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HELLENIC REPUBLIC MINISTRY OF HEALTH  
4TH HEALTH REGION OF MACEDONIA & THRACE  
THESSALONIKI CANCER HOSPITAL "THEAGENIO"  
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CANCER TREATMENT HOSPITAL "THEAGENEIO"

**PUBLIC INTERNATIONAL TENDER  
VIA THE COMPETITIVE DIALOGUE PROCEDURE  
FOR THE AWARD OF A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT  
THROUGH THE NATIONAL ELECTRONIC PUBLIC PROCUREMENT SYSTEM (NEPPS)**

PROJECT:

**NEW THESSALONIKI CANCER TREATMENT HOSPITAL "THEAGENEIO" VIA A  
PUBLIC-PRIVATE PARTNERSHIP (PPP)  
PURSUANT TO LAW 3389/2005**

**PHASE A OF THE TENDER**

**INVITATION FOR THE SUBMISSION OF EXPRESSION OF INTEREST**

ACTIONS 08-08-2025 TIME 11:00pm

ESHDHS 214534

Thessaloniki June 2025

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**PROJECT:**

**NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP  
(PPP)**

**PHASE A OF THE TENDER**

**INVITATION FOR THE SUBMISSION OF EXPRESSION OF INTEREST**

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**Article 1 General Information**

**1.1. Procuring of the Public-Private Partnership Agreement (PPP)**

The Thessaloniki Cancer Treatment Hospital “Theageneio” announces an international public electronic tender, through the competitive dialogue procedure, for the selection of a Private Partner for the implementation of the Project “NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC PRIVATE PARTNERSHIP” in the Thessaloniki Regional Unit and invites interested economic operators to submit an Expression of Interest (Phase A of the Tender) through the National e-Public Procurement System (at hereinafter referred to as “E.S.I.DIS.”) and more specifically in the Subsystem “PUBLIC WORKS”, in accordance with the provisions of this Invitation and the Annexes accompanying it, in order for those selected in Phase A, to participate in the Tender process.

The inclusion of this partnership in the provisions of Law 3389/2005, as in force, has been approved by decision of the Interministerial Committee for Public-Private Partnerships, incorporated into the Minutes of the Meeting with No. 98/29.08.2024 (ADA No: 6ΕΥΠΗ-9ΘΛ), in accordance with the provisions of Article 3 of Law 3389/2005. The same decision approved the inclusion in the Public Investment Program of the Ministry of Health of the contractual consideration payable to the Private Entities, according to the indicative budget at current prices, as specified in the Explanatory Report of August 29th, 2024. This Invitation has been approved pursuant to Decision of the Contracting Authority (Excerpt from the minutes of the 14th/16.05.2025 meeting of the Board of Directors, ADA: P4ΑΠ469ΗΔΧ-4ΑΜ).

## 1.2 Details of the Contracting Authority

Contracting Authority	Thessaloniki Cancer Treatment Hospital “Theageneio”
Responsible unit	Department of Technical and Hospitality Services
Address	2 Al. Symeonidi, 546 39, Thessaloniki
NUTS	(EL522)
Contact Person	Mpliahou Vasiliki
Telephone Number	+30 2310898194
e-mail	promithies@theagenio.gov.gr

## 1.3 Thessaloniki Cancer Treatment Hospital “Theageneio”

The Thessaloniki Cancer Treatment Hospital “Theageneio” is the body that determines the feasibility and necessity of implementing this Project.

The Thessaloniki Cancer Treatment Hospital “Theageneio” pursuant the provisions of Law 2592/1953 “On the Organization of Medical Conception” (Government Gazette 254/A`), in accordance with article 7 of Law 3329/2005 (Government Gazette 81/A`), as amended and in force, is defined as a special Hospital and constitutes a Legal Entity of Public Law (LEPL) which is subject to the control and supervision of the Governor of the 4<sup>th</sup> Health Region of Macedonia & Thrace and is governed by the provisions of this law, bears the name “Cancer Treatment Hospital of Thessaloniki “THEAGENEIO”.

The Thessaloniki Cancer Treatment Hospital “Theageneio” according to its Organisation (Ministerial Joint Decision No. Y4a/oik. 112145/23.11.2012, Government Gazette B’ 3282) includes among the responsibilities of its Technical Hotel Services Department, the drafting of studies for the execution of works, the supervision of their execution, in accordance with the applicable regulations in force at that time, and the responsibility for their acceptance, the maintenance and repairs of all hospital buildings and all forms of hotel-type equipment, the maintenance of the hospital's surrounding area, the responsibility for the execution of development projects, maintenance and continuous improvement of the hospital's mechanical, electrical and cooling installations and the supply of the necessary equipment and materials, the responsibility for the smooth operation of the hospital's electrical and technological installations, the recommendation for the supply of new equipment as well as the renewal of existing ones, the execution of preventive and repair maintenance of medical equipment, etc. Through its above service, Thessaloniki Cancer Treatment Hospital “Theageneio” can conduct tenders for the award of public contracts for works, supplies and services, including PPP projects for the needs

of the hospital and for the fulfillment of its objectives.

The Contracting Authority signed the programmatic agreement dated February 28, 2025, with the 4th Health Region of Macedonia – Thrace (4th HR) for the provision of technical assistance for the needs of awarding and executing the Project.

#### **1.4 Tender Committee**

The Tender Committee is established by decision of the Contracting Authority for the award of the Partnership Agreement and in particular, in the present Phase A, for the review of the Expression of Interest Folders and their evaluation, in accordance with the provisions of article 221 of Law 4412/2016 and Law 3389/2005, subject to the provisions of paragraph 7 of article 1 of Law 4412/2016.

The Tender Committee is responsible, among other duties, for the unsealing and evaluation of the Candidates' Expression of Interest Folders, in accordance with the provisions of this Invitation. The Tender Committee draws up its Minutes, which it forwards to the Contracting Authority.

The Contracting Authority and the Tender Committee may be assisted in their duties during the examination and evaluation of the Candidates' Expression of Interest Folders by Consultants, as appropriate.

#### **1.5 Property ownership Status**

The property where the Project of the Thessaloniki Cancer Treatment Hospital "Theageneio" will be developed, is located within a land plot which is part of the former "Karatasiou" camp. According to the Project Rationale Report, the total area of the Thessaloniki Cancer Treatment Hospital is approximately 46,305 sq m. and will be constructed on a land plot of a total area of approximately 150,000 sq m., located in the eastern - northeastern area of the fenced Metropolitan Park / Camp "Karatasiou", in the Polichni area of Thessaloniki.

The property of the former "KARATASIOU" camp has been registered in the Cadastral Registry no (in Greek: KAEK) 191012301041/0/0 and is determined by the Vertexes A1-A2-A3-A4-A5-A6-A7-A8-A9-A10-A11-A12-A13-A14-A15-A16-A17-A18-A19-A1 of the December 2022 topographic diagram of the Agricultural Surveyor Engineer Apostolos Zachariadis (scale 1:1000).

In addition, the land plot with a total area of 150,000 sq m, which is part of the former "Karatasiou" Camp, was granted by the National Defense Fund (of the Ministry of National Defense) to the Ministry of Health, as a result of the contract concluded on 18-4-2024 with no 6/2024 and with the Delivery and Reception Protocol no 36256, dated 24-7-2024.

#### **1.6 Changes**

Any change, transformation, substitution, succession or change of the legal status, duties, and composition of the Contracting Authority or the bodies and services referred to in this Invitation shall not affect the progress of the award procedure. In this case, the Contracting Authority will inform the participants in the award procedure accordingly through the

“Communication” of the subsystem “ESIDIS – Public Works”.

## **1.7 Support and Consultants**

The Contracting Authority, for the purposes of the Tender, will be supported by, specialized consultants, to assist it in financial, legal, and technical, environmental and social issues until the completion of the entire tender process (Phase A and Phase B of the Tender).

The company "FORVIS MAZARS CHARTERED AUDITORS ACCOUNTANTS BUSINESS CONSULTANTS SA" is the head of the Consortium (which consists of the following parties: the company "FORVIS MAZARS CHARTERED AUDITORS ACCOUNTANTS BUSINESS CONSULTANTS SA" as financial consultant and head of the Consortium, the law firm "MACHAS AND ASSOCIATES LAW FIRM" as legal consultant, the company "NAMA CONSULTANTS ENGINEERS AND SURVEYS SA" as technical consultant, the company Paraskevopoulos Georgios Ltd. Environmental Consultants, as environmental specialist and the company EXERGIA Energy and Environmental Consultants SA, as social specialist.

The EBRD (European Bank for Reconstruction and Development) is funding the work of the Consultants under the Greek PPP Preparation Facility following the Cooperation Agreement with the Greek Government.

## **1.8 Personal Data**

The Contracting Authority acts as controller regarding the personal data of natural persons, which will be collected in the context of the Tender and the processing of such data is carried out in accordance with the provisions of national and EU legislation on the protection of personal data, as applicable, in particular Law 4264/2019 (Government Gazette A 137/29.08.2019) and Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). These personal data may be disclosed to entities to which the Contracting Authority assigns the execution of a specific project on its behalf, i.e. to the Tender Committee, its Consultants, officials and other agents in general, subject to confidentiality in any case, in the context of their legal activities, as well as public bodies and judicial authorities, within the framework of their competences. The purpose of the processing is the evaluation of the Expression of Interest Folders, the fulfillment of the legal obligations of the Contracting Authority, the information of the Candidates regarding the evaluation of their submitted Expression of Interest Folder, the conclusion and execution of the Partnership Agreement as well as the general security and protection of transactions. Natural persons who submit an Expression of Interest Folder as Candidates or as legal representatives of a Candidate legal entity or as representatives of a Candidate Association of Persons, consent to the processing of their above personal data for the specified purposes and retain all their legal rights of access, rectification, objection to processing and withdrawal of their consent. Further information on the processing of personal data can be found in ANNEX 8.

## **Article 2 Definitions**

- 2.1** For the purposes of this Invitation for the Expression of Interest, the following terms shall have the following meaning:
- 2.1.1 “Contracting Authority”** and the Owner of the Project means the THESSALONIKI CANCER TREATMENT HOSPITAL “THEAGENEIO” which is a Legal Entity of Public Law (LEPL).
- 2.1.2 “Contractor”** is the Bidder to whom the result of the Tender will finally be awarded, after the end of Phase B and who will be invited to establish the Special Purpose Société Anonyme, which will sign the Partnership Agreement, in the capacity of Private Partner.
- 2.1.3 “Special Purpose Société Anonyme or SPSA”** is the société anonyme to be established by the Contractor solely for the purpose of the Partnership Agreement according to article 1 par. 4 of Law 3389/2005 which will be based in Greece and will be governed by the provisions of the relevant legislation as in force. The Contractor shall be the sole founder and initial shareholder of SPSA and in case of an Association of Persons, its members, pro rata to their participation percentages in the Association of Persons, as such participation percentage will have been stated in the Letter of Expression of Interest or modified during the Tender.
- 2.1.4 “Eligible Bank”** is (a) a bank or other financial institution legally operating in any Member State of the European Union (EU), directly supervised by the European Central Bank as a significant supervised entity or significant supervised group within the meaning of cases (16) and (22) of Article 2 of No. Regulation (EC) No 468/2014 of the European Central Bank of 16 April 2014 (ECB/2014/17), is included in the list of significant supervised entities or groups adopted pursuant to Article 49 para. 1 of this Regulation and fully complies with the requirements of the relevant prudential framework, or (b) any bank or other financial institution legally operating in any member state of the European Union (EU) or the European Economic Area (EEA) or the World Trade Organization (WTO) and having a credit rating for long-term unsecured funding equal to BBB+ (or above) by Standard & Poor's Corporation, or Baa1 (or higher) than Moody's Investors Services, Inc., or BBB+ (or higher) than Fitch Ratings.
- 2.1.5 “Representative”** is the person who will be designated as the contact person on behalf of the Candidate, in accordance with what is stated in paragraph 9.2.3 of this agreement.
- 2.1.6 “Acceptable Project”** is any contractual object (in particular technical work, design, service, etc.) which is considered in order to assess the technical capacity of the Candidate, the Constructor, the Designer and the Administrator, as defined, as the case may be, in para. 7.4 of this Invitation.
- 2.1.7 “Phase A”** is the present prequalification phase of the Tender which will be conducted in accordance with this Invitation and will be completed upon the selection of the Prequalified Parties.
- 2.1.8 “Phase B”** is the phase of the Tender following the prequalification of the Candidates and lasts until the selection of the Private Partner and the award of the Partnership Agreement and consists of two stages:

Stage B.I – Dialogue and



## Stage B.II – Submission of Binding Offers.

- 2.1.9 “Loan Funds”** are liabilities of any kind to credit or financial institutions, regardless of the duration of the relevant contracts, including in any case any bond loans (simple, exchangeable or convertible). The Loan Funds do not take into account (a) any loans from shareholders or partners, (b) interest rate swaps and related derivative financial instruments, and (c) any loans to finance VAT and the State's financial contribution.
- 2.1.10 “Committed Investment”** is the sum of the share capital of the Private Partner (SPSA) and any Subordinated Debt.
- 2.1.11 “Binding Offer” or “Offer”** is the offer to be submitted by Prequalified Parties to the Contracting Authority in the context of the Tender during Stage B.II of Phase B according to the Request for the Submission of Binding Offers.
- 2.1.12 “Subordinated Debt”** is the part of the Committed Investment expressed as loans of reduced security and/or funds in other forms provided to the Private Partner:
- (a) by the initial shareholders of SPSA (i.e. the Provisional Contractor and, in case of an Association of Persons, its members) or companies affiliated to them (as per article 32 of Law 4308/2014) to the extent the initial shareholders guarantee that these entities will provide the loans of reduced security and/or funds in other forms and/or
  - (b) by third parties, provided that the initial shareholders or companies affiliated to them guarantee the payment of the loans of reduced security and/or funds in other forms.
- 2.1.13 “State”** is the Greek State.
- 2.1.14 “Tender”** is the award process, Phase A of which is governed by this Invitation and aims at the conclusion of the Partnership Agreement.
- 2.1.15 “Dialogue”** is the dialogue to be conducted between the Contracting Authority and the Prequalified Parties during Stage B.I of Phase B of the Tender according to the Invitation to Dialogue.
- 2.1.16 “Administrator”** is the economic operator (natural person or legal entity or an Association of Persons) to be designated by the Candidate in the Expression of Interest Folder for the technical management, and maintenance of the Project or his alternate, from time to time, who will contract with the SPSA by entering into the Management Agreement as defined below.
- 2.1.17 “Supporting Documents”** are the documents which should be included in the Expression of Interest Folder as set out in the Invitation.
- 2.1.18 “Interested Party”** is any natural person or legal entity which is interested in participating in the Tender.
- 2.1.19 “Letter of Expression of Interest”** is the letter that must be included in the Expression of Interest Folder and is described in paragraph 9.2 of the Invitation and a template for this is included in ANNEX 2.
- 2.1.20 “Association of Persons”** is more than one natural or legal person or legal entity, who jointly submits an Expression of Interest Folder or is included in it, regardless of whether they have a specific legal form (e.g. a joint venture) or not.



- 2.1.21 "Tender Committee"** or "TC" is the collective advisory body, established by the Contracting Authority for the review of the Expression of Interest Folders and the Binding Offers and their evaluation, in accordance with what is specifically referred to in Article 14 hereof, as well as for what will be mentioned in the Invitation to Dialogue and in the Invitation to Submit a Binding Offer during Phase B of the Tender.
- 2.1.22 "Project"** is the general subject of the Partnership Agreement, namely the design, financing, construction and maintenance of the new Thessaloniki Cancer Treatment Hospital, as described indicatively in the ANNEX 1.
- 2.1.23 "Submission Date"** is the last day of the deadline for the submission of the Expression of Interest Folder, in accordance with para. 13.1 of the Invitation.
- 2.1.24 "Equity"** is the total equity as this results from the Financial Statements of the Last Three Years.
- 2.1.25 "Private Partner"** means the special purpose société anonyme (hereinafter also referred to as "SPSA"), based in Greece, which will be established in accordance with Greek law prior to the signing of the Partnership Agreement, solely for the purposes of the Partnership Agreement and the Project. The founder and initial shareholder of SPSA shall be exclusively the Contractor and, in the case of an Association of Persons, its members, according to the ratio (percentage) of their participation in the Association of Persons, as stated in the Letter of Expression of Interest according to the template included in ANNEX 2 or will have changed during the Tender in accordance with the provisions of this Invitation.
- 2.1.26 "Constructor"** is the economic operator (natural person or legal entity or an Association of Persons), designated by the Candidate with the Expression of Interest Folder for the implementation of the construction object of the Partnership or his replacement, according to the provisions hereof, who will be contracted with the SPSA under the Design – Construction Contract, as defined below.
- 2.1.27 "Designer"** is the economic operator (natural person or legal entity or an Association of Persons) designated by the Candidate with the Expression of Interest Folder for the preparation of the designs or his/her replacement, according to the provisions hereof.
- 2.1.28 "Financial Statements"** means the consolidated financial statements of the Candidate or, in case there is no obligation to prepare consolidated financial statements, the simple (corporate) financial statements, as published in their full version (i.e. non-condensed), have been prepared in accordance with International Financial Reporting Standards, or, in case there is no obligation to prepare them in accordance with International Financial Reporting Standards, in accordance with accounting standards imposed or permitted by the respective Financial Reporting Standards applicable law of the state of establishment of the person submitting them, audited by a sworn auditor, or other statutory auditor as the case may be, and published in accordance with the law of the state of establishment of the person submitting them. In case there is no legal obligation to publish financial statements, in addition to the unpublished Financial Statements, a relevant Solemn Declaration of non-obligation to publish (in accordance with ANNEX 4 hereto), as

well as all the information required under this Invitation, shall be submitted. In the case of a foreign Candidate or its member, the Financial Statements must be accompanied by an official translation of the elements of the Financial Statements required herein, in accordance with the provisions of paragraph 17.2 hereof.

