar as they include laboratories or scientific research facilities (Maximum Grading of sub-criterion: 20 points)**

Within the framework of these sub-criteria, the constructing companies experience over the last fifteen (15) years in constructing a project relating to biomedical research activities or hospital or nursing building facilities of a minimum constructing value of EUR ten million (€ 10,000,000), respectively.

B.3.	Experience in works of contracting companies arranged to undertake the Project relating to construction of biomedical research activities or nursing infrastructures or scientific research facilities	Points
	€ 10,000,000 < Constructing value ≤ € 20,000,000	10
	Constructing value of Project > € 20,000,000	20

In case the building project invoked, that relates to biomedical research activities or nursing infrastructure, insofar as such building project includes laboratories or scientific research facilities, has been realized against the backdrop of a partnership or consortium, the project will be taken into consideration only as to the part which corresponds to the participation percentage (within the partnership or consortium) of the constructing enterprise, which invokes such experience. Assessment under this criterion only takes one (1) project into consideration.

**D. Experience of the management companies arranged to undertake maintenance, cleaning, technical operation and management services regarding the Project over the last fifteen (15) years in undertaking contracts of technical management – maintenance in a building project (Maximum Grades of this Sub-criterion: 20 points)**

Within the framework of this sub-criterion, the experience over the last of the technical management companies arranged to undertake the technical management of the Project shall be assessed, with respect to a technical management – building project's maintenance based on said building project's monetary value and the duration of the contract invoked.

	Experience of the technical management companies arranged to undertake technical management of the Project regarding at least one building project	Points	
		€ 300,000 - € 500,000	≥ € 500,000
B.4	1 year < duration of contract ≤ 3 years	10	12.5
	3 years < duration of contract ≤ 10 years	12. 5	15
	duration of contract > 10 years	15	20

In case a Candidate submits evidence concerning more than one of the above classes, then only projects belonging to the class which grants said Candidate the highest possible score he is eligible for, based on the evidence submitted, shall be taken into account and graded.

**25.2.1.3.** Regarding the assessment based on the above criteria, it is hereby noted that, in the event of a discrepancy between the tables found in the Annexes and the Financial Statements, evidence grounded upon the Financial Statements shall prevail. Moreover, in the event of a discrepancy between the tables found in the Annexes and the certifications or certificates issued by funding organizations and employers – institutions active in the public or private sector, evidence grounded upon the relevant certifications and certificates shall prevail.

**25.2.1.4.** It is hereby noted that, in the scenario of equal Expression of Interest Files ranking at the bottom, all Candidates shall be preselected.

**25. 3.** The T.C. and the Contracting Authority reserve the right to request the Candidates through the “Contact” function of the subsystem, at whichever phase of the assessment procedure, to clarify or complete the evidence submitted based on the provisions of article 26 of this Invitation. Any clarifications or the submission of supplementary evidence, as per the provisions of this Invitation, shall only be taken into consideration as to the matters set out by the above authorities that are involved to the Tender and may not alter the evidence submitted through the Expression of Interest File.

**25. 4.** Evidence and points within the applications for expression of interest that give rise to ambiguities or contradictions, save from manifest or insubstantial errors, lead to the rejection of the applications for expression of interest.

**25. 5.** It is hereby noted that non-recurring, fragmentary and insubstantial deviations as to the content of the Expression of Interest File in comparison to the provisions of this Invitation shall not give ground to exclusion; in such instances, the T.C. as well as the Contracting Authority reserve the right to call the Candidates to restore such deviation within a reasonable timeframe.

**25. 6.** Upon completion of the reviews above and the assessment and grading, the T.C. shall draft Minutes thereon. These Minutes shall entail the outcomes of the review, assessment and grading of the Candidates. Furthermore, the Minutes shall entail judgements regarding Expression of Interest Files which happened to have been submitted following expiry of the deadline or irregularly and, consequently, were not reviewed as per the above procedure. The procedure hereby described is registered in the Minutes kept by the T.C. or an annex thereto, which shall be signed by the President of the T.C. and its members.