- 2.1.29 “Financial Statements of the Last Three Fiscal Years”** are the Financial Statements of the last three (3) consecutive financial years, which have ended before the Submission Date. In case the Financial Statements of a financial year have not been published, a Solemn Declaration shall be submitted with the reasons for non-publication and the audited unpublished Financial Statements with all the information required hereunder. Also, in case the last financial year has ended before the Submission Date and the Financial Statements of the last financial year have not been prepared and/or audited by the Submission Date, a Solemn Declaration is submitted for the reasons why it was not possible to prepare and/or audit the Financial Statements of the three (3) consecutive financial years preceding the last financial year. In the case of businesses operating for less than three (3) years, all Financial Statements existing until the Date of Submission will be submitted and the financial data requested by this Agreement will be taken from them for the years they operate.
- 2.1.30 “Prequalified Party”** is any Candidate who will have been prequalified after Phase A will have been completed and who will be invited by the Contracting Authority to participate to Phase B of the Tender.
- 2.1.31 “Invitation to Dialogue”** is the invitation for the participation to the Dialogue to be addressed by the Contracting Authority to Prequalified Parties in the context of Stage B.I. of Phase B of the Tender.
- 2.1.32 “Expression of Interest Invitation” or “Invitation”** is this document.
- 2.1.33 “Request for Binding Offers”** is the request for the submission of Binding Offers to be addressed by the Contracting Authority to Prequalified Parties in the context of Stage B.II of Phase B of the Tender.
- 2.1.34 “Bidder”** is the Prequalified Party who will submit a Binding Offer during Stage B.I of Phase B of the Tender.
- 2.1.35 “Provisional Contractor”** is the Bidder to be selected for the award of the Partnership Agreement according to the Request for Binding Offers.
- 2.1.36 “Management Agreement”** is the agreement to be entered into between the Private Partner and the Administrator and which will be signed at the same time as the Partnership Agreement and its scope will be the technical management and maintenance of the Project.
- 2.1.37 “Design-Construction Contract”** is the contract that will be drawn up between the Private Partner on the one hand and the Constructor on the other hand, which will be signed at the same time as the Partnership Agreement, and will have as its object the elaboration of all necessary designs and the execution of all works for the complete and proper construction of the Project.
- 2.1.38 “Partnership Agreement”** is the Partnership Agreement to be entered into between the Contracting Authority and SPSA.

**2.1.39 "Consultants"** are the advisers appointed for the Project by the Contracting Authority to assist it in the process of awarding the Partnership Agreement, including those referred to in paragraph 1.7 hereof.

**2.1.40 "Technical Project"** is the design, construction and general execution of the construction works or engineering works that concern or are related to the Project, within the meaning of art. 2 par. 7 of law 4412/2016 and art. 8 par. 8 of law 3389/2005.

**2.1.41 "Solemn Declaration"** is the Solemn Declaration of Article 8 of Law 1599/1986, as its content has been determined by No. DIADP/A1/18368 (Government Gazette B' 1276/01.10.2002) Decision of the Minister of Internal Affairs, Public Administration and Decentralization, and in case the Candidate or the declaring person are foreigners, the Solemn Declaration means the affidavit or statement before a competent judicial or administrative authority or notary, in accordance with the law of the state of origin/establishment of the Candidate or the declaring person.

**2.1.42 "Candidate"** is any economic operator (natural person or legal entity or an Association of Persons) that submits an Expression of Interest Folder.

**2.2** In the Invitation, unless otherwise indicated by the text:

- 1) The headings are set only for reasons of organization of the material and do not affect the interpretation.
- 2) The definitions contained in this Article 2 or in individual terms hereof apply in its entirety.
- 3) The use of the singular is considered to include the plural and vice versa, while the use of one gender is considered to include the other genders.
- 4) The reference to days shall be deemed to be in calendar days unless it is explicitly stated that these are working days.
- 5) The calculation of the time limits set will be made in accordance with the provisions of the Civil Code (Art. 240 – 247 CC) and Council Regulation (EEC, EURATOM) with no. 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits.

### **Article 3 Description of the Partnership**

**3**

#### **3.1 Object and scope of the Partnership**

**3.1.1** The object of the Partnership Agreement is the design, financing, construction and maintenance of the new Thessaloniki Cancer Treatment Hospital.

The purpose of the Partnership Agreement is the construction of the new Thessaloniki Cancer Treatment Hospital which:

- will meet the modern requirements of prevention, diagnosis, hospitalization and treatment of patients and will provide high quality health services,
- will improve the level of service for patients' health cases in the region of Northern Greece,

- will offer satisfactory working conditions to the hospital staff (doctors, nurses and other staff) enabling them to focus on the provision of medical services,
- will resolve problems identified in the existing "Theageneio" hospital, such as insufficient surface area for the current needs of the hospital as well as a lack of parking spaces.

**3.1.2** The Private Partner will undertake the implementation of the Project in accordance with the specific provisions of the Partnership Agreement. More specifically, the Private Partner will undertake the financing, design, construction, maintenance and technical management of the building facilities and infrastructure of the new Thessaloniki Cancer Treatment Hospital.

- **In summary, the Private Partner:** will prepare the necessary studies for the construction of the Project, based on any data and/or studies that will be provided by the Contracting Authority before Phase B of the Tender and the relevant Decision on Approval of Environmental Terms and will ensure the receipt of all necessary permits for the construction and operation of the Project,
- will undertake all construction work of the building infrastructure and facilities of the Project and in general the full completion of the entire technical object of the Project, as well as the configuration of its surrounding area, in order for the above infrastructure, facilities and areas to be fully operational and available for their intended purpose, in accordance with applicable legislation, the requirements of the Partnership Agreement, its technical offer and the studies prepared, in accordance with the provisions of the Partnership Agreement, with the aim of achieving the Project Specifications of the Partnership Agreement,
- will undertake the maintenance of the infrastructure throughout the duration of the Partnership Agreement, which consists of inspection, scheduled maintenance, corrective maintenance and heavy maintenance (life cycle cost) in accordance with the requirements of the Partnership Agreement, the performance specifications and the service provision plan approved by the Contracting Authority, which will be prepared by the SPSA,
- will undertake the insurance of the building and other facilities and systems of the infrastructure that are the subject of the Partnership Agreement, both during the design and construction period of the Project, as well as during its operation period,

Regarding the medical equipment, the SPSA will undertake indicatively:

- the initial acquisition and installation of medical equipment (various categories including main equipment, mobile and supporting medical equipment (including IT equipment "hardware" and "software"), and hotel equipment,
- heavy and annual maintenance of the main and hotel equipment, throughout the duration of the partnership agreement,
- maintenance of the IT equipment "hardware" and "software" for the first 10

years of the partnership agreement,

- one life cycle replacement of the IT equipment "hardware", and

The SPSA will return the Project to the Greek State in accordance with the provisions of the Partnership Agreement at the end of the contractual period, in exchange for the payment of availability payments during the operation of the Project.

Furthermore, the technical and operational characteristics of the Project are described in ANNEX 1 of the Invitation.

**3.1.3** The Contracting Authority reserves the right to further specify and accurately determine the physical scope of the Project during Phase B, in the sense of reducing it in order to better serve its needs and subject to paragraph 3.7. In any case, the physical scope of the Project will be finalized during Phase B and will be notified to Prequalified Parties at the latest with the Request for Binding Offers.

**3.1.4** It is mentioned that a special condition for the execution of the Partnership Agreement will be the undertaking by the Private Partner to comply with the obligations in environmental, social security and labor laws, established by European Union law, national law, collective agreements or international provisions of environmental, social security and labor law, which are listed in Annex X of Appendix A of Law 4412/2016. In addition, the Partnership Agreement may provide for additional specific conditions for the performance of the contract, which will indicate:

- 1) the number or percentage per category of specialization of the unemployed and/or persons belonging to vulnerable or special population groups recruited for the implementation of the Partnership Agreement, and
- 2) the environmental performance of the Project.

**3.1.5** For the purposes of paragraph 3.1.4 above and the Invitation in general:

- 1) The term "**Unemployed**" means any natural person who is registered in the unemployment register of a Member State of the European Union in which he is established. Particularly, for Greece it is the unemployment register of OAED (now: D.Y.P.A.), in which any natural person aged 15-74 who (i) does not have an employment (ii) is not a student of any educational level, (iii) is available in the labor market and (iv) is actively seeking employment, can be registered. The definition of "registered unemployed" includes all subsidized unemployed, as well as those of the registered non-subsidized who declare that they are looking for work.
- 2) The term "**Vulnerable**" defines those groups of the population whose integration into social and economic life is hindered by physical and mental reasons or due to delinquent behavior, while the term "**Special**" defines those groups of the population who are at a disadvantage, in terms of their integration into the labor market, due to economic, social and cultural reasons, in accordance with the specific provisions of article 2, paragraph 8 of Law 4430/2016 (A' 205)..

## 3.2 Constructor

For the construction of the Project, the Candidate will be asked to designate with the

Expression of Interest Folder the Constructor, i.e. an economic operator who has the qualifications of para. 7.4.2 and para. 7.5.2, which will be contracted with the Private Partner under the Design – Construction Contract. The role of the Constructor in the implementation of the Project and the proper execution of the Partnership Agreement is considered particularly important.

### **3.3 Designer**

For the preparation of the designs of the Project, the Candidate will be asked to designate with the Expression of Interest Folder the Designer, i.e. an economic operator who has the qualifications of para. 7.4.3 and para. 7.5.3, who will contract with the Constructor and who will be mentioned in the Design – Construction Contract. The role of the Designer in the implementation of the Project and the proper execution of the Partnership Agreement is considered particularly important.

### **3.4 Administrator**

For the technical management and maintenance of the Project, the Candidate will be asked to designate with the Expression of Interest Folder the Administrator, i.e. an economic operator that has the qualifications of para. 7.4.4 and para. 7.5.4, who will contract with the Private Partner pursuant to the Management Agreement. The role of the Administrator in the implementation of the Project and the proper execution of the Partnership Agreement is considered particularly important.

### **3.5 CPV Codes**

The CPV codes of the contract are the following:

33100000-1 Medical equipment

45000000-7 Construction works

45100000-8 Site preparation work

45112340-0 Soil decontamination work

45262660-5 Asbestos removal work

90650000-8 Removal of asbestos

45112710-5 Landscaping work for green areas

45215140-0 Construction work for hospital facilities

45220000-5 Engineering and structural work

45248000-7 Construction work for hydraulic and mechanical structures

45300000-0 Building installation work

45400000-1 Building completion work

50300000-8 Repair, maintenance and related services for personal computers, office equipment, telecommunications and audiovisual equipment

50400000-9 Repair and maintenance services of medical and precision equipment

50700000-2 Repair and maintenance services of building installations

51000000-9 Installation services (except software installation services)

71000000-8 Architectural, construction, civil engineering and supervision services

72000000-5 Information technology services: consulting, software development, Internet and support

79713000-5 Security services

### **3.6 Duration of Partnership Agreement**

The duration of the partnership is thirty (30) years (maximum). The duration of the partnership will be finalized during Phase B and will be included in the Request for Binding Offers.

### **3.7 Estimated value of the Partnership Agreement**

The Project is characterized as non-compensatory for the Private Partner, since the Private Partner will not be entitled to the commercial exploitation of the Project, nor is it entitled to claim any revenue from the end users. Therefore, the consideration to which the Private Partner is entitled consists exclusively in the availability payments to be made by the Contracting Authority, as follows. The Contracting Authority, after the commencement of operation of the Project, will pay to SPSA availability payments, which have been indicatively estimated at net present value, approximately in the amount of 350,550,000 Euro plus VAT. The exact budget of the availability payments to be paid to the Private Partner will be determined based on the results of the dialogue during Stage B.I of the Phase B of the Tender and will be included in the Request for Binding Offers.

It is noted that if during the finalization of the physical scope of the Project in the context of Phase B of the Tender a corresponding adjustment of the budget of the Project is required, the Contracting Authority reserves the right to reduce the estimated value of the Partnership Agreement and in any case for an amount corresponding, at most, to thirty percent (30%) of the estimated value of the Partnership Agreement.

## **Article 4 Overview of the award process**

### **4.1 General**

- 4.1.1** Throughout the duration of the Tender, the Contracting Authority shall comply with the general principles deriving from the fundamental rules and principles of EU law, including the free movement of goods, the right of establishment, the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality and mutual recognition.
- 4.1.2** The Contracting Authority shall offer free, full, direct and free of charge electronic access to the documents of this Invitation from the date of publication of the Tender Notice. These documents are available at the following internet addresses: (a) In the dedicated, publicly accessible, area "electronic tenders" of the portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr), as well as (b) on the website of the Contracting Authority <http://www.theagenio.gov.gr>
- 4.1.3** All communication and exchange of information takes place through the web portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) of E.S.I.DIS..
- 4.1.4** The publication of the contract notice, in connection with this Invitation, in the Supplement to the Official Journal of the European Union (art. 63 of Law



4412/2016), marks the commencement of the Tender for the award of the Partnership Agreement.

- 4.1.5** The documents of this invitation are: the tender document of this Invitation including its annexes.
- 4.1.6** The Tender will be conducted in accordance with the provisions of Law 4412/2016 ("Public Works Contracts, Public Supply Contracts and Public Service Contracts (adaptation to Directives 2014/24/EU and 2014/25/EU)" – Government Gazette A' 148/08.08.2016) and law 3389/2005 ("Public Private Partnerships" - Government Gazette A' 232/22.09.2005), as applicable.
- 4.1.7** Taking into account the technical complexity of the Project, its legal and financial organization and the risks associated with them, the competitive dialogue tender procedure was applied, in order for the Contracting Authority to define the best means that could satisfy its needs or to assess what the market can offer in terms of techniques, financial or legal solutions and by adapting the solutions readily available from it.
- 4.1.8** The award process for this partnership consists of two phases:
1. Phase A (prequalification), which is governed by the Invitation and in response to which the Expression of Interest Folder shall be submitted according to Article 9, and
  2. Phase B (Dialogue and submission of Binding Offers), which is further split into distinctive stages, i.e.:
    - 4.1.8.1**        **Stage B.I**, which is governed by the Invitation to Dialogue and
    - 4.1.8.2**        **Stage B.II**, which is governed by the Request for Binding Offers requesting for the submission of Binding Offers for the conclusion of the Partnership Agreement.

## **4.2 Phase A (Prequalification)**

- 4.2.1** In the Phase A, Interested Parties should express their interest by submitting an Expression of Interest Folder, in accordance with the provisions of Article 9 of this Invitation.
- 4.2.2** The purpose of Phase A is the pre-qualification of those Candidates who meet the terms and conditions of participation of Article 6 hereof and the qualitative selection criteria set out in Article 7 of this Invitation, in particular who meet the Personal Status Criteria (par. 7.2 of the Invitation) and prove that they have, on the one hand, the required Financial and Economic Standing (par. 7.3 of the Invitation) and, on the other hand, the required Technical and Professional Ability (par. 7.4 of the Invitation) as well as the Suitability to Pursue the Professional Activity (par. 7.5 of the Invitation) for the participation in the Tender and the award of the Partnership Agreement.
- 4.2.3** The Contracting Authority will examine the Expression of Interest Folders submitted and will invite the Candidates, who meet the Qualitative Selection Criteria, to participate in Phase B, as described below.

## **4.3 Phase B (Dialogue and Request for Binding Offers)**

Phase B of the Tender includes two distinct and consecutive stages, namely Stage B.I (Dialogue) and Stage B.II (Submission of Binding Offers), as specifically defined below.

## **4.4 Stage B.I of Phase B of the Tender (Dialogue)**

- 4.4.1** During Stage B.I of Phase B of the Tender, the Contracting Authority will send to the Prequalified Parties an Invitation, through the "Communication" functionality of the "ESIDIS- Public Works" subsystem, to participate in the Dialogue. The Invitation to Dialogue will define the terms under which the dialogue will take place, the purpose of which is to assess the technical, financial or legal solutions that the market can offer, as well as to explore and identify the means that can best satisfy the needs in relation to the Project.
- 4.4.2** Indicatively, the Contracting Authority will conduct a dialogue with each of the Prequalified Parties on the main technical, financial and legal parameters of the Project and, at the discretion of the Contracting Authority, all or some aspects of the Partnership Agreement may be discussed.
- 4.4.3** At this stage, in order for the Prequalified Parties to submit their comments or prepare their proposals, designs and solutions, any information useful for describing the needs of the Contracting Authority in relation to the Project will be made available to the Prequalified Parties, at the absolute and free discretion of the Contracting Authority.
- 4.4.4** During the Dialogue, the Prequalified Parties, at the sole discretion of the Contracting Authority, will be invited on a case-by-case basis to comment or propose the basic design parameters of the Project, in accordance with what has been brought to their attention by the Contracting Authority and/or to submit proposals, designs and solutions for the finalization of the technical parameters of the Project, as well as for the legal and financial organization of the Project, in accordance with the provisions of the Invitation to Dialogue, and may present these in meetings with the competent bodies of the Contracting Authority.
- 4.4.5** Participation in the Dialogue is a prerequisite for the participation of Prequalified Parties in the Stage B.II of the Tender (Submission of Binding Offers), in accordance with the specific provisions of the Request for Binding Offers.
- 4.4.6** During the Dialogue, the Contracting Authority will ensure equal treatment of all Prequalified Parties by ensuring, inter alia, to provide the same exact information to the Prequalified Parties. The proposals, solutions and information in general that will come to the attention of the Contracting Authority by a Prequalified Party and which will be classified as confidential according to article 21 of Law 4412/2016, will not be disclosed to the other Prequalified Parties without his consent.
- 4.4.7** The Contracting Authority, after selecting the solution or solutions that best meet the needs of the Contracting Authority, will declare the Dialogue completed (Stage B.I of the Tender) and will inform accordingly the Prequalified Parties who took part.
- 4.4.8** Stage B.I (Dialogue) of Phase B of the Tender is declared completed with the issuance of the relevant decision by the Contracting Authority, after the minutes of the end of the dialogue have been brought to its attention.

#### **4.5 Stage B.II of Phase B of the Tender (Binding Offers)**

- 4.5.1** After the end of Stage B.I, Stage B.II of the Tender starts. In particular, a letter will be sent by the Contracting Authority through the "Communication" functionality of the "ESIDIS- Public Works" subsystem, inviting the Prequalified Parties to receive the Invitation to Submit Binding Offers, as finalized, on the basis of which the Binding Offers will be submitted. The Invitation to Submit Binding Offers will set a reasonable deadline for receipt of offers, which will be at least 30 days from the date of its dispatch.

- 4.5.2** The Partnership Agreement will be signed between the Contracting Authority and the Special Purpose Société Anonyme established by the Contractor.
- 4.5.3** In case the Contractor is an Association of Persons, its members will participate in the share capital of SPSA with the same participation percentages, which were declared in the context of the Tender. The sole purpose of SPSA will be the execution of the Partnership Agreement, in accordance with the provisions of the latter and the applicable provisions of Greek law.

## **Article 5 Award Criteria**

- 5.1** The award criteria of the Partnership Agreement are linked to its subject matter and ensure the evaluation of tenders under conditions of effective competition and in a way that provides an overall economic advantage for the Contracting Authority.
- 5.2** The award criterion for the Partnership Agreement is the most economically advantageous offer based on the best quality-price ratio, according to article 30 and 86 par. 2 law 4412/2016, which is assessed on the basis of criteria linked to the subject of the specific public contract.
- 5.3** The specific and individual award criteria of the Partnership Agreement, the weight of each, their descending ranking and the correlation between them will be specified in particular in the Request for Binding Offers. In the above specific and individual criteria, emphasis will be placed in particular on the amount of availability payments that the Contracting Authority will be required to pay to the Private Partner.

## **Article 6 Right to Participate**

### **6.1 Terms and conditions for the participation**

**6.1.1** Natural persons or legal entities, or associations of natural persons and/or legal entities, have the right to participate in the Tender and submit an Expression of Interest Folder, provided that they, or, in the case of an Association of Persons, their members, and in accordance with the provisions of Art. 25 of Law 4412/2016, as in force:

1. are established in a Member State of the European Union (EU) or the European Economic Area (EEA) or in third countries that have signed and ratified the GPA, to the extent that the contract to be awarded is covered by Annexes 1, 2, 4 and 5 and the General Notes to the Union's Appendix I to that GPA or in third countries not falling under the above indents that have concluded bilateral or multilateral agreements with the European Union on public procurement procedures, and  
To the extent covered by Annexes 1, 2, 4, 5 and the general notes of Appendix I of the GPA relating to the Union, as well as other international agreements by which the Union is bound, the Contracting Authority reserves for this Partnership procedure and the economic operators of the countries that have signed the said agreements treatment equally favourable to that which it reserves for the works, supplies, services and economic operators of the Union.

The participation of economic operators in this procedure, in any way, is

prohibited if they fall under the prohibitions of Regulation (EU) 2022/576 amending Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (L 111/1) and in particular whether the economic operator is: a) a Russian national or a natural or legal person, entity or body established in Russia, or b) a legal person, entity or body whose ownership rights are held directly or indirectly at a rate of more than 50% by an entity referred to in point (a) of this paragraph or c) a natural or legal person, entity or body acting on behalf of or at the direction of an entity referred to in point (a) or (b) of this paragraph, including, where they correspond to more than 10 % of the value of the contract, subcontractors, suppliers or entities on whose capacities it relies within the meaning of Directive 2014/24.

2. meet the Qualitative Selection Criteria, which consist of the Personal Status Criteria, the Financial and Economic Standing Criteria, the Technical and Professional Ability Criteria and Suitability to Pursue the Professional Activity Criteria, in accordance with Article 7 hereof. Compliance with the Pre-Qualification Criteria is an ongoing requirement that must be met after the submission and evaluation of the Expression of Interest Folder and throughout the duration of the Tender.

6.1.2 Candidates participating in the Tender in the form of an Association of Persons are not required to acquire a specific legal form for the submission of an Expression of Interest Folder. During the Tender, however, the members of an Association of Persons are jointly and severally liable to the Contracting Authority and the Contracting Authority for their obligations, in accordance with the terms hereof. In the case of a Candidate being an Association of Persons, the participation percentages of its members will be declared in the Expression of Interest Folder and will be in a binding manner (subject to any approved change in the composition of the Prequalified Parties in accordance with the provisions of paragraph 6.3 of the Invitation), in case of nomination of the Candidate as Provisional Contractor, the percentage participation of each member in the SPSA.

In order to conclude the Contract, the Contractor shall establish a SPSA, which shall be subject to the provisions of Law 4548/2018 and, in addition, Law 3389/2005 as in force. In particular, the Contractor shall establish a SPSA with the exclusive purpose of implementing the Scope of the Contract, which shall have the Contractor as its sole founder and shareholder and, in the case of an Association of Persons, the members of the Contractor shall be the founding shareholders in accordance with their participation percentages, as declared upon submission of the Expression of Interest Folder. The SPSA shall enter into a contract with the Contracting Authority by concluding the Contract.

In the case of a candidate Association of Persons, upon submission of the Expression of Interest Submission Form, the Template in ANNEX 2 will be completed, which will define the percentage of participation of each Member in the Association of Persons, which will not change throughout the duration of the Tender (except for any permitted and approved cases of change in the composition of the Candidates / Competitors), and will constitute binding, in the event that the specific Association is declared as the Contractor, the percentage of participation of each Member in the share capital of the SPSA.

6.1.3 The participation of the same economic operator (either independently or as a member of an Association of Persons) in any capacity (Candidate, Third Party,

Constructor, Designer and Administrator ) in more than one Expression of Interest Folders is prohibited.

## 6.2 Affiliates

- 6.2.1 In the event that an Affiliate to a Candidate (as defined below) submits a separate Expression of Interest Folder (i.e. participates in the Tender as an individual Candidate), or participates as a member in an Association of Persons that submits a separate Expression of Interest Folder, then both the above Candidates bear the burden of proving to the Contracting Authority, in a satisfactory manner, that their submitted Expressions of Interest and subsequently, during Phase B of the Tender, the proposals in the dialogue and the Binding Offers, although separate, have not been influenced by each other. Otherwise, the Contracting Authority may disqualify both or one of the Candidates at its sole discretion.
- 6.2.2 For the purposes of this Invitation, the term "Affiliate" means any enterprise whose annual accounts have been consolidated with the accounts of the Candidate in accordance with the requirements of Law 4308/2014. In the case of economic operators not falling under Law 4308/2014, "affiliated enterprise" means any entity in relation to which the Candidate fulfils any of the following criteria 1 to 5:
- 1) It has a majority of the voting rights of shareholders, partners or members of the other entity (subsidiary entity).
  - 2) It has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of the other entity (subsidiary entity) and is at the same time a shareholder, partner or member of that entity.
  - 3) It has the right to exercise a dominant influence over the other entity (subsidiary entity), of which it is a shareholder, partner or member, either on the basis of a contract concluded with that entity or on the basis of a provision in its memorandum or articles of association.
  - 4) Is a shareholder, partner or member of the other entity and either:
    - (4.1) controls on its own, by virtue of an agreement concluded with other shareholders, partners or members of that entity (subsidiary entity), a majority of the voting rights of its shareholders, partners or members, or
    - (4.2) The following conditions apply cumulatively:
      - I. The majority of the members of the administrative, management or supervisory bodies of that entity (subsidiary entity) who have been in management during the current period, as well as in the previous period and until the preparation of consolidated financial statements, have been appointed only as a result of exercising their voting rights.
      - II. The voting rights held by the Candidate represent at least 20% of the total voting rights in the subsidiary entity.
      - III. No third party shall have the rights referred to in subparagraphs (a), (b) or (c) of this paragraph with respect to that entity (subsidiary entity).
  - 5) It has the power to exercise or actually exercise dominant influence or control over the other entity (subsidiary entity).

### 6.3 Changes in the Prequalified Parties' composition

6.3.1 A change in the composition of a Prequalified Party means any of the following cases or a combination thereof:

- 1) the redistribution of participation percentages in the Association of Persons among its existing members,
- 2) the exit of one or more existing members from the Association of Persons,
- 3) the entry of one or more new members into the Association of Persons,
- 4) the replacement of a Third Party on whose capabilities a Prequalified Party relies,
- 5) the establishment of a Association of Persons by a Prequalified Party,
- 6) the replacement of the designated Constructor,
- 7) the replacement of the designated Designer, and
- 8) the replacement of the designated Administrator .

6.3.2 Any change in the composition of a Prequalified Party is permitted after the finalization of the results of Phase A of the Tender and only under the following cumulative conditions, as defined below and, with regard to the Phase B of the Tender, may be specified in more detail or supplemented in the Request for Binding Offers:

- 1) The change must be notified to the Contracting Authority in writing no later than one (1) month before the expiry of the initial or extended deadline for the submission of Binding Offers and will be subject to the prior approval of the Contracting Authority, following the opinion of the Tender Committee.
- 2) The Prequalified Party after the change will continue to meet the terms and conditions of participation of Article 6 of the Invitation and all the Qualitative Selection Criteria set out in Article 7 of the Invitation and the new member who may enter the an Association of Persons, must meet the terms and conditions of participation of Article 6 of the Invitation and the Personal Status Criteria set out in paragraph 7.2 of the Invitation.
- 3) In case of entry of a new member in the an Association of Persons or in case of replacement of the Constructor or the Designer or the Administrator or the Third Party, on whose abilities a Prequalified Party relies, any relevant notification to the Contracting Authority regarding a change in composition, as defined in this article, must be accompanied by the supporting documents provided for in this Invitation, regarding the new member, or the new Constructor or the new Designer or the new Manager or the new Third Party.
- 4) No change in the composition of a Prequalified Party will be allowed during the last one (1) month before the expiry of the initial or extended deadline for the submission of Binding Offers, except for (i) changes justified by objective reasons (e.g. liquidation, bankruptcy, etc.) or (ii) changes justified by corporate transformation (e.g. merger, division, conversion, etc.). Any such change will be subject to the prior approval of the Contracting Authority, provided that the Prequalified Party continues to meet the Qualitative Selection Criteria set out in Article 7 of the Invitation.



- 5) The Tender Committee, in order to express its opinion, will re-evaluate whether the Bidder, following the change in its composition, continues to meet all the terms and conditions of participation of the Tender and all the Qualitative Selection Criteria set out in the Invitation for Expression of Interest. The Tender Committee reserves the right to request and receive supporting documents and clarifications on the notified change.
- 6) In the event that, from the above results of the re-evaluation, it appears that the Bidder, with the new composition, does not meet all the terms and conditions of participation and the Qualitative Selection Criteria of the Tender, then the change in the composition of the Bidder is not approved and the Bidder retains its original composition, provided that it continues to meet all the terms and conditions of participation and the Qualitative Selection Criteria of the Tender, otherwise it will be disqualified from the Tender.
- 7) The conditions (1) to (6) above apply cumulatively. Any violation of the conditions set out above will result in the Prequalified Party being disqualified from the Tender.

#### **6.4 Offshore Companies**

Offshore companies or associations of persons or natural persons who are residents, have their registered or effective registered office or have an establishment in non-cooperating countries, as defined in article 65 of the Income Tax Code (Law 4172/2013 as amended and in force) and listed in the Ministerial Decision under file A.1198/20-12-2024 "Determination of non-cooperative states for the tax year 2023 pursuant to the enabling provision of par. 4 of article 65 of law 4172/2013 (A' 167) and the criteria of par. 3 in combination with par. 1, 2, 4 and 5 thereof" (Government Gazette B' 7298/31.12.2024), as well as offshore companies from states that have a preferential tax regime, as defined in the list of the decision of par. 7 of Article 65 of the Income Tax Code, with the exception of states constituting: (aa) a Member State of the Union, or (bb) a Member State of the European Economic Area (EEA); or (cc) a third country which has signed and ratified the International Agreement on International Conventions (GPA), to the extent that the contract to be awarded is covered by Annexes 1, 2, 4 and 5 and the General Notes to Appendix I relating to the Union to that GPA, or (dd) in third countries(ies) not covered by subparagraphs (aa); bb) and cc) and has concluded and applies a bilateral or multilateral agreement with the Union, do not meet the conditions for participation in the Tender either individually or as members of an Association of Persons or as partners or shareholders holding more than 1% of the share capital of an economic operator that is a Candidate or a member of a Candidate Association of Persons.

#### **6.5 Release from liability**

The Contracting Authority, the Contracting Authority or any of its Consultants, or representatives, or employees, or executives or agents thereof, shall be relieved of any liability or obligation to pay any costs or expenses incurred by the an Association of Persons or any member of an Association of Persons or any Candidate, as the case may be, due to any exclusion or cancellation of the Tender as defined in Article 16 of the Invitation. No person, including any Interested Parties, acquires against the Contracting Authority, or the Consultants or representatives, or their employees, or officers, or agents, any kind of right or claim for compensation or other restitution from this Invitation, or from his/her participation in the Tender, for any reason or cause, including any error or inaccuracy or



misrepresentation, or omission from this Invitation.

## **Article 7 Criteria for Qualitative Selection**

### **7.1. Introduction**

7.1.1. This article sets out the qualitative selection criteria to be met by Candidates ("**Criteria for Qualitative Selection**"), which consist of the following:

- 1) Personal Status Criteria, as set out in paragraph 7.2 below,
- 2) Financial and Economic Standing Criteria as defined in paragraph 7.3 below,
- 3) Technical and Professional Ability Criteria, as defined in paragraph 7.4 below, and
- 4) Suitability to Pursue the Professional Activity, as defined in paragraph 7.5 below.

7.1.2. Compliance with the Criteria for the Qualitative Selection is a continuous requirement, which must be met even after the submission and evaluation of the Expression of Interest Folder and throughout the duration of the Tender. In Phase B Bidders will be required to confirm in their Binding Offer that they continue to meet the above criteria.

### **7.2. Personal Status Criteria**

7.2.1. Candidates must cumulatively meet the Personal Status Criteria described below. In the case of an Association of Persons, the fulfillment of the Personal Status Criteria is examined for each member of the Association of Persons individually. Candidates who do not meet any of the requirements of this article or in respect to whom (or any member of the Association of Persons) it is verified that they have made false or inaccurate statements will be disqualified.

7.2.2. The Contracting Authority shall exclude Candidates from the Tender if it becomes aware that there has been a final conviction against them (or against a member thereof, in the case of an Association of Persons) for one of the following reasons:

- 1) **participation in a criminal organization**, as defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 for fighting against organized crime (EU L 300 of 11.11.2008 p. 42), and the crimes of article 187 of Penal Code (criminal organization),
- 2) **active bribery**, as 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(1) of Council Framework Decision 2003/568/JHA of 22.07.2003 on the fight against bribery in the private sector (EE L 192 of 31.7.2003, p. 54) as well as corruption as defined in the national law of the economic operator and the crimes of the articles 159A (bribery of politicians), 236 (bribery of public servant), 237 para.2-4 (bribery of judges), 237A para. 2 (influence trading intermediaries), 396 para. 2 (bribery in the private sector) of the Criminal Code,
- 3) **fraud** against the financial interests of the European Union within the meaning of Articles 3 and 4 of Directive (EU) 2017/1371 of the European Parliament and the Council of 5 July 2017 on **the** fight, through criminal law, against fraud against the financial interests of the European Union (L

198/28.07.2017) and the crimes of articles 159A (corruption of politicians), 216 (forgery), 236 (bribery of official), 237 para. 2-4 (bribery of judicial officials), 242 (false attestation, falsification, etc.), 374 (aggravated theft), 375 (embezzlement), 386 (fraud), 386A (computer fraud), 386B (fraud related to grants), 390 (disloyalty) of the Criminal Code and Articles 155 et seq. of the National Customs Code (Law 2960/2001, A' 265), when they are directed against the financial interests of the European Union or are connected with the infringement of these interests, as well as the crimes of articles 23 (cross-border VAT fraud) and 24 (subsidiary provisions for the criminal protection of the financial interests of the European Union) of Law 4689/2020 (A' 103),

- 4) **terrorist offences** or offences related to terrorist activities, as defined respectively in Articles 3-4 and 5-12 of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 **March** 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88/31.03.2017) or inciting or aiding and abetting or attempting to commit a crime; as defined in article 14 thereof, and the crimes of articles 187A and 187B of the Penal Code, as well as the crimes of articles 32-35 of law 4689/2020 (A' 103),
- 5) **money laundering** or terrorist financing as defined in Article 1 of Directive (EU) 2015/849 of **the** European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing, amending Regulation (EU) No. 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141/05.06.2015) and the offences referred to in Articles 2 and 39 of Law 4557/2018 (A' 139),
- 6) **child labour** and other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of 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 (OJ L 101, 15.4.2011, p. 1) and the offences referred to in Article 323A of the Criminal Code (trafficking in human beings).

**Any** Candidate shall be excluded from participation in a procurement procedure if he/she (whether an individual natural or legal person) meets one of the above reasons. The Candidate shall also be excluded when the person against whom an irrevocable conviction was issued is a member of the administrative, **management** or supervisory body of the economic operator in question or has powers of representation, decision-making or control therein. The exclusion concerns:

- 1) in the case of limited liability companies (Ltd.), private capital companies (PCs) and partnerships (O.E. and L.P.), the managers, or
- 2) in the case of sociétés anonymes (SAs), the managing director, the members of the Board of Directors, as well as the persons to whom the entire management and representation of the company has been assigned by decision of the Board of Directors, or
- 3) in the case of an Association of Persons, the members of the Board of Directors,

or

- 4) in case of other types of legal entities, the legal representative, where applicable.

In addition, any Candidate is excluded from the Tender if the Contracting Authority:

- 1) is aware that the Candidate (or its member) has been in breach of its obligations regarding the payment of taxes or social security contributions and this has been established by a judicial or administrative decision with final and binding force, in accordance with the provisions of the country where he/she is established or national law, or
- 2) can prove by appropriate means that such Candidate (or its member) has breached its obligations regarding the payment of taxes or social security contributions

If the Candidate as per paragraph 7.2.3 is a Greek citizen or has his/her establishment in Greece, his/her obligations concerning social security contributions cover both main and supplementary insurance.