**25. 7.** The T.C. shall complete the drafting of such Minutes, entailing the outcome of the procedure, and thereby proposes Candidates for participation in Phase B' of the Tender, namely the phase of competitive dialogue, and submits for approval the relevant digital file to the Contracting Authority, marked "internal" through the "Contact" function of the subsystem.

**25.2.8.** Subsequently, the Contracting Authority notifies all Candidates of the decision which approves the Minutes. This decision may be subjected to a preliminary ruling in accordance with the provisions of article 27 hereof.

## **Article 26: Contact by the parties**

### **26.1. General Information**

Contact, notification and transmission of documents are realized through the subsystem, as the case may be, through:

- (a)** Dispatching or notification of relevant evidence by mail through the "Contact" function of the e-invitation for submission of Expression of Interest File.
- (b)** Uploading by the Contracting Authority of relevant evidence on the "Attachments to the Electronic Application of Expression of Interest" portal



- (c) Uploading by the Candidates of relevant data on the "Attachments to the Electronic Application of Expression of Interest" portal.

## **26.2. Provision of information and clarifications by the Contracting Authority**

**26.2.1.** Interested Parties are entitled to receive supplementary information or clarifications with respect to this present Invitation up until six (6) calendar days prior to the expiry of the deadline for submission of applications for expression of interest, excluding the expiry date itself, by submitting in writing questions through the N.E.P.S.'s interactive function up until twenty (20) calendar days prior to the expiry of the deadline for submission of applications for expression of interest.

**26.2.2.** The Contracting Authority shall assess the applications for provision of clarifications or complementary information and shall respond in writing in the cases it considers this would facilitate the Interested Parties and the submission of expression of interest files in the fullest possible manner. The Contracting Authority's written responses to questions by the Interested Parties shall be uploaded onto the special, publicly accessible "e-tenders" site of the [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal.

**26.2.3.** No clarification of any term of the Invitation may be provided nor any other contact may be made upon lapse of the deadline above.

**26.2.4.** Information made available in the manner described above will be deemed as unequivocally known to all Interested Parties since the date of issue. Interested Parties or Candidates are not entitled to appeal to responses or clarifications by the Contracting Authority which have been provided orally.

## **26.3. Clarifications by the Candidates on documents submitted**

The T.C. and the Contracting Authority preserve the right, at their discretion and in compliance with the equal principle, to call Candidates, at whichever phase of the assessment procedure, to clarify or complete the evidence submitted through the subsystem's "Contact" function within a reasonable deadline each time set and which shall by no means be less than seven (7) calendar days as of the date they were notified of the invitation in question.

## **Article 27: Preliminary action**

**27.1.** Any party that has or had lawful interest with regards to the assignment of this agreement and has suffered or may suffer damage from an act of immediate effect or an omission by the Contracting Authority in breach of EU legislation or national law, is entitled to proceed to a preliminary (extrajudicial) action before the Authority for the Review of Preliminary Recourses (A.R.P.R.) over the relevant act or omission of the Contracting Authority, whereby the legal and factual complaints substantiating said party's request shall be justified.

**27.2.** The deadline for proceeding to a preliminary action, in case such action against an act by the Contracting Authority is taken, is:

(a) ten (10) calendar days as of the notification to the financial institution interested of the act subjected to a preliminary action, if said act was notified by electronic means or fax, or

(b) fifteen (15) calendar days as of the notification to the financial institution of the act subjected to a preliminary action, if means other than the aforementioned were used, otherwise

(b) ten (10) calendar days as of the full, actual or presumptive, knowledge over the act which is harmful to the financial institution's interests.

In the case of an omission, the deadline to proceed to a preliminary action is fifteen (15) calendar days starting from the day following the omission subjected to such preliminary action.

**27.3.** In accordance with the provisions of presidential decree 39/2017, the preliminary action is electronically submitted to the Contracting Authority based on the standardized form of document and through the subsystem's "Contact" function, in each case selecting the "Preliminary Action" option and attaching the relevant document in accordance with article 8 par. 3 of J.M.D. no. 117384/26-10-2017.