The obligations of 1 and 2 shall be deemed not to have been breached if they have not fallen due or if they have been subject to a binding arrangement which is kept.

A Candidate who has fulfilled the above obligations either by paying the taxes or social security contributions due, including, where applicable, accrued interest or fines, or by being subject to a binding arrangement for their payment, is not excluded to the extent that he complies with the terms of the binding arrangement.

By exception, where the exclusion is clearly disproportionate, in particular when only small amounts of taxes or social security contributions have not been paid, which do not exceed the amount of one thousand (1,000) euros or when the Candidate was informed of the exact amount due to a breach of his obligations regarding the payment of taxes or social security contributions at a time when he was unable to take measures, according to the last subparagraph of para. 2 of article 73 of Law 4412/2016, before the deadline for submission of the Expression of Interest Folder, paragraph 7.2.3 does not apply.

**7.2.3. A Candidate is excluded from participation in the Tender if any of the following conditions are met:**

- 1) If the Contracting Authority can prove by appropriate means a breach by the Candidate (or its member) of the obligations provided for in paragraph 2 of article 18 of Law 4412/2016 (obligations arising from the provisions of environmental, social security and labor law, established by Union law, national law, collective agreements or international provisions of environmental, social and labor law, which are listed in Annex X of Law 4412/2016).
- 2) If the Candidate (or its member) is bankrupt or has been subject to reorganization or special liquidation proceedings or is being administered by a liquidator or by the court, or has entered into an arrangement with creditors or has suspended its business activities or is in any analogous situation arising from a similar procedure provided for in national law provisions. However, the Contracting Authority may not exclude an economic

operator that is in one of the situations referred to in the above case, provided that the Contracting Authority has proven that the said operator is able to perform the contract, taking into account the applicable provisions and measures for the continuation of its business operation (par. 5 article 73 of Law 4412/2016).

- 3) If the Candidate (or its member) has demonstrated a serious or repeated defect in the performance of a material requirement under a previous public contract, a previous contract with a contracting entity or a previous concession, resulting in the early termination of the previous contract, damages or other similar sanctions.
- 4) If, without prejudice to paragraph 3b of article 44 of law 3959/2011 (A'93), on criminal sanctions and other administrative consequences, the contracting authority has sufficiently reasonable indications leading to the conclusion that the economic operator has concluded agreements with other economic operators with the aim of distorting competition,
- 5) If a situation of conflict of interest within the meaning of article 24 of Law 4412/2016 ["Conflicts of interest (article 24 of Directive 2014/24/EU)"] cannot be effectively remedied by other, less intrusive, means.
- 6) If a situation of distortion of competition resulting from the prior involvement of economic operators in the preparation of the procurement procedure, as defined in Article 48 of Law 4412/2016 ["Prior involvement of candidates or tenderers (Article 41 of Directive 2014/24/EU)"], cannot be remedied by other, less intrusive, means.
- 7) If the Candidate (or a member thereof) has been found guilty of intentional serious misrepresentation in providing the information required to verify the absence of grounds for exclusion or the fulfilment of the Qualitative Selection criteria, has concealed such information or is unable to provide the supporting documents required pursuant to Article 79, on the European Single Procurement Document
- 8) If the Candidate (or its member) attempts to unduly influence the decision-making process of the Contracting Authority, to obtain confidential information that may entail unfair advantages for the Candidate in the process of awarding the Partnership Agreement or to negligently provide misleading information that may materially influence the decisions concerning exclusion, the selection or award of the Partnership Agreement.
- 9) If the Contracting Authority can demonstrate by appropriate means that the economic operator has been guilty of grave professional misconduct which casts doubt on its integrity.

**7.2.4. An economic operator shall be excluded from participation in the procedure for the award of a public contract (competitive tender) if the conditions for the application of paragraph 4 of Article 8 of Law 3310/2005, as amended and in force (national ground for exclusion).**

The obligations herein concern sociétés anonymes that submit an expression of interest

folder independently or as members of an association or that participate in the share capital of another legal entity that submits an expression of interest Folder or foreign legal entities that correspond to a société anonyme.

From this obligation are excluded:

a) companies listed on the stock exchanges of member states of the European Union or the Organization for Economic Cooperation and Development (OECD), b) companies whose voting rights are controlled by one or more investment firms, asset/fund managers or private equity firms, provided that the latter companies control, in aggregate, more than seventy-five percent (75%) of the voting rights and are supervised by Capital Market Commissions or other competent financial authorities of member states of the European Union or the OECD. For the purposes of item b) the control of the voting rights is proven by a solemn declaration of the controlled company and, if this is different from the Candidate, by an additional solemn declaration of the latter, in which the investment firms, fund/asset management companies or private equity firms are mentioned, per case, and the total percentage of the voting rights they control in the company they control. These solemn declarations are mandatorily accompanied by a certificate or other document from which it emerges that the companies controlling the voting rights are supervised according to the above-defined.

7.2.5. The Contracting Authority shall exclude an economic operator at any point in time during the Tender, when it is proved that, due to its acts or omissions, either before or during the procedure, it falls under one of the cases described in the previous paragraphs 7.2.2. to 7.2.5. hereof

7.2.6. A candidate who has been imposed, either on himself (in the case of an individual natural or legal entity) or on one of its members (in the case of an Association of Persons), by the decision of article 74 of Law 4412/2016, the penalty of exclusion is automatically excluded from this Tender, for the period of time it specifies

7.2.7. Any Candidate (or member thereof) falls into one of the situations referred to in paragraphs 7.2.2 and 7.2.4, except item (b) may provide evidence to demonstrate that the measures taken by it sufficiently demonstrate its reliability, notwithstanding the existence of the relevant ground for exclusion. If the information is deemed sufficient, the said Candidate is not excluded from the Tender. To this end, the Candidate (or a member thereof) demonstrates that he has paid or has committed to pay compensation for any damages caused by the criminal offence or misconduct, that he has clarified the facts and circumstances in a comprehensive manner, through active cooperation with the investigative authorities, and has taken specific technical and organizational measures; as well as measures at staff level appropriate to prevent further criminal offences or misconduct. The measures taken by the Candidates (or their members) are assessed according to the seriousness and particular circumstances of the criminal offence or misconduct. If the measures are deemed insufficient, the Candidate is notified of the rationale of the relevant decision. A candidate who (himself or a member thereof) has been excluded, by a final decision, from participating in procedures for the award of a public contract or a works contract, the supply of goods or the provision

of services within the meaning of the provisions of Art. 74 of Law 4412/2016 or a concession agreement, may not make use of the option provided under this paragraph during the period of exclusion specified in that decision in the Member State to which the decision applies.

7.2.8. The decision of the Contracting Authority to determine the adequacy or otherwise of the remedies referred to in the previous paragraph shall be issued after the agreement of the Committee referred to in para. 9 of article 73 of Law 4412/2016, which is issued within forty (40) days from the receipt of the draft decision of the Tender Authority to the said committee, accompanied by all relevant information. If the above deadline has not been complied with, the Contracting Authority may issue a decision establishing the adequacy or otherwise of the redressive measures, without the agreement of the Committee.

7.2.9. If the period of exclusion has not been determined by a final decision, in the cases of paragraph 7.2.2 this period is five (5) years from the date of conviction by final decision, and in the cases of paragraph 7.2.4 to three (3) years from the date of the relevant event. An economic operator sanctioned by horizontal exclusion in accordance with the applicable provisions and for the period specified therein shall be excluded from this procurement procedure.

7.2.10. In the event that the Candidate (or a member of a Candidate Association of Persons) invokes the Financial and Economic Standing or the Technical and Professional Ability of a Third Party to meet the Criteria of Financial and Economic Standing or the Technical and Professional Ability Criteria, respectively, in accordance with Article 8 hereof, the Personal Status Criteria, as defined above, shall also be met in the person of such Third Party.

All the above Personal Status Criteria of this para. 7.2 must also be fulfilled in the person of the Constructor, the Designer and the Administrator.

### 7.3. **Financial and Economic Standing Criteria**

7.3.1. Each Candidate must prove during the Phase A of the Tender that he has financial and economic standing and capacity to ensure the financing of the implementation of the Partnership Agreement's scope ("**Financial and Economic Standing Criteria**"). In this context, Candidates must prove with the Expression of Interest Folder the following in this paragraph 7.3.

7.3.2. In case the Candidate is a natural person, he/she must prove that he/she has direct personal ownership and possession of available, liquid and unencumbered financial instruments (the "**Net Personal Assets**"), with a total market value exceeding the amount of fifty million euros (€>50,000,000). For the determination of the Net Personal Assets, only the following are taken into account:

- 1) cash deposits with banks or other financial institutions legally operating in EU Member States or the EEA or the OECD and/or
- 2) Liquid and transferable securities.

7.3.3. In case the Candidate is a legal entity (with the exception of paragraph 7.3.4 below) it must meet the following conditions:

The average equity resulting and evidenced by the Financial Statements of the last three



years exceeds fifty million euros (>€50,000,000).

7.3.4. In case of a Candidate or its member, being an investment fund (*fund*), it must be proven that it meets the following conditions:

The sum of the invested and available for investment funds, including undisbursed committed funds (the "Total Funds"), during the last audited financial year prior to the date of publication of this Invitation, exceeds the amount of fifty million euros (>€50,000,000).

7.3.5. For the purposes of paragraphs 7.3.3 and 7.3.4,

- 1) a financial year ending before 1 January 2021 will not be accepted, and
- 2) the relevant results will be extracted from the Financial Statements of the Last Three Years (as defined in paragraph 2.1.29) of the audited economic operator.
- 3) By Exception, with regard to the investment fund referred to in paragraph 7.3.4, where the relevant information does not derive from the relevant financial statements, they may be confirmed by a certificate or a statutory auditor's report.

7.3.6. In case the Candidate is an Association of Persons, the above criteria are met if the weighted total, which is calculated as the sum of the average equity of all members of the Association of Persons (or if the member of an Association of Persons is a natural person, the Net Personal Assets, or if the member of an Association of Persons is an investment fund the Total Funds), weighted for each member of the Association of Persons in proportion to its participation in the Association of Persons (expressed as a decimal number) exceeds fifty million euros (>€50,000,000).

7.3.7. In the case of a Candidate (or its member) who has provenly not completed three years of operation since its establishment, the above criteria are examined in relation to the years of its operation, provided that the said economic operator has completed, at the time of submission of the Expression of Interest Folder, at least one audited financial year.

7.3.8. In the event that the Candidate (or a legal entity that is a member thereof) has merged with any business undertaking from 1 January 2021 onwards, the aforementioned Financial and Economic Standing Criteria may be also satisfied on the basis of the pro-forma financial statements, prepared on the assumption that the merger or acquisition took place on 1 January 2021.

7.3.9. In addition, the Candidate must prove that it has borrowing capacity for the implementation of the Project from Eligible Bank(s).

#### 7.4. **Technical and Professional Ability Criteria**

For Each Candidate, the Constructor, the Designer and the Administrator, must meet and demonstrate (where applicable) compliance with the criteria of technical and professional ability set out in this paragraph 7.4, which cumulatively consist of (a) the Candidate's special experience in concluding or executing concession contracts and/or PPPs, (b) the Constructor's special experience, (c) the Designer's special experience, (d) the Administrator's special experience in the maintenance and technical management of



building infrastructures and (e) ensuring cooperation with the special consultants of paragraph 7.4.5.

#### 7.4.1. **Special experience of the Candidate in the conclusion or performance of concession and/or PPP agreements**

1. The Candidate (and, in case the Candidate is an Association of Persons, its members cumulatively), must have experience in the conclusion or performance of works concession contracts and/or public-private partnerships (PPPs) and, in particular, they must have concluded or executed works concessions and/or public-private partnerships (PPPs) during the last five (5) years prior to the Submission Date, in which the sum of the Committed Investment and the Loan Funds of the concessionaire and/or the private partner (hereinafter the "**Invested Funds**") is at least eighty million euros (€80,000,000), excluding VAT.
2. Invested Funds are calculated based on contracts of Acceptable Projects which, regardless of the time they were concluded, were or are in force at any time during the last five (5) years prior to the Submission Date. For the purpose of ascertaining the above experience, an Acceptable Project is any concession contract and/or a PPP contract with an Invested Capital of at least twenty million euros (€20,000,000).
3. To assess whether the condition set in par. 7.4.1 is met, the sum of the weighted value (according to the percentage participation of each Candidate in the concessionaire or private partner) of the Invested Funds of the Acceptable Projects' contracts invoked by the Candidate will be taken into account. In case the Candidate is an Association of Persons, in order to determine whether this condition is met, the sum of the weighted value of the Invested Funds of the Acceptable Projects' contracts invoked by each member of the Association of Persons will be taken into account. For the purposes of this paragraph, the meaning of the above terms (Committed Investment, Loan Funds) shall be defined in analogy with the definitions of the Invitation.

#### 7.4.2. **Special Experience of the Constructor**

In order for the Constructor, and in case of an Association of Persons, its members, to be considered to meet the required Technical and Professional Ability, he must demonstrably and cumulatively meet the following criteria:

- 1) The average turnover (within the meaning of article 51 par. 2 et seq. of Presidential Decree 71/2019) during the most recent three (3) financial years, for which annual Financial Statements have been published, exceeds one hundred million euros (> €100,000,000). In case the Constructor is an Association of Persons, in order to determine whether this criterion is met, the sum of the weighted annual average turnover of the members of the Association of Persons being members of the Constructor shall be taken into account. The weighing referred to above is based on the declared percentage of participation of these members in the Association of Persons acting as the Constructor.
- 2) The average turnover in the building sector during the most recent three (3)

financial years, for which annual Financial Statements have been published, exceeds twenty million euros (> €20,000,000). In case the Constructor is an Association of Persons, in order to determine whether this criterion is met, the sum of the weighted annual average turnovers, in the above sector, of the members of the Association of Persons, being members of the Constructor, will be taken into account. The weighing referred to above is based on the declared percentage of participation of these members in the Association of Persons acting as the Constructor.

- 3) The average turnover in the field of electromechanical (E/M) works during the most recent three (3) financial years, for which annual Financial Statements have been published, exceeds ten million euros (> €10,000,000). In case the Constructor is an Association of Persons, in order to determine whether this criterion is met, the sum of the annual average turnovers, in the above sector, of the members of the Association of Persons, being members of the Constructor, will be taken into account. The above weighting is based on the declared percentage of participation of these members in the Association of Persons acting as a Constructor.
- 4) It must have successfully completed during the last fifteen (15) years prior to the Submission Date at least one Acceptable Project, which has been definitively accepted by the project owner. For the purposes of this paragraph 7.4.2, Acceptable Project for the purpose of establishing the above-mentioned special experience of the Constructor is considered a contract (or contracts relating to the same project) for the construction of an integrated hospital care project, which must include the following mandatory sections: Operating Rooms, Intensive Care Unit, Emergency Department, Outpatient Department, Nursing Units, Laboratories (radiology, clinical) and Central Sterilization, with a minimum total contractual value of fifty million euros (€ 50,000,000), excluding VAT, as otherwise the concept of the project is defined in paragraph 7 of article 2 of Law 4412/2016. In order to determine the contribution of the above criterion, the sum of the weighted (according to the percentage of participation of the Constructor in the economic operator that performed the above contracts) value of the contract or contracts invoked by the Constructor will be taken into account. In the event that the Constructor is an Association of Persons, the above experience in Acceptable Projects must be in the person of at least one of its members, who participates in the Association of Persons with a minimum stake of 40%.

#### **7.4.3. Special Experience of the Designer**

The Designer, and in the case of an Association of Persons, its members, must demonstrate the following experience, either within the framework of a design contract, or within the framework of a contract for the provision of Technical Consultant services assisting the Contracting Authority in matters of design or construction or design and construction, during the last fifteen years (15 years) as follows:

- (i) For design category 6 - Architectural designs of building projects:

At least one (1) final design of an Acceptable Project. For the purposes of this paragraph, an Acceptable Project for the purpose of establishing the above

experience is understood to be a hospital with a capacity of at least one hundred (100) beds, which includes at least the following medical departments: Operating Rooms, Intensive Care Unit, Emergency Department, Outpatient Department, Laboratories (radiology, clinical), Central Sterilization, Nursing Units.

- (ii) For design category 9 - Mechanical, electrical and electronic studies:  
At least one (1) final study of an Acceptable Project. For the purposes of this paragraph, an Acceptable Project for the purpose of establishing the above experience is understood to be a hospital with a capacity of at least one hundred (100) beds, which includes at least the following medical departments: Operating Rooms, Intensive Care Unit, Emergency Department, Outpatient Department, Laboratories (radiology, clinical), Central Sterilization, Nursing Units.

Studies that have been prepared by order of Awarded Contractors (building contractors) with the design-build system are not taken into account. A study that was prepared in the context of a design-build contract for a completed project is accepted. In the case of an Association of Persons acting as a Designer, the above requirements is sufficient to be met by at least one of the members thereof. In the event that the Designer has prepared a study/provided a service as a member of an Association of Persons, it is presumed that he possesses the above required experience, provided that he participated in the Association of Persons that prepared the study/provided the service, with a minimum stake of forty percent (40%).

#### **7.4.4. Special experience of the Administrator in the maintenance and technical management of building infrastructure**

The Administrator or, in the case of an Association of Persons acting as Administrator, its members, must possess satisfactory experience in the fields of maintenance and technical management of Acceptable Projects. Specifically:

- 1) During the last fifteen (15) years prior to the Submission Date, it must have successfully executed and for at least one (1) year, at least one (1) contract or renewable contracts of Acceptable Project relating to the maintenance and technical management of building infrastructure.
- 2) For the purposes of this paragraph 7.4.4, an Acceptable Project is:
  - (i) any contract for the maintenance and technical management of building infrastructure (excluding warehouses and industrial buildings), which has a minimum annual contractual value of four hundred thousand euros (€400,000), excluding VAT, or alternatively concerns a contract for the maintenance and technical management of building infrastructure (excluding warehouses and industrial buildings) with a total area of at least 20,000 sq m., and
  - (ii) the scope of which includes (a) all works after the construction of the technical project and during the operation of the building infrastructure, concerning the maintenance of a specified level of functionality and safety of the building infrastructure, and (b) all the services required for the appropriate, safe and prescribed service of the users of the building infrastructure, and includes, but is not limited to, the technical

management of building infrastructure, inspection, routine, preventive, corrective and heavy maintenance, in order to achieve the readiness and functionality of the facilities and systems of the building infrastructure and their surroundings.

- 3) Acceptable Projects are not contracts that:
- (i) concern the compulsory maintenance of works during the warranty period, such as, in the case of a public project in Greece, in particular pursuant to Art. 171 of Law 4412/2016 (and the previous provisions of Article 74 of Law 3669/2008, Articles 7 and 11 of Law 1418/84 and Article 54 of Presidential Decree 609/85), or
  - (ii) their main object is the provision of security and/or cleaning services, or
  - (iii) Their main object is the maintenance of outdoor spaces and/or green spaces, i.e. the maintenance carried out in outdoor/open-space areas of real estate, whether it is a green space or it is properly designed for pedestrian and/or vehicle traffic.

For the purposes of this paragraph 7.4.4, the main subject matter means the contractual object which exceeds 50% of the total economic consideration of the contract invoked.

- 4) In order to invoke an Acceptable Project, for ascertaining its experience in the fields of maintenance and technical management, the Administrator or, in the case of an Association of Persons, a member thereof, must have direct participation, with a minimum stake of forty percent (40%) and for a period of at least one (1) year, during the last fifteen (15) years prior to the Submission Date, in the share capital of a company or in a joint venture or Association of Persons, which has been entrusted with the provision of maintenance and technical management services of the above Acceptable Project. In the case of an Association of Persons acting as Administrator, the above experience in Acceptable Projects of Maintenance and Technical Management must be held by at least one of its members, who participates in the Association of Persons with a minimum stake of forty percent (40%).

#### 7.4.5. Project Team/Personnel - Special Consultants

Each Candidate shall be required to retain the following special consultants:

- (i) **Consultant for the medical equipment study**, who will support the SPSA team of designers and will be responsible for the provision of all necessary information related to medical equipment in order to properly prepare and complete all studies of the Cancer Treatment Hospital of Thessaloniki. **Indicatively**, the study will include, a composition of medical equipment by department and area (Room by Room), a list of medical equipment types and quantities (BoQ), a medical equipment budget, floor plans with the main medical machines, etc.

The consultant must be a graduate engineer, or a biomedical engineer or a graduate physicist with a specialization in physical medicine and have experience in medical equipment studies in at least one Acceptable Project, during the last 15 years, which was acquired through his participation either in a hospital design-study team or in its construction with the object of

studying and supervising the implementation of medical equipment.

For the purposes of this project, an Acceptable Project, for the purpose of establishing the above experience of the consultant, is understood to be a hospital institution with a capacity of at least one hundred (100) beds, which includes at least the following medical departments: Operating Rooms, Intensive Care Unit, Emergency Department, Outpatient Department, Laboratories (radiology, clinical), Central Sterilization and Hospital Units. Additionally, the total value of the medical equipment of at least one of the implemented projects is required to be at least 20,000,000 euros.

- (ii) **Consultant for the selection of medical equipment**, who will undertake market research, control and comparison of technical and operational specifications, evaluation, support for the selection and procurement of medical equipment as well as supervision of integration, installation, trial operation and training for the equipment of the Cancer Treatment Hospital of Thessaloniki.

This consultant should be a graduate engineer, or a biomedical engineer or a graduate physicist with specialization in Physical Medicine and with at least 15 years of experience in market research, control of technical specifications, evaluation, procurement and installation of medical equipment, which was acquired through participation in a team / company for market research, evaluation, procurement, installation and delivery in full operation of medical equipment of an Acceptable Project, as defined above in paragraph 7.4.5 (i).

- (iii) **A consultant for the provision of IT and computerization services**, who will have experience in studies and implementations of hospital projects. The consultant should be a graduate engineer, or an IT engineer or of another related specialty with specialization in integrated information systems of healthcare units.

He/she should have participated in and be under implementation or have completed at least one project during the last fifteen (15) years, prior to the submission of the Expression of Interest Folder for this project, with the objective of installing at least one integrated information system consisting indicatively of the following software (S/W): Electronic Patient Record (EPR), Enterprise Resource Planning (ERP), PACS, LIS, RIS, Pharmacy, Patient Monitoring, etc., and the corresponding infrastructure equipment (H/W), with a total value of at least 5,000,000 Euros.

- (iv) An energy design consultant, who will accompany and support the Candidate's Consultant. The consultant must be a qualified engineer with expertise in energy saving matters in the areas of building envelope and electromechanical installation design of an integrated building project (excluding warehouses, industrial buildings and residential buildings) with at least ten (10) years of relevant experience.

## 7.5. Suitability to Pursue the Professional Activity Criteria

### 7.5.1. Candidate's Suitability to Pursue the Professional Activity

The Candidate (or, in the case of an Association of Persons, its members) must be registered with one of the professional or commercial registers kept in its state of establishment. The Candidate (or, in the case of an Association of Persons, its members)

established in a Member State of the European Union, is required to be registered with one of the professional or commercial registers kept in the Member State of establishment, as described in Annex XI of Appendix A of Law 4412/2016.

#### **7.5.2. Constructor's Suitability to Pursue the Professional Activity**

The Constructor and, in the case of an Association of Persons acting as a Constructor, its members, must:

(A) meet the terms and conditions of article 6.1 of this Invitation, applied *mutatis mutandis*,

(B) be active in the construction of works of the following categories:

(i) Building and

(ii) electromechanical works,

and (C) be registered in the relevant professional register kept in the State of establishment. Specifically:

- 1) A Constructor established in Greece is required to be registered in the Register of Public Works Contractors (in Greek: M.E.E.D.E.) otherwise, if the transitional deadlines of art. 65 of Presidential Decree 71/2019 apply, it is required to be registered in the Register of Contractors (in Greek: *M.E.E.P.*), in the category / categories of projects as defined above, in subparagraph A of this paragraph 7.5.2.
- 2) A Constructor established in other Member States of the European Union is required to be registered in the Registers of Annex XI of Appendix A of Law 4412/2016, in the category/categories of works, as defined above, in subparagraph A of this paragraph. 7.5.2.
- 3) A Constructor established in other countries where official lists of recognized contractors are kept, is required to be registered in these lists in the category(s) of works as defined in subparagraph A of this paragraph. 7.5.2.
- 4) A Constructor established in other countries where official lists of recognized contractors are not kept, is required to be registered in the professional or commercial registers of its country of establishment and to prove that it meets the same formal and substantive conditions under which the Constructors registered in the Register of Public Works Contractors (in Greek: M.E.E.D.E.), otherwise in the Register of Contractors (in Greek: M.E.E.P.), are accepted in the Tender in the category(s) of projects, as defined in subparagraph A of this para. 7.5.2.

#### **7.5.3. Designer's Suitability to Pursue the Professional Activity**

A. The Designer and in case of an Association of Persons acting as a Designer, its



members, should:

- 1) meet the terms and conditions of article 6.1 of this Invitation, applied *mutatis mutandis* ·
- 2) be active in the preparation of studies of the following categories:
  - (06) Architectural studies of building projects
  - (08) Structural studies
  - (09) Mechanical, electrical and electronic studies
  - (10) Transportation Engineering studies and Traffic studies
  - (13) Hydraulic Engineering Studies
  - (14) Energy Studies
  - (16) Topographic Surveys
  - (20) Geological, hydrogeological and geophysical Studies and Investigation
  - (21) Geotechnical Studies and Investigation
  - (25) Phytotechnical Designs of landscaping and green spaces projects
  - (27) Environmental Studies

and **B.** be registered in the relevant professional register kept in their state of establishment. Specifically:

- 1) A designer established in Greece is required to be registered in the Registries of Designers or Design Firms, in the category/categories of designs, as defined in the above subparagraph A of this paragraph. 7.5.3 and have workforce, per category of design, as provided below in subparagraph C. Otherwise, it is required to be registered in the Register of Experience of Designers (in Greek: M.E.M.) or in the Register of Public Works Design Enterprises (in Greek: M.M.E.D.E.), in accordance with the provisions of Presidential Decree 71/2019, as amended by Law 4635/2019, in the corresponding category(s) of designs, as defined in the above subparagraph A of this paragraph. 7.5.3 and possess workforce, per corresponding design category, as provided for in subparagraph C below.
- 2) A designer established in other Member States of the European Union is required to be registered in the Registers of Annex XI of Appendix A of Law 4412/2016, in the category/categories of designs, as defined in the above subparagraph A of this paragraph. 7.5.3 and possess workforce, by category of design, as provided for in subparagraph C below.
- 3) A designer established in other countries, in which official Registers of recognized contractors are kept, is required to be registered in these registers, in the category(s) of designs, as



defined in subparagraph A of paragraph 7.5.3 and possess capacity, by category of design, as provided for in subparagraph C below.

- 4) A designer established in other countries, in which official Registers of service providers are not kept, is required to be registered in the professional or commercial registers of his country of establishment and to have workforce, in the category(s) of designs, as defined in subparagraph A of this paragraph above. 7.5.3 and have workforce, by category of design, as provided for in subparagraph C below.

C. The Designer should possess at least workforce, per category(s) of designs, as defined in subparagraph A of this paragraph 7.5.3, at least as follows:

- 1) in the design category (06) Architectural design of building projects: two (2) designers with at least twelve years of experience and three (3) designers with at least eight years of experience each in related designs,
- 2) in the design category (08) Structural designs: two (2) designers with at least twelve years of experience and three (3) designers with at least eight years of experience each in related designs,
- 3) in the design category (09) Mechanical, electrical and electronic designs: two (2) designers with at least twelve years of experience and three (3) designers with at least eight years of experience each in related designs,
- 4) in the design category (10) Transportation engineering studies and Traffic studies: one (1) designer with at least twelve years of experience in related designs,
- 5) in the design category (13) Hydraulic Engineering Designs: one (1) designer with at least twelve years of experience in related designs,
- 6) in the design category (14) Energy Studies: one (1) designer with at least twelve years of experience in related designs,
- 7) in the design category (16) Topographic Surveys: one (1) designer with at least twelve years of experience in related designs,
- 8) in the design category (20) Geological, hydrogeological and geophysical studies and Investigation: one (1) designer with at least twelve years of experience in related designs,
- 9) in the design category (21) Geotechnical Studies and Investigation: one (1) designer with at least twelve years of experience in related designs,
- 10) in the design category (25) Phytotechnical designs: one (1) designer with at least twelve years of experience in related designs,

- 11) in the design category (27) Environmental Studies: one (1) designer with at least twelve years of experience in related designs.

The above experience of subparagraph C of para. 7.5.3 may be cumulatively covered by the members of the Designer.

#### 7.5.4. Administrator's Suitability for the Professional Activity

The Administrator (or, in the case of an Association of Persons, its members), must meet the terms and conditions of Article 6.1 of the Invitation applied *mutatis mutandis* and be registered in one of the professional or commercial registers kept in its state of establishment. The Administrator (or, in the case of an Association of Persons, its members) established in a Member State of the European Union, is required to be registered in one of the professional or commercial registers kept in its Member State of establishment, as described in Annex XI of Appendix A of Law 4412/2016.

### Article 8 Reliance on capacities of third parties

- 8.1. With regard to the criteria of financial and economic standing referred to in paragraph 7.3 and the criteria relating to technical and professional capacity referred to in paragraph 7.4 of this Invitation, a Candidate may rely on the capacities of other entities ("the **Third Party**"), regardless of the legal nature of its links with them. Under the same conditions, an Association of Persons may rely on the capacities of the members or other bodies. Regarding the criteria related to academic qualifications and professional credentials specified in paragraph (f) of Part II of Annex XII of Appendix A, or professional experience, economic operators may rely on the capacities of other entities only if those entities perform the work or services for which the specific capacities are required.
- 8.2. The above Third Parties are specifically named in the Letter of Expression of Interest, according to the template set out in **ANNEX 2** of the Invitation.
- 8.3. In this case, the Candidate must prove to the Contracting Authority that it will have at its disposal the necessary resources from the Third Party, which provides the relevant capacities (Financial and Economic Standing or Technical and Professional Ability), throughout the duration of the Partnership Agreement for the implementation of the project, by providing a relevant commitment declaration of the said Third Party according to paragraphs 8.5 and 8.6 hereof.
- 8.4. The Contracting Authority shall check whether the entities on whose capacities the Candidate intends to rely meet the relevant Pre-Qualification Criteria and whether there are grounds for exclusion as set out in this notice.

The Contracting Authority shall require the economic operator to replace an entity that does not meet a relevant selection criterion or for which there are grounds for exclusion, within a reasonable period of time from its relevant invitation.

The replacement of the entity on whose capacities the economic operator that does not meet a relevant selection criterion or for which there are grounds for exclusion relies, shall be made following an invitation by the contracting authority to the economic operator, within thirty (30) days from the date of notification of the invitation to the economic operator, for each third party on whose capacities it relies, within the same contract award

procedure. The entity with which the entity of the previous paragraph is replaced may not be replaced again.

- 8.5. Third Parties may be natural persons or legal entities, or an Association of Persons, provided that they themselves, or in the case of an Association of Persons, their members: (a) meet the conditions of para. 6.1.1 of this Invitation, applied by analogy and (b) meet the Personal Status Criteria (as defined in paragraph 7.2 of this Invitation).
- 8.6. With regard to Financial and Economic Standing, the Candidate and the Third Parties providing the relevant capacities will be jointly and severally responsible for the execution of the Partnership Agreement, being jointly and severally liable to the Contracting Authority. The Expression of Interest Folder will include a Solemn Declaration, signed by the legal representative of the Third Party, who provides the relevant capabilities, in which he/she declares his/her commitment to make all necessary resources available to the Candidate throughout the duration of the Tender and, in case the Candidate is awarded Provisional Contractor status, to the Private Partner for the entire duration of the Partnership Agreement (as specifically provided therein) and that he/she will be liable to the Contracting Authority in case the conditions described in this paragraph are not met (**ANNEX 3** – Template 1, Invoking the Financial and Economic Standing of Third Parties), which will in any case be considered a sufficient means of proof.
- 8.7. With regard to Technical and Professional Ability, the Candidate and the Third Parties providing the relevant competences, must demonstrate that the Third Party will actively participate, on a case-by-case basis and depending on the capacity provided (such as, in particular, the technical and professional competence of the Constructor, or the Designer or the Administrator), in the implementation of the scope of the Partnership Agreement. The Expression of Interest Folder will include a Solemn Declaration, signed by the legal representative of the Third Party, providing the relevant capabilities, stating that it is committed to making all necessary resources, know-how and technical means available to the Candidate for the implementation of the scope of the Partnership Agreement, through the conclusion of a relevant contract, and that it will be liable to the Contracting Authority and the Contracting Authority in case the conditions described in this paragraph are not met (**ANNEX 3** – Template 2, Invocation of technical and/or professional ability of third parties), which will in any case be considered as sufficient evidence.
- 8.8. Furthermore, the Third Party must submit all the documents provided for in para. 9.3 (Subfolder A – Legalization Documents), 9.4 (Subfolder B – Supporting Documents for Personal Status Criteria) and, where applicable, the documents appropriate to those provided for in para. 9.5 (Subfolder C – Supporting Documents for Financial and Economic Adequacy) or para. 9.6 (Subfolder D - Documentation of Technical and Professional Competence Criteria).
- 8.9. Reliance on the capacities of Third parties, in derogation of what is provided for in this Invitation, leads to the exclusion of the Candidate.

## Article 9 Content of the Expression of Interest Folder

## 9.1. General

**9.1.1.** The Expression of Interest Folder will consist of five (5) separate Subfolders, which will contain the documents described below and will be marked accordingly:

- 1) **Sub-Folder A** will include the Letter of Expression of Interest, in accordance with paragraph 9.2 below, and the legalization documents, in accordance with paragraph 9.3 below.
- 2) **Sub-Folder B** shall contain the information and documents required in paragraph 9.4 to demonstrate the Candidate's compliance with the Personal Status Criteria.
- 3) **Sub-Folder C** shall contain the information and documents required in paragraph 9.5 to demonstrate the Candidate's compliance with the Financial and Economic Standing Criteria.
- 4) **Sub-folder D** shall contain the information and documentation required in paragraph 9.6 to demonstrate compliance by the Candidate, Constructor, Designer and Administrator with the Technical and Professional Ability Criteria.
- 5) **Sub-Folder E** shall contain the information and documents required in paragraph 9.7 to demonstrate compliance by the Candidate, the Constructor and the Administrator with the Criteria of Suitability to Pursue the Professional Activity.

**9.1.2.** In relation to the Supporting Documents provided for in this Article 9 of the Invitation, the following shall apply:

They are not required to be presented in printed form and are accepted mutatis mutandis, in accordance with the provisions of:

- (i) articles 13, 14 and 28 of Law 4727/2020 (A' 184) on electronic public documents bearing an electronic signature or seal and, in the case of foreign public electronic documents, if they bear an e-Apostille, or
- (ii) articles 15 and 27 of Law 4727/2020 (A' 184) on electronic private documents bearing an electronic signature or seal, or
- (iii) Article 11 of Law 2690/1999 (A' 45), or
- (iv) paragraph 2 of article 37 of Law 4412/2016, on the use of electronic signatures in electronic public procurement procedures, or
- (v) paragraph 8 of article 92 of Law 4412/2016, on the co-submission of a solemn declaration in case of simple photocopy of private documents.

In addition, not submittable in printed form are the Government Gazette and informative and technical brochures and other forms, corporate or not, with special technical content, i.e. forms with purely technical characteristics, such as numbers, returns to international units, mathematical formulas and drawings,. These data and supporting documents are entered by the Candidate in electronic file format in PDF format.