**27.4.** Admissibility of the preliminary action requires the payment by the acting party of a revenue stamp with the State as beneficiary as per the specific stipulations of article 363 of Law 4412/2016, which is refunded in case of full or partial acceptance of such preliminary action or in case the Contracting Authority revokes the act subjected to a preliminary action or proceeds to perform the act required prior to the issuance of the A.R.P.R.'s decision.

**27.5.** The time limit for the exercise of the preliminary recourse and its exercise obstruct the conclusion of the contract with a possible nullity penalty, which is established by a

decision of the Authority for the Review of Preliminary Recourse, following the exercise of recourse in accordance with article 368 of Law 4412/2016.

**27.6.** Moreover, the exercise of the preliminary recourse does not obstruct the progress of the tendering procedure, unless provisory protective measures are adjudicated under article 366 of Law 4412/2016.

**27.7.** The Contracting Authority, through "Communication" function:

**27.7.1.** shall notify the preliminary recourse to any interested third party in accordance with the provisions of case (a) of paragraph 1 of article 365 of Law 4412/2016 and case (a) , article 9, par. 1 of the P.D. no. 39/2017,

**27.7.2.** notify, give access to all the elements of the tender and transmit to the Authority for the Review of Preliminary Recourse (A.R.P.R.) the provisions of case (b) of paragraph 1 of article 365 of Law 4412/2016, in accordance with article 9, par. 1 of the P.D. no. 39/2017

**27.8.** The A.R.P.R. shall give a reasoned ruling on the merits of the factual and legal allegations made in the recourse and the claims of the Contracting Authority and, in the event of an intervention, on the allegations of the intervening party and accept (wholly or in part) the application and reject the recourse by a decision, which shall be issued within twenty (20) days of the day of the hearing of the recourse.

**27.9.** The exercise of the preliminary recourse is a condition for the exercise of the legal remedies of the request for suspension and the request for cancellation of article 372 of Law 4412/2016 against the executing acts or omissions of the Contracting Authority.

**27.10.** Anyone having a legitimate interest may request suspension of the execution of the A.R.P.R. decision and its annulment before the competent court. The Contracting Authority also has the right to exercise the same remedies if the A.R.P.R. accepts the pre-litigation procedure. The Contracting Authority also has the right to exercise the same legal remedies, if the A.R.P.R. accepts the preliminary recourse. The use of the legal remedies of the application for suspension and the application for annulment makes all the acts or omissions of the Contracting Authority which are related with such decision, co-contested, if they have been issued or occurred, respectively, until the discussion of the application for suspension or the first discussion of the application for annulment.

**27.11.** The exercise of the application for suspension is not conditional upon prior exercise of the application for annulment. The application for suspension shall be filed with the

competent court within ten (10) calendar days as of the date of issuance of the decision on the preliminary recourse and shall be discussed no later than thirty (30) calendar days after its filing. For the application of the suspension, the prescribed fee shall be deposited in accordance with the provisions of article 372 par. 4 of Law 4412/2016.

**27.12.** The exercise of an application of suspension obstructs the conclusion of the contract, unless the judge decides otherwise on the interim order.

#### **Article 28: Specification of pre-selected candidates**

**28.1.** The Phase A' of the Tender will be concluded by the relevant decisions of the Contracting Authority for the Preselection of the Candidates. The six (6) Candidates, who score the highest marks after the completion of the procedure described in articles 4.2 and 25 herein, are pre-selected. In the event of a tie among Candidates in the last position, all tiered Candidates shall be preselected. Preselected candidates will be invited to participate in the Phase A' of the Tender and submit a Binding Offer.

**28.2.** In the event the candidates who have legally submitted an application for expression of interest and satisfy the conditions for participation set forth in articles 12 and 14 hereof and the minimum admissible qualifications, in accordance with articles 14, 15, 16 and 22 of this, do not exceed six (6), then the Contracting Authority will preselect all Candidates who meet the above requirements and minimum qualifications without applying the assessment and grading procedure of article 25 of this Invitation.