**9.1.3.** The Supporting Documents must be submitted either in original documents or in legally certified copies, mutatis mutandis and in accordance with the specific provisions of the Invitation. The Supporting Documents are submitted in accordance with the provisions of Law 4250/2014 (Government Gazette A' 94). In particular, the Supporting Documents which constitute private documents may be accepted in simple photocopies, provided that a Solemn Declaration is submitted, signed after the publication of the Contract Notice in the Supplement to the Official Journal of the EU, in which their accuracy is confirmed.

**9.1.4.** If templates are provided regarding the form and content of the Supporting Documents in the Annexes to the Invitation, these templates must be followed in their essential content.

- (1) In case any of the Supporting Documents is not issued in the country where the Candidate is incorporated or established (or in the case of an Association of Persons, its member), the latter is obliged to submit a Solemn Declaration, signed after the publication of the Contract Notice in the Supplement to the Official Journal of the EU, confirming that the Supporting Document cannot be issued (according to the template included in ANNEX 6 of the Invitation). In the same declaration, the Candidate (or in the case of an Association of Persons, its member) must also verify the facts, which would be the subject of the non-issued certificate, in accordance with the requirements of the Invitation.

**9.1.5.** All documents required or provided for in accordance with this Article shall either show the amounts of money in EUR (€) or be accompanied by annexes in which the amounts shown in monetary units other than EURO (€) shall be shown in EUR (€) together with an indication of the exchange rate applied. Please note that the Candidate must convert the required amounts into Euro and present the exchange rate used for the conversion into Euro, which should be the exchange rate of the last working day of each financial year for the cases of paragraphs 7.3.3 and 7.3.4, while for the case of paragraph 7.3.2 it should be the exchange rate of the date on which the respective Supporting Document on financial and economic standing was issued.

All Supporting Documents must be valid as provided for in this Invitation, they must have been issued and (where provided) validated within the last three (3) months prior to the Submission Date, unless they are documents or certificates from other bodies or authorities, which attest to previous events or circumstances (such as certificates of good execution of works, contracts, etc.) or unless otherwise specified in this Invitation.

**9.1.6.** In the case of Associations of Persons, the Supporting Documents of the paragraphs below are submitted for each member separately within the relevant sub-folder of the Candidate and in full order.

- (2) All affidavits submitted with the Expression of Interest Folder are accepted if they have been issued up to three (3) months before their submission to the Contracting Authority. Also, all Solemn Declarations submitted with the Expression of Interest Folder are accepted if they have been drawn up after the publication of the Contract Notice in the Supplement to the Official Journal of the EU, unless otherwise specified herein.

- (3) Each Annex submitted in accordance with this Invitation constitutes a solemn declaration, with the consequences of Law 1599/1986, in order to prove what is stated therein.

In case it is found that a Candidate or a member of an Association of Persons has made a false or inaccurate statement in relation to the Supporting Documents, the Candidate is excluded from the Tender. Similarly, the Candidate is excluded from the Tender if the Expression of Interest Folder or the Supporting Documents contained therein contain incomplete, unclear or incorrect information or documentation, including the information contained in the ESPD, if it cannot be supplemented, corrected, or clarified or, if they are admissible, has not been restored by the Candidate, within the prescribed deadline according to article 102 of Law 4412/2016 and clause 14.2 hereof.

**9.1.7.** All submitted foreign public documents will bear the Apostille ("Apostille") in accordance with the Hague Convention of October 5, 1961, ratified by Law 1497/1984, in order to certify their authenticity, and will be accompanied by an official translation into Greek. It is clarified that this wording concerning the above Apostille applies to documents considered to be authentic documents within the meaning of Article 1 of the above Treaty, and in particular: (i) documents emanating from an authority or civil servant of a State court, (ii) administrative documents, (iii) notarial documents and (iv) official certificates, such as certificates of registration, endorsements for certain date and signature validations affixed to a private document.

**9.1.8.** Foreign public documents originating (i) from States Parties to the Hague Convention of 5 October 1961, but excluded from the scope of this Convention or (ii) from states which have not acceded to the Hague Convention must bear a consular visa either from the Greek consular authority in their State of origin or from the consular post of that State in Greece with the signature of the diplomatic officer of the foreign consular post certified from the Service and Information Centre for Citizens and Greeks Abroad of the Ministry of Foreign Affairs. Especially for the documents of states for which Greece has expressed objections to their accession to the Hague Convention, ratification is done only by the relevant Greek consular authority in that state. Foreign public documents are exempt from the requirement of legalization (with an Apostille or Consular Visa) when they are covered by bilateral or multilateral agreements concluded by Greece (indicatively "Convention on legal cooperation between Greece and Cyprus – 05.03.1984" (ratifying Law 1548/1985, "Convention on exemption from legalization of certain acts and documents – 15.09.1977" (ratifying Law 4231/2014)). Public documents which issued by the authorities of a Member State subject to EU Regulation 2016/1191 simplifying the requirements for presenting certain public documents in the EU, such as, but not limited to, absence of a criminal record, provided that the public documents relating to this fact are issued to a Union citizen by the authorities of his or her Member State of nationality.

**9.1.9.** The provisions of this subparagraph shall apply proportionately and on a case-by-case basis to the Supporting Documentation that the Constructor, the Designer, the Administrator and the third party are required to submit, pursuant to this, in accordance with article 8 of this Invitation.



**9.1.10.** When submitting the Expression of Interest Folder, the Candidate, the Designer, the Constructor and the Administrator submit the European Single Procurement Document (ESPD), which has been uploaded in .xml and .pdf file format on the ESIDIS-PUBLIC WORKS website [www.promitheus.gov.gr](http://www.promitheus.gov.gr) and constitutes an integral part of this document, in accordance with the provisions of article 79 par. 1 of law 4412/2016. The ESPD constitutes an updated solemn declaration, with the consequences of law 1599/1986 (Α'75), and constitutes preliminary proof to replace the certificates issued by public authorities or third parties, confirming that the economic operator in question meets the following conditions:

- (1) none of the grounds for exclusion in paragraph 7.2. hereof apply,
- (2) meets the relevant Qualitative Selection Criteria which have been determined, in accordance with paragraphs **Σφάλμα! Το αρχείο προέλευσης της αναφοράς δεν βρέθηκε., Σφάλμα! Το αρχείο προέλευσης της αναφοράς δεν βρέθηκε.** and 7.5. hereof, as applicable.

**9.1.11.** When submitting the ESPD, it is possible, with the sole signature of the representative of the liable economic operator, as the case may be, to provide preliminary proof of the grounds for exclusion referred to in paragraph 7.2 hereof, for all natural persons who are members of its administrative, management or supervisory body or have powers of representation, decision-making or control therein. For the purposes of this provision, the representative of the liable economic operator means its legal representative, as indicated in its articles of association or its minutes of representation at the time of submission of the Expression of Interest Folder, or the duly authorized natural person to represent the economic operator for procurement procedures or for the specific procedure for concluding a Partnership Agreement. The ESPD shall be signed and dated within the time period during which Expressions of Interest Folders may be submitted.

**9.1.12.** In other respects,

- (1) In the case of an Expression of Interest Folder submitted by an Association of Persons, the European Single Contract Document (ESPD) shall be submitted individually by each member of the Association of Persons.
- (2) In the case where the Candidate declares in the ESPD its intention to award a subcontract, it shall submit together with its own ESPD and the ESPD of the subcontractor.
- (3) In the case where the Candidate relies on the capacities of one or more entities, it shall submit together with its own ESPD and the ESPD of each entity on whose capacities it relies.
- (4) Detailed instructions for completing and submitting the ESPD are included in **ANNEX 9** of this Invitation.

## **9.2. Sub-Folder A (Part I) – Letter of Expression of Interest**

**9.2.1.** The Letter of Expression of Interest must have the minimum content of the template included in **ANNEX 2** of the Invitation and be signed (where applicable) as follows:



- 1) In the case of an individual Candidate, by the Candidate (natural person) or the legal representative of the Candidate (legal entity) who either has general power of representation or has been specifically authorized to sign it by the competent body for this purpose. Or
- 2) In case of an Association of Persons,
  - by all members of the Association of Persons, natural persons or legal entities, as the latter are represented by the legal representative of each, who either has general power of representation or has been specifically authorized to sign by the competent body for this purpose,
  - otherwise by the appointed common representative of all the members of the Association of Persons, who shall have been legally authorized for this purpose by all the members of the Association of Persons, in accordance with the provisions of para. 9.3.3 (9).

**9.2.2.** The above Letter of Expression of Interest shall be accompanied by a list of the attached Supporting Documents, as allocated to Subfolders A to F, in accordance with this article.

**9.2.3.** Each Candidate is required to appoint a person as a Representative, residing within the boundaries of the Regional Unit of Thessaloniki, Central Macedonia, with whom the Contracting Authority (through its representatives or advisors) may communicate for the purposes of the Tender. The full name and contact details of the Representative must be mentioned in the Letter of Expression of Interest, including the postal address, landline telephone number, fax number and e-mail address of the Representative. A Solemn Declaration of the person appointed as Representative regarding the acceptance of the designation shall be attached.

### **9.3. Sub-Folder A (Part II) – Legalization documents**

**9.3.1.** Sub-Folder A also includes the Candidate's legalization documents and the relevant authorizations, which substantiate the authority to sign this Letter of Expression of Interest on behalf of the Candidate. The above-mentioned legalization documents are specified below and must have been issued within the last thirty (30) working days prior to their submission to the Contracting Authority.

**9.3.2.** In case of an individual Candidate of a legal entity, minutes of the meeting of the Board of Directors of the Candidate, in case of a société anonyme, or minutes of the administrators, in case of limited liability company or private capital company or partnership, whereby:

- 1) The submission of the Candidate's Expression of Interest Folder to the Tender is approved, in accordance with the terms of this Invitation for Expression of Interest.
- 2) The Candidate accepts all responsibilities and obligations for any matter related to the expression of interest in the Tender.
- 3) It is hereby declared that the Candidate is aware of and unreservedly accepts the terms of this Invitation for Expression of Interest.
- 4) It is stated that the Candidate is entitled to submit an Expression of Interest and there are no corporate restrictions, restrictions due to competition or other legal restrictions that prevent the submission of the Expression of

Interest Folder by the Candidate.

- 5) It is stated that the participation of the Candidate in the Tender takes place at its sole responsibility and expense and no right to compensation arises from the Contracting Authority, or the Consultants due to the Candidate's participation in the Tender itself.
- 6) It is stated that all information, statements and supporting documents or other accompanying documents submitted with the Expression of Interest Folder are true and accurate and that no information related to the Tender and the Candidate has been withheld.
- 7) The Candidate commits to establish the SPSA, in case it is declared Provisional Contractor.
- 8) A representative for the Tender (the "Candidate Representative") and his/her alternate are appointed, with the authority to sign bindingly on the Candidate all the documents of the Tender, including the Solemn Declarations required herein, as well as to take the other actions mentioned herein.
- 9) A specific natural person is designated as the Representative, who resides within the boundaries of the Regional Unit of Thessaloniki (and who may be the same person as the above Candidate Representative), with his/her full contact details (name, address, telephone number, fax, etc.).

In the case of a candidate foreign legal entity, a decision of the governing body, in accordance with the law or its statutes, shall be submitted, which contains the information referred to above, under points (1) to (9).

**9.3.3.** In the case of a legal entity participating in an Association of Persons, minutes of the Decision of the Board of Directors, in case of a société anonyme, or a decision of the administrators, in the case of a limited liability company, or private capital company or partnership, for each member of the Association of Persons, whereby:

- 1) The submission of an Expression of Interest Folder as a member of the Candidate in the Tender is approved, in accordance with the terms of this Invitation for Expression of Interest.
- 2) The participation percentage of the member in the Candidate is defined and the participation percentages of the other members of the Candidate are accepted.
- 3) The member accepts all responsibilities and obligations for any matter related to the expression of interest in the Tender, jointly and severally with the other members of the Candidate.
- 4) It is hereby declared that the member has been informed and unreservedly accepts the terms of this Invitation for Expression of Interest, being bound jointly and severally with the other members of the Candidate.
- 5) It is stated that the member is entitled, as a member of the Candidate, to submit an Expression of Interest and there are no corporate restrictions, restrictions due to competition or other legal restrictions that prevent the submission of the Expression of Interest Folder by the Candidate.

- 6) It is stated that the participation of the member in the Tender takes place at the sole responsibility and expense of the member and no right to compensation arises from the Contracting Authority or the Consultants due to the member's participation in the Tender itself.
- 7) It is stated that all information, statements and supporting documents or other accompanying documents submitted with the Expression of Interest Folder are true and accurate and that no information related to the Tender, the member and the Candidate has been withheld.
- 8) It is stated that the member undertakes to establish jointly with the other members of the Candidate, in case of nomination as Provisional Contractor, the SPSA, and that the percentages of each founding shareholder of the Candidate will be the same as the declared participation percentages as a member of the Candidate, subject to any approved change in accordance with the terms of the Tender.
- 9) A joint representative of the Candidate ("the Candidate Representative") and an alternate representative is appointed for all members, with the authority to sign bindingly for the Candidate (Association of Persons) all the documents of the Tender, including the Solemn Declarations required herein, as well as to take the other actions mentioned in this Invitation.
- 10) A specific natural person is designated as the Representative, who resides within the boundaries of the Regional Unit of Thessaloniki (and who may be the same person as the above Candidate Representative), with his/her full contact details (name, address, telephone number, fax, etc.).

In the case of foreign legal entities, being members of the Candidate, a decision of the governing body, in accordance with the law or its statutes, containing the information referred to above, under points (1) to (10) shall be submitted.

**9.3.4.** Where the Candidate Association of Persons has taken the form of the consortium or another legal form or type, the relevant document of incorporation of the consortium or the documents proving that another legal form or type has been included.

**9.3.5.** In case of a natural person:

- 1) In case the Candidate is an individual natural person, a Solemn Declaration, which will include the information required in accordance with paragraph 9.3.2 points (1) to (9).
- 2) In case a natural person is a member of the Candidate, a Solemn Declaration, which will include the information required in accordance with paragraph 9.3.3 points (1) to (10).

**9.3.6.** In addition, in case of a legal entity, the following legalization documents are submitted:

**9.3.6.1** For domestic economic operators:

- 1) in cases where the economic operator is a legal entity and is obliged, according to the applicable legislation, to declare its representation and changes to the GEMI:
- to prove legal representation, a relevant certificate of valid representation,

which must have been issued up to thirty (30) working days prior to its submission, and

- In order to prove the legal constitution and changes of the legal entity, it is sufficient to submit a General Certificate, if it has been issued up to three (3) months before its submission.
- 2) In other cases, the legalization documents of incorporation and legal representation (such as statutes, certificates of changes, corresponding Government Gazettes, decisions on the establishment of administrative bodies in a body, etc., depending on the legal form of the economic operator), accompanied by a solemn declaration by the legal representative that they are still valid at the time of their submission.

9.3.6.2. Foreign economic operators shall provide the documentary evidence provided for by the legislation of the country of establishment and, if not provided, a Solemn Declaration by the legal representative, proving the above regarding the legal establishment, alterations and representation of the economic operator. The above documents must indicate the legal constitution of the economic operator, all relevant amendments to the articles of association, the person(s) legally binding the company on the date of the Tender (legal representative, right to sign, etc.), any third parties who have been granted power of representation, as well as the term of office of the member(s) and/or members of the administrative body/legal representative.

9.3.7. Finally, a declaration of consent for the processing of personal data is submitted by the Candidate, in accordance with the template set out in **ANNEX 8**.

9.3.8. The documents referred to in paragraph 9.3.6 (in the case of a legal entity, whether it acts independently or participates in an Association of Persons) and paragraph 9.3.7 (in any case) are also submitted by the Constructor, the Designer, the Administrator and any Third Party as defined in Article 8 of the Invitation. The above-mentioned documents are included in Sub-Folder A' (Section II).

#### **9.4. Sub-Folder B – Demonstration of Personal Status**

9.4.1. To demonstrate compliance with the Personal Status Criteria of par. 6.1.1 and 7.2 of the Invitation, the Candidate, the Constructor, the Designer, the Administrator and any Third Party that may provide its capacity, in accordance with Article 8 hereof, shall submit the European Single Procurement Document (ESPD), in accordance with the provisions of Article 79 para. 1 of Law 4412/2016, as in force from time to time, which is an updated solemn declaration, with the consequences of Law 1599/1986 (A' 75), as preliminary evidence to replace certificates issued by public authorities or third parties, confirming that for the economic operator in question:

- (a) None of the grounds for exclusion of para. 7.2 of this Invitation apply and
- (b) that the relevant Criteria for the Qualitative Selection established in accordance with paragraphs 7.3, 7.4 and 7.5 hereof, as appropriate, are met.

9.4.2. When submitting the ESPD, preliminary proof of the grounds for exclusion referred to in paragraph 7.2 hereof shall be possible only by the signature of the relevant representative of the obliged economic operator, in respect of all natural

persons who are members of, or have powers of representation, decision or control over, the administrative or supervisory body of the obliged economic operator. The representative of the obliged economic operator, for the purposes of this Directive, means its legal representative, as it results from its statutes or minutes of representation in force at the time of submission of the Expression of Interest Folder, or the natural person duly authorized to represent the economic operator for procurement procedures or for the specific procedure for the conclusion of a Partnership Contract; in accordance with the provisions of this Agreement.

- 9.4.3. The ESPD shall be signed and dated within the period during which Expression of Interest Folders can be submitted. If, in the period between the date of signature of the ESPD (s) and the Submission Date, changes have occurred in the data declared by him/her to the ESPD (s), the Candidate shall withdraw the Expression of Interest Folder, without requiring a decision of the Contracting Authority. It may then resubmit it with updated ESPD.
- 9.4.4. The economic operator may specify the declarations and information provided to the ESPD in an accompanying self-declaration which it shall submit together with the ESPD. The accompanying solemn declaration is signed in accordance with the provisions of article 79A of Law 4412/2016, on the signing of the European Single Procurement Document.
- 9.4.5. Detailed instructions for completing and submitting the ESPD can be found in **ANNEX 9** to this Invitation.
- 9.4.6. In addition, in order to prove the right to participate according to paragraph 6.1.1 hereof, economic operators shall submit a Solemn Declaration with the following content: *"I declare responsibly that there is no Russian participation in the company I represent and performs the contract, in accordance with the restrictions contained in Article 5k of Council Regulation (EU) No. Regulation (EC) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine, as amended by 2022/578 Council Regulation (EU) of 8 April 2022. Specifically, I declare that: (a) the company I represent (and none of the companies representing members of our joint venture) is not a Russian national, nor a natural person or legal entity, entity or body established in Russia; (b) the company I represent (and none of the companies representing members of our joint venture) is not a legal entity, entity or body whose ownership rights are directly or indirectly held by more than fifty percent (50%) of an entity referred to in point (a) of this paragraph; (c) neither the responsible declarant nor the company I represent is a natural person or legal entity, entity or body acting on behalf of or at the direction of an entity referred to in point (a) or (b) above; (d) there is no participation of bodies and entities listed in points (a) to (c) above exceeding 10 % of the value of the subcontractors' contract; suppliers or entities on whose capacities the contractor whom I represent relies."*

## 9.5. Subfolder C – Demonstration of Financial and Economic Standing

- 9.5.1. To demonstrate compliance with the Financial and Economic Standing Criteria of paragraph 7.3 of the Invitation, in addition to the ESPD, the documents and information referred to in this paragraph 9.5 shall be submitted.
- 9.5.2. Each Candidate who is a legal entity and, in the case of a Candidate Association of

Persons, its members who are legal entities, must submit with the Sub-Folder C of the Expression of Interest Folder copies of the Financial Statements of the Last Three Years (as defined in paragraph 2.1.29 hereof).

- 9.5.3. Each Candidate who is an investment fund and, in the case of a Candidate Association of Persons, any member thereof that is an investment fund (fund), in order to prove compliance with the requirements in the case of paragraph 7.3.4, shall submit the relevant Financial Statements and/or a certificate or report of a statutory auditor in accordance with clause (3) paragraph 7.3.5.
- 9.5.4. In case the Candidate is a natural person or in the case of a Candidate Association of Persons that includes a natural person, Sub-Folder C of the Expression of Interest Folder will include certificates from banks or other credit institutions legally operating in at least one member state of the EU or the EEA or the OECD, with a date of issue no later than three (3) months before the Submission Date, regarding the amount of cash deposits of the Candidate / each of its members who is a natural person and/or a certificate, issued no later than three (3) months before the Submission Date, by a bank, investment firm or member of a stock exchange, depositary legally operating in an EU or EEA or OECD member state; as to the market value of the Offeror's liquid and transferable securities.
- 9.5.5. The Candidate must additionally submit a table, drawn up in accordance with **ANNEX 5- Template A** of the Invitation. The accuracy of the data in the table will be checked based on the Financial Statements of the Last Three Years and/or the submitted certificates of banks, etc. according to the above.
- 9.5.6. In addition, the Candidate must submit a letter of financial support from at least one Eligible Bank. With the above letter of financial support, the Eligible Bank will declare at least that it is aware of this Invitation (Phase A of the Tender) and that it is interested in examining a request for financing the Project either independently or in cooperation with other Eligible Banks, in case the Candidate is awarded Provisional Contractor.
- 9.5.7. If the Candidate invokes the resources of a Third Party in accordance with Article 8 of the Invitation, it must additionally submit for the Third Party in Sub-Folder C the above Supporting Documents under paragraph 9.5.2 or 9.5.3 or 9.5.4 above, depending on whether the said Third Party is a legal entity, a fund or a natural person, respectively, as well as the table under 9.5.5-Template A.

## 9.6. Subfolder D – Demonstration of Technical and Professional Ability

- 9.6.1. To demonstrate compliance with the Technical and Professional Ability Criteria of para. 7.4.1 ("Special Experience of the Candidate in the conclusion or execution of concession and/or PPP agreements"), 7.4.2 ("Special Experience of the Constructor"), 7.4.3 ("Specific experience of the Designer"), 7.4.4 ("Specific experience of the Administrator in the operation and maintenance of building infrastructure"), and 7.4.5 ("Special Advisors"), of the Invitation, the documents and data mentioned below shall be submitted, in addition to the ESPD.
- 9.6.2. In order to prove the criterion of paragraph 7.4.1 ("Special Experience of the Candidate in the conclusion or execution of works concession and/or PPP agreements"), the Candidate or, in the case of an Association of Persons, its



members, is obliged to submit:

- (a) a table drawn up in accordance with **ANNEX 7- Template A**.
- (b) Attestations or certificates issued or endorsed by the competent authority (e.g. contracting authority or contracting entity, client, independent engineer) in relation to the works to be included in the table in point (a) of this paragraph, indicating and certifying the undertaking and/or artistic, successful, timely and proper execution of works concessions and/or PPS contracts by the Candidate, the duration of the contract specifying the start and end time, the nature of the relevant contract, as well as the degree and manner of participation of the Candidate in the execution of the project (e.g. percentage participation in a joint venture, participation in share capital of a special purpose vehicle, etc.). If it is impossible to submit, in accordance with the above, the required certificate of the competent authority, it will be sufficient to submit an additional Solemn Declaration, which will state the reasons why it is not possible to submit the above documents and will also certify the undertaking and/or the artistic, successful, timely and proper execution of works concession contracts or PPP agreements by the Candidate, as well as all the above mentioned elements. The Candidate must be able to prove the content of the above Solemn Declaration by any appropriate means, if called upon to do so by the Tender Committee in accordance with article 14.2 of the Invitation.
- (c) Legally certified copy of the contract(s) referred to in this paragraph, other extracts thereof, but from which the required according to the above information will be derived and, if this is not possible, a Solemn Declaration of the Candidate from which the required according to the above information will be shown, and in which the reasons will be given, for whom it is not possible to submit the contract(s) and their extracts. The Candidate must be able to prove the content of the above Solemn Declaration by any appropriate means, if called upon to do so by the Tender Committee in accordance with article 14.2 of the Invitation.

**9.6.3.** In order to prove the criterion of paragraph 7.4.2 ("Special Experience of the Constructor"), the Constructor or, in the case of an Association of Persons, its members, is obliged to submit:

- 1) The Financial Statements of the Last Three Years.
- 2) Certified auditor's certificate for the average turnover in the construction sector during the most recent three (3) financial years, if this figure does not derive from the submitted Financial Statements of the Last Three Financial Years, otherwise approved accounts by the developer or the contracting authority or the employer from which these figures are aggregated.
- 3) Table drawn up in accordance with **ANNEX 5- Template B**. The accuracy of the data in the table will be checked on the basis of the relevant submitted data as above.
- 4) Table drawn up in accordance with **ANNEX 7- Template B**, indicating the title and type of the project, the contract value of the project, the requested technical characteristics of the works of the project, the percentage



participation of the Constructor in the declared project, the weighted contract value of the project by the percentage participation of the Constructor in the declared project and its proportional value, the place and time of execution and completion of the requested work and the employer with his contact details.

- 5) Certificates / attestations referring to the projects listed in the table included in **ANNEX 7- Template B**, issued or endorsed by the competent authority (e.g. contracting authority or contracting entity, client, independent engineer), indicating the contractor, the type of project as mentioned below, and certifying the successful and proper completion of the project, the place and time of execution and completion of the work as well as the employer with his contact details.
- 6) Legally certified copy of the contract(s) referred to in this paragraph, other extracts thereof, but showing the required in accordance with the above information.
- 7) If the Constructor, or its members, are unable to provide, in accordance with the above, the required certificates/attestations / legally certified copy of the contract(s) or an extract thereof, it will be sufficient to submit an additional Solemn Declaration, which will state the reasons why it is not possible to submit the above documents and will also certify the successful and proper completion of the project, as well as the time of completion of the relevant works.

**9.6.4.** In order to prove the criterion of paragraph 7.4.3 ("Specific experience of the Designer"), the Designer or, in the case of an Association of Persons, its members, is obliged to submit:

- 1) Table drawn up in accordance with **ANNEX 7- Template C** of the Invitation.
- 2) Certificates or attestations issued or attested by the competent authority (e.g. contracting authority or contracting entity, project owner, employer, independent engineer, independent auditor) regarding the studies to be included in the table in case (1) of this paragraph, indicating the contractor, the category and the stage of the study and certifying its successful and proper preparation, as well as the time of its approval. If it is impossible to submit, in accordance with the above, the required certificates or certificates of the competent authority, it will be sufficient to submit an additional Solemn Declaration, which will state the reasons for which the above documents cannot be submitted and will also certify the successful and proper preparation of the studies, as well as all the above-mentioned information.
- 3) Legally certified copy of the contract(s) referred to in this paragraph, or extracts thereof, from which the required information will emerge in accordance with the above information and, if this is not possible either, a Solemn Declaration by the Designer from which the required information will emerge in accordance with the above information, and which will state the reasons why it is not possible to present the contract(s) and the extracts thereof.

**9.6.5.** In order to prove the criterion of paragraph 7.4.4 ("Special experience of the Administrator in the maintenance and technical management of building infrastructure"), the Administrator or, in the case of an Association of Persons, its members, is obliged to submit:

- 1) Table, drawn up according to **ANNEX 7- Template D** of the Invitation.
- 2) Attestations or certificates issued or endorsed by the competent authority (e.g. contracting authority or contracting entity, client, employer, independent engineer, independent auditor) in relation to the works to be included in the table in point (a) of this paragraph, indicating and certifying the successful and proper provision of services, the nature of these services provided by the Administrator, the period of provision of these services specifying the start and end time, the nature of the relevant contract, as well as the degree and manner of participation of the Administrator in the execution of the project (e.g. percentage participation in a joint venture, participation in share capital of a special purpose vehicle, etc.) and, finally, the characteristics of the building infrastructure concerned by the provision of these services. If it is impossible to submit, in accordance with the above, the required certificate of the competent authority, it will be sufficient to submit an additional Solemn Declaration, which will state the reasons why it is not possible to submit the above documents and will also certify the successful and proper provision of services, as well as all the above-mentioned information.
- 3) Legally certified copy of the contract(s) referred to in this paragraph, other extracts thereof, but from which the required according to the above information will be derived and, if this is not possible, a Solemn Declaration of the Administrator from which the required according to the above elements will be derived and in which the reasons will be given, for whom it is not possible to produce the contract(s) and extracts therefrom.

**9.6.6.** In order to prove the criterion of paragraph 7.4.5 ("Special Advisors"), the Candidate is obliged to submit:

- 1) Curriculum vitae of the special advisors of cases (i), (ii), and (iii) and (iv) of paragraph 7.4.5, from which the requested experience emerges, according to the template in the Annex 11.
- 2) A solemn declaration from the above-mentioned special advisors stating that they will cooperate with the Candidate in the event that he is selected as the Contractor.

## **9.7. Subfolder E – Demonstration of Suitability to Pursue the Professional Activity**

**9.7.1.** To demonstrate compliance with the Criteria for Suitability to Pursue the Professional Activity set out in paragraphs 7.5.1 ("Suitability of the Candidate to Pursue the Professional Activity"), 7.5.2 ("Suitability of the Constructor to Pursue the Professional Activity"), 7.5.3 ("Suitability of the Designer to Pursue the Professional Activity"), and 7.5.4 ("Suitability of the Administrator to Pursue the Professional Activity"), of the Invitation, In addition to the ESPD, the documents and data referred to below shall be submitted, which shall be accepted if they have been issued up to thirty (30) working days prior to their submission, unless in accordance with their

more specific provisions they have a specific period of validity.

**9.7.2.** In order to prove the criterion of paragraph 7.5.1 ("Suitability of the Candidate to Pursue the Professional Activity"), the Candidate or, in the case of a Candidate Association of Persons, its members, is obliged to submit a certificate/attestation from the relevant professional or commercial register of his country of establishment, certifying on the one hand his registration in it and his specific profession.

**9.7.3.** In order to prove the criterion in paragraph 7.5.2 ("Suitability of the Constructor to Pursue the Professional Activity"), the Constructor or, in the case of an Association of Persons, its members:

- 1) If it is established in Greece, it is required to submit a certificate of registration in the Register of Public Works Contractors (in Greek: *M.I.E.E.D.E.*) otherwise, if the transitional deadlines of art. 65 Presidential Decree 71/2019, in the Register of Contractors' (in Greek: *M.E.EP.*), in the categories of projects provided for in par. 7.5.2.
- 2) If it is established in other Member States of the European Union, it is required to submit the declarations and certificates of Annex XI of Appendix A of Law 4412/2016 in a category / categories of projects as defined in par. 7.5.2.
- 3) If it is established in a Member State of the European Economic Area (EEA) or in third countries which have signed and ratified the GPA, to the extent that the Convention to be awarded is covered by Annexes 1, 2, 4, 5, 6 and 7 and the General Notes to Appendix I to that Agreement relating to the Union, or in third countries not covered by the preceding indent which have concluded bilateral or multilateral agreements with the Union in matters relating to public procurement procedures, submit a certificate of corresponding professional or commercial register. Where a country does not keep such a register, the document or certificate may be replaced by a declaration on oath or, in Member States or countries where there is no provision for declaration on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority; notary or competent professional or commercial body of the country of origin or country where the Constructor is established that no such register is kept, that he carries out his activity in the categories of works defined in paragraph 7.5.2 hereof.

**9.7.4.** In order to prove the criterion of paragraph 7.5.3 ("Suitability of the Designer to Pursue the Professional Activity"), the Designer or, in the case of an Association of Persons, its members:

- 1) If the Designer is established in Greece, it shall submit a valid Designer's Degree or Designers' Office Degree for the respective categories of designs provided for in paragraph 7.5.3 (A) and prove that it has workforce, per category of design, as provided in paragraph 7.5.3 (C). In case the submitted design degree does not indicate the minimum required experience, then an additional detailed curriculum vitae is provided to prove the required minimum years of experience, according to the template in Annex 10.

- 2) If the Designer is established in other Member States of the European Union, he/she submits the declarations and certificates described in Annex XI of Appendix A of Law 4412/2016. These certificates must be valid in accordance with the relevant provisions, otherwise they must have been issued within the last thirty (30) working days prior to their submission to the Contracting Authority.
- 3) If it is established in a Member State of the European Economic Area (EEA) or in third countries which have signed and ratified the GPA, to the extent that the Convention to be awarded is covered by Annexes 1, 2, 4, 5, 6 and 7 and the General Notes to Appendix I to that Agreement relating to the Union, or in third countries not covered by the preceding indent which have concluded bilateral or multilateral agreements with the Union in matters of public procurement procedures, submit a certificate of the corresponding professional or commercial register. In case a country does not keep such a register, the document or certificate may be replaced by an affidavit or, in Member States or countries where there is no provision for an affidavit, by a Solemn Declaration of the interested party before a competent judicial or administrative authority, a notary or a competent professional or commercial organization of the country of origin or of the country where the Designer is established that such a register is not kept. that it carries out the activity referred to in paragraph 7.5.3 hereof and that it has workforce, by category of design, as provided for in paragraph 7.5.3 (C).

**9.7.5.** In order to prove the criterion of paragraph 7.5.4 ("Suitability of the Administrator to Pursue the Professional Activity"), the Administrator or, in the case of an Association of Persons, its members, is obliged to submit a certificate/attestation from the relevant professional or commercial register of its country of establishment, certifying its registration in it and its specific profession, issued within the last thirty (30) working days prior to its submission to the Contracting Authority.

## **Article 10    Means of proof**

- 10.1.** In order to prove that the grounds for exclusion referred to in paragraph 7.2 hereof have not been met, the Candidate will be required, in accordance with the terms of the Request for Binding Offers, to submit supporting documents, in accordance with the provisions of Law 4412/2016 and as these will be determined in particular by the Request for Binding Offers.
- 10.2.** Furthermore, during Stage B.II of the Tender, the Candidate will be invited, in accordance with the terms of the Request for Binding Offers, to submit:
  - (a) Solemn Declarations to prove that the selection criteria of paragraphs 7.3 (Criteria of Economic and Financial Standing) and 7.4 (Criteria of Technical and Professional Ability) hereof are still met, and
  - (b) updated, the evidence of the selection criterion of paragraph 7.5 hereof regarding suitability to exercise professional activity, as well as the relevant legalization documents.

- 10.3.** The Contracting Authority may request Candidates, at any time during the Tender, to submit, within a reasonable deadline set for this purpose by the Contracting Authority, all or some supporting documents to prove that the grounds for exclusion referred to in paragraph 7.2 have not been met, when this is required for the proper conduct of the procedure. The Candidate may submit, within the deadline set by the Contracting Authority, as above, a request through the System to the Contracting Authority for the extension of the submission deadline, accompanied by documentary evidence proving that he has requested the submission of supporting documents. In this case, the Contracting Authority extends the deadline for the submission of the supporting documents for as long as it is required for the competent authorities to provide the supporting documents.

## **Article 11     Information and clarifications**

- 11.1.** The Contracting Authority considers that the information included in this Invitation is sufficient for the submission of the Expression of Interest Folder and the relevant supporting documents. However, in case Interested Parties have any questions about the Tender or this Invitation, they have the right to send detailed requests for clarifications through the "Contact" functionality of ESIDIS, no later than fifteen (15) days before the Submission Date. The Contracting Authority provides the clarifications (without referring to the details of the Interested Party who submitted the relevant question) through their posting in the electronic space "Attachments of the Tender Notice", Category "To Supplier, Announcement and Publication on the Portal".
- 11.2.** The Contracting Authority extends the deadline for the submission of the Expression of Interest Folder, so that all Interested Parties can be informed of all the necessary information for the preparation of the Expression of Interest Folders when, for any reason, additional information, although requested by an Interested Party in a timely manner, has not been provided no later than six (6) days before the Submission Date and when the Invitation documents undergo significant changes.
- 11.3.** Any information made available, as described above, will be presumed to be irrefutably known to all Interested Parties from the date of its publication.

## **Article 12     Submission of the Expression of Interest Folder**

### **12.1.     Submission Date**

- 12.1.1.** The Expression of Interest Folder must be submitted in accordance with the requirements hereof by Friday 1<sup>st</sup> of August 2025 and time **08:00 pm** (Greek Time).
- 12.1.2.** Any Expression of Interest Folder submitted after the date and time specified above will not be accepted. Any delay due to chance or force majeure will not be recognized as a justified reason for the late submission of the Expression of Interest Folder. It is emphasized that the risk for the late submission of the

Expression of Interest Folder lies with the Candidate.

## **12.2. Submission through the National Electronic Procurement System (in Greek: ESIDIS)**

- 12.2.1.** Interested parties must submit the Expression of Interest Folders electronically, through the [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal of ESIDIS, by the Submission Date, in an electronic folder of the subsystem ESIDIS – Public Works.
- 12.2.2.** In order to participate in the Tender, Interested Parties are required to have an advanced electronic signature, which is supported by a qualified (approved) certificate, in accordance with para. 2 of article 37 of Law 4412/2016 and register in the electronic system (ESIDIS - Portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr)) following the registration procedure determined pursuant to the Joint Decision no. 166278/30.06.2021 (B'2813/30.06.2021) of the Ministers of Finance Infrastructure and Transport and State "Regulation of technical issues relating to the award of public works contracts, designs and the provision of technical and other relevant scientific services using the individual tools and procedures of the National System of Electronic Public Procurement (ESIDIS)".
- 12.2.3.** The Association of Persons submits a joint Expression of Interest Folder, which must be digitally signed, either by all members constituting the Association of Persons, or by their representative, legally authorized, in accordance with paragraph 9.3 hereof.
- 12.2.4.** Foreign Candidates, and in the case of an Association of Persons, their foreign members, are not obliged to sign the Supporting Documents of the Invitation using an advanced electronic signature, but may authenticate them in any other appropriate way, provided that in their country of origin the use of an advanced digital signature in public procurement procedures is not mandatory. In these cases, the Expression of Interest Folder is accompanied by a Solemn Declaration, stating that, in the country of origin, the use of an advanced digital signature is not foreseen or that, in the country of origin, the use of an advanced digital signature is not mandatory for participation in public procurement procedures and which is signed on a date that falls within the period during which the Expression of Interest Folders may be submitted. Where reference is made in this Invitation to a digital signature of documents and Supporting Documents, this paragraph shall apply.
- 12.2.5.** The electronic Expression of Interest Folder contains five (5) separate electronic Subfolders, which will contain the documents described in Article 9 of this Invitation.
- 12.2.6.** The Interested Party shall mark, using the relevant field of the subsystem, during the preparation of the Expression of Interest Folder, those data that have a confidential character, in accordance with the provisions of article 21 of Law 4412/2016. In this case, the Interested Party submits to the relevant Subfolder a relevant justification in the form of a digitally signed pdf file, explicitly mentioning all relevant provisions of law or administrative acts that require the confidentiality of this information, as an attachment to his electronic file.



- 12.2.7.** In the case of submission of data using a compressed electronic file format (e.g. electronic file in ZIP format), those that the Interested Party wishes to classify as confidential, in accordance with the above, should be submitted as separate electronic files in Portable Document Format (PDF) format or as a separate electronic file in compressed electronic file format containing them.
- 12.2.8.** The user – Interested party submits the above Subfolders through the subsystem ESIDIS-Public Works, as described below. In particular, the data and Supporting Documents included in the Expression of Interest Folder and submitted by the economic operator electronically in Portable Document Format (PDF) file format and provided that they have been drafted/produced by him, bear a qualified advanced electronic signature or an advanced electronic signature using qualified certificates, in accordance with para. 3 of Article 8 of Joint Ministerial Decision no. 166278/30.06.2021 (Government Gazette B'2813/30.06.2021).
- 12.2.9.** Then, the Interested Parties produce from the subsystem the electronic files ["printouts" of the data and Supporting Documents of the Subfolders of the Expression of Interest Folder in Portable Document Format (PDF) format). These files shall be signed by the Interested Parties with an advanced electronic signature using qualified certificates in accordance with para. 1.2.4 of Article 12 of Joint Ministerial Decision no. 166278/30.06.2021 (Government Gazette B'2813/30.06.2021) and attached to the respective Subfolders of the Expression of Interest Folder. During the systemic submission of the Expression of Interest Folder, the subsystem performs automated checks to confirm the electronic Expression of Interest Folder in relation to the generated electronic files (Subfolders) and if these checks prove successful, the Expression of Interest Folder is submitted to the subsystem. Otherwise, the Expression of Interest Folder is not submitted and the subsystem informs the Interested Parties with a relevant error message in the user interface of the Interested Parties, in order for the latter to proceed with the relevant correction actions.
- 12.2.10.** If the data and supporting documents included in the Expression of Interest Folder have not been reflected in their entirety in the special electronic forms of the subsystem, the Interested Parties attach digitally signed the relevant electronic files, in accordance with the terms hereof.
- 12.2.11.** The subsystem issues an electronic receipt for the submission of an Expression of Interest Folder, which is sent to the Interested Party by email.
- 12.2.12.** Candidates may request the withdrawal of a submitted Expression of Interest Folder, before the Submission Deadline, by written request to the Contracting Authority, in Portable Document Format (PDF) submitted in accordance with para. 2 of Article 12 of Joint Ministerial Decision no. 166278/30.06.2021 (Government Gazette B'2813/30.06.2021), through the "Communication" functionality of the subsystem. A certified user of the Contracting Authority, without requiring a decision of the latter, proceeds to the rejection of the relevant electronic Expression of Interest Folder in the subsystem before the Submission Date. The economic operator may then resubmit an Expression of Interest Folder through the subsystem until the Submission Date.

**Article 13    Submission of hardcopies**

- 13.1 By the day and time of the opening of the Expression of Interest Folders specified in article 14 of the Invitation, the documents required to be submitted in original form must be submitted, in accordance with the provisions of par. 1.2 of the Invitation, in printed form and in a sealed envelope, indicating the sender and the Tender Committee as the recipient, in accordance with the provisions of article 11 par. 2 of Law 2690/1999 "Code of Administrative Procedure", as amended and in force.
- 13.2 Such documents are, but are not limited to:
- a) Those not subject to the provisions of para. 2 of article 11 of Law 2690/1999 (indicatively notarial affidavits or other notarial documents),
  - b) Private documents that have not been certified by a lawyer or do not bear a visa from services and bodies of para. 2 A of article 11 of Law 2690/1999 or are not accompanied by a solemn declaration for their accuracy, as well as
  - c) foreign public printed documents bearing the Apostille or consular visa which have not been certified by a lawyer.
- 13.3 In case of discrepancies between the original paper document and the paper copy, the paper original shall prevail.
- 13.4 If, during the verification of the above supporting documents, it is found that:
- a) the information declared in the European Single Procurement Document (ESPD) is false or inaccurate, or
  - b) if the required originals or copies of the above Supporting Documents are not submitted within the specified time period, or
  - c) if the supporting documents submitted lawfully and within the deadline do not prove that the terms and conditions of participation and the Qualitative Selection Criteria are met, in accordance with Article 6 and Article 7 of this Invitation, the expression of interest of the Candidate is rejected.

**Article 14    Evaluation Process****14.1.    Electronic Unsealing of the Expression of Interest Folders**

- 14.1.1.** After the Submission Date, as defined in para. 13.1 hereof, and before the electronic opening, the Contracting Authority notifies the Candidates of the relevant list of Candidates, as produced by the subsystem.
- 14.1.2.** Subsequently, the members of the Tender Committee proceed to the electronic opening of the Expression of Interest Folders on the fifth (5th) working day following the Submission Date and time 11.00 am (Greek time).
- 14.1.3.** If, for reasons of force majeure or technical reasons, the opening is not carried out on the specified day or if no Expression of Interest Folder has been submitted by the Submission Date, the opening date and/or the Submission Date respectively are postponed to any other day, by decision of the Contracting Authority. This decision shall be notified to the Candidates; through the "Contact" functionality, at least five (5) working days before the new date and

posted on the UGSR, KIMDIS and on the website of the Contracting Authority as well as in the special, publicly accessible, space "electronic tenders" of the portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) of ESIDIS-PUBLIC WORKS. Although on this new date it is not possible to open the Expression of Interest Folders or no Expressions of Interest are submitted, a new date may be set, otherwise applying the provisions of the two previous subparagraphs.

## **14.2. Clarifications**

- 14.2.1.** As provided for in article 102 of Law 4412/2016, as amended by article 42 of Law 4782/2021 (Government Gazette A' 36/9.3.2021) and Law 3389/2005, subject to the provisions of paragraph 7 of article 1 of Law 4412/2016, during the process of evaluating tenders or requests to participate, the Contracting Authority, in compliance with the principles of equal treatment and transparency, may request, through the functionality of the "Communication" of ESIDIS – PUBLIC WORKS, Candidates, when the information or documentation to be submitted is or appears incomplete or incorrect, including those to the ECA, or when specific documents are missing, to submit, supplement, clarify or complete the relevant information or documentation, within a period of no less than ten (10) days and no more than twenty (20) days from the date of notification to them of the relevant invitation. In case a Candidate does not complete or clarify the documents of its Expression of Interest Folder, following a relevant request by the Tender Committee and within the deadline set by it, then the Candidate is excluded from the Tender. Any clarification or completion submitted by a Candidate without having been requested by the Tender Committee shall be taken into account only at its discretion.
- 14.2.2.** The completion or clarification is requested and accepted provided that it concerns elements or data, whose precedence in relation to the Submission Date is objectively verifiable. The above shall apply mutatis mutandis to any missing statements, provided that they establish facts which are objectively verifiable.
- 14.2.3.** It is noted that any individual, fragmentary and minor deviations from the provisions of this Invitation for Expression of Interest, regarding the content of Subfolders A, B, C, D, and E, will not constitute grounds for exclusion and the Tender Committee reserves the right to invite the Candidates to rectify the relevant discrepancy, within a reasonably specified deadline.

## **14.3. Assessment and Evaluation**

- 14.3.1.** For the purposes of the evaluation, the Tender Committee will check in private meetings the content of the Candidates' Expression of Interest Folders and will draw up a relevant evaluation report, which will be forwarded to the Contracting Authority in order to decide on them.
- 14.3.2.** Specifically, the Tender Committee, on the same day of electronic opening, as defined in paragraph 14.1 hereof, checks the contents of the Expression of Interest Folder of each Candidate, in the chronological order of submission of the Expression of Interest Folders. If the completion of this audit is not possible on the same day, due to the large number of Expression of Interest Folders, the process continues at subsequent meetings.
- 14.3.3.** The described procedure is recorded in the minutes of the Tender Committee or in an annex thereto, signed by the President and its members.

- 14.3.4.** The Tender Committee completes the preparation of the relevant minutes with the result of the procedure, recommending the qualification of the Candidates who meet the Qualitative Selection Criteria and the terms hereof, to the next Phase B of the Tender (or the cancellation of the procedure), and submits to the Contracting Authority the relevant electronic file, as "internal", via the "Communication" functionality of the subsystem, to be approved.
- 14.3.5.** Subsequently, the Contracting Authority notifies the decision approving the minutes and the minutes of the Tender Committee to all Candidates and provides access to the submitted data of the other Candidates. This decision may be appealed for a preliminary ruling, in accordance with Article 19 hereof.
- 14.3.6.** With the announcement of the Prequalified Parties, according to the above, the present Phase A of the Tender is completed.

## **Article 15    Cancellation of the Tender**

- 15.1.** The Contracting Authority reserves the right to repeat, postpone or amend the Tender, including the right to modify the timetables of any Phase of the Tender or the deadline for the submission of the Expression of Interest Folders or any other deadline related to the Tender, at its sole discretion, without any liability to the Interested Parties, the Candidates, Prequalified Parties, Bidders and/or third parties.
- 15.2.** The Contracting Authority, cancels the Tender by a specially reasoned decision, after consulting the competent body:
  - 1) if the procedure proves fruitless either due to non-submission of an Expression of Interest Folder or due to rejection of all Expression of Interest Folders or exclusion of all Candidates, or
  - 2) in case none of the Prequalified Parties participates in Phase B of the Tender.
- 15.3.** Cancellation of the Tender procedure may take place by a specifically reasoned decision of the Contracting Authority, following the opinion of the competent body, in the following cases:
  - 1) Due to irregular conduct of the award procedure,
  - 2) if the economic and technical parameters related to the award procedure have changed substantially and the execution of the contractual object is no longer of interest to the Contracting Authority,
  - 3) if, due to force majeure, it is not possible to properly execute the Partnership Agreement,
  - 4) for other overriding reasons relating to the public interest, such as, in particular, public health or environmental protection,
  - 5) if the selected tender is deemed to be economically unprofitable,
  - 6) if the maximum time limit for extending the validity of the offers expires.
- 15.4.** If errors or omissions are found at any stage of the award procedure, the Contracting Authority may, after obtaining the opinion of the competent body, partially annul the procedure or amend its result accordingly or decide to repeat it from the point where the error or omission occurred.

- 15.5. Subject to the provisions of Law 4412/2016, if the Tender is aborted, cancelled or repeated for any reason and reason, in accordance with the provisions hereof, the Interested Parties, the Candidates, the Prequalified Parties or the Bidders are not entitled to any compensation.
- 15.6. Interested Parties, Candidates, Prequalified Parties and Bidders shall bear all their participation costs in the phases of the Tender, without the Contracting Authority bearing any relevant responsibility.
- 15.7. The participation in the Tender of a single Candidate shall not constitute an obstacle to the award of the result of the Tender, subject to the provisions of paragraph 4.2.3 of this Invitation.

## **Article 16 Publication**

- 16.1. The Contract notice, i.e. the relevant standard form "Contract Notice", was sent, via [simap.europa.eu](http://simap.europa.eu) portal, for publication to the Publications Office of the European Union on 30/05/2025 (2025/S: 105-356155, Publication date: 03/06/2025).
- 16.2. The contract notice referred to in the previous paragraph and the present Invitation (a) are registered in KIMDIS and (b) are posted on the "Diavgeia" program ([diavgeia.gov.gr](http://diavgeia.gov.gr)).
- 16.3. This Invitation and its other documents have been uploaded on the portal ([www.promitheus.gov.gr](http://www.promitheus.gov.gr)) of MIS ESIDIS and are accessible under the systemic number 214534 Any kind of communication and exchange of information takes place through it.
- 16.4. A summary of the Invitation is posted on the websites of the Contracting Authority <http://theagenio.gov.gr/> and on the "Diavgeia" programme ([diavgeia.gov.gr](http://diavgeia.gov.gr)).
- 16.5. In the event that there is a discrepancy between the terms of this Invitation (including the Annexes) and the terms of the summary of the Invitation for Expression of Interest, as published above, the terms of this Invitation for Expression of Interest shall prevail.

## **Article 17 Language of the Tender**

- 17.1. The official language of the Tender and the Partnership Agreement is Greek and each document of the Contracting Authority shall be written in Greek. This Invitation will be published in Greek and English language. In case of discordance or contradiction of definitions between the documents (the Greek and English document) the Greek Invitation text prevails.
- 17.2. All documents included in the Expression of Interest Folder will be written in Greek or accompanied by a legal translation into Greek. For the purposes of the present, the legal translation is considered to be the one made either by the Translation Service of the Ministry of Foreign Affairs, or by the competent Consulate, or by a lawyer, in accordance with Article 454 of the Code of Civil Procedure. the provisions of Article 36 of the Code of Advocates or by a person legally competent in the country in which the document was drawn up. In case of discrepancy between the documents drafted in several languages, the Greek version shall prevail for relations between the Contracting Authority and the Candidates.
- 17.3. Also, clear photocopies of documents issued by foreign authorities and certified by a

lawyer are accepted, in accordance with the provisions of par. 2, paragraph b, of article 11 of law 2690/1999 "Code of Administrative Procedure", as replaced above by article 1, paragraph 2, of law 4250/2014. The scope of application of this includes documents submitted by Candidates during Phase B.

- 17.4. Information and technical leaflets and other forms -corporate or not- with specific technical content of the Candidates may be submitted in English, without being accompanied by a translation into Greek.
- 17.5. Any preliminary appeals, in accordance with Article 17 hereof, shall be submitted in Greek.
- 17.6. Written and oral communication between the Contracting Authority, the Tender Committees and the Interested Parties, the Candidates, the Prequalified Parties, the Bidders, the Provisional Contractor and the Private Partner shall be mandatorily in Greek. It is noted the obligation of all the above to facilitate the communication of their foreign employees with the Contracting Authority, as well as with the Tender Committees with the appointment and presence of interpreters at their own responsibility and expense.

## **Article 18 Preliminary Recourse-Judicial actions**

- 18.1. According to the provisions of Book IV of Law 4412/2016, any interested party, who has or had an interest in being awarded the specific contract and has or has suffered or may suffer damage from an enforceable act or omission of the Contracting Authority in violation of European Union or domestic legislation, is entitled to file a preliminary appeal before the Single Authority for Public Procurement (in Greek: "EADISY") against the relevant act or omission of the Contracting Authority, specifying in particular the legal and factual objections justifying his request. According to article 3 par. 1 and 3 of Law 4912/2022, Government Gazette A 59/17.03.2022, where reference is made to "Preliminary Appeals Examination Authority" or "PAEA", the "Single Public Procurement Authority" or "EADISY" of article 347 of Law 4412/2016 is meant.
- 18.2. In the event of an appeal against an act of the Contracting Authority the time limit for the submission of the preliminary ruling shall be:
  - 1) ten (10) days from the notification of the contested act to the economic operator concerned if the act was notified by electronic means or fax, or
  - 2) fifteen (15) days from the notification of the contested act to him if other means of communication were used, otherwise
  - 3) ten (10) days from full, actual or presumed knowledge of the act prejudicial to the interests of the economic operator concerned. Especially for the filing of an appeal against a notice, full knowledge of it is presumed after fifteen (15) days from the publication in KIMDIS.
- 18.3. In case of omission, the deadline for filing the preliminary appeal is fifteen (15) days from the day following the occurrence of the contested failure.
- 18.4. The preliminary appeal, based