Expressions of interest that are vague, contradictory, conditional or do not contain the total of the requirements of this Invitation will be rejected as inadmissible.

#### **Article 29: General Provisions**

**29.1.** The information contained in this Invitation for the Expression of Interest and its Annexes is intended to assist the Interested Parties, in forming a personal opinion on the Tender and the Project and should not be considered as complete or verified independently by the Contracting Authority or its counselors. No representation of a fact, representation or warranty, whether explicit or implicit, is given or shall be given in relation to the accuracy, adequacy or completeness of this document. In any event, the Interested Parties will have to perform by themselves, at their sole responsibility, research and analysis of the factual and legal information that relates to the object of the Partnership under conclusion, with the assistance of their own financial, technical and legal advisers.

**29.2.** Candidates' participation in the Tender does not entitle them to any claims, including, without limitation, the indemnity or reimbursement of costs associated with participating in or applying for a Binding Bid for the Project at any stage of the Tender. In a similar vein, no claim for indemnity or reimbursement of costs shall be taken into account and no Candidate or Tenderer is entitled to raise such claim if the Contracting Authority rejects said Candidate or Tenderer or if, for whichever reason and at whichever phase, decides that the procedure of the Tender must be suspended, terminated, canceled, repeated or annulled, in accordance with article 6 of this Invitation.

**29.3.** The submission of alternative bids for the Project is not allowed. If submitted, such alternative proposals shall not be taken into account.

**29.4.** Moreover, no counter-offer or modification of the bids or proposals which, in the opinion of the Tender Committee or/and the Contracting Authority, are assimilated to a counter-offer.

**29.5.** This Invitation for the Expression of Interest is in no way an offer for the conclusion of a contract.

**29.6.** The Tender and the Partnership Agreement shall be governed by Greek law and be interpreted accordingly, and the contracts shall be drafted in the Greek language.

**29.7.** Any disputes that may arise within the framework of this phase of the Tender shall be settled by the competent Courts (article 372 of Law 4412/2016).

**29.8.** The Invitation to Dialogue (Phase B' – Stage I), as well as the other accompanying documents, including the Partnership Agreement Draft, will be drafted and made available to the Preselected in the Greek language. It is noted that, to the sole benefit of the Tenderers, the Partnership Agreement Draft and its Annexes may be provided in the English language upon request. Only the Greek text will apply.

### **Article 30: Publicity – Publications**

#### **30.1. Publication in the Official Journal of the European Union**

An announcement regarding the agreement, i.e. the standard form “Agreement Announcement”, was dispatched through the [simap.europa.eu](http://simap.europa.eu) portal for publication to the Publications Office of the European Union on 20/12/2019.

**30.2. Publication on the national level**

**30.2.1.** The announcement regarding the agreement under the preceding paragraph A and the Declaration were published in Central Electronic Registry of Public Procurements (C.E.R.P.P.) (A.D.A.M. ...).

**30.2.2.** The Declaration is also uploaded on the website of the Contracting Authority ([www.Bioacademy.gr](http://www.Bioacademy.gr)), in accordance with article 2 hereof.

**30.2.3.** A summary of this Declaration has been sent for publication in the Greek press in accordance with article 66 of Law 4412/2016.

**30.2.4.** A summary of this Declaration was posted on the Internet at <http://et.diavgeia.gov.gr/> ("Diavgeia" Program), as provided for in article 2 par. 3, ex. 16 of Law 3861/2010.

**30.3.** In the event of a discrepancy between the terms of this Invitation for the Expression of Interest (including the Annexes) and the terms of the summary of this Invitation, as published above, the terms of this Invitation for the Expression of Interest shall prevail.

On behalf of the Institute for Biomedical Research of the Academy of Athens (IBRAA)

The President of the Board of Directors

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**Loukas Papadimos**

**Professor - Academic**

*(Bearing a digital signature placed by ANTONIA KYRIAKOULAKOU on 08.01.2020)*

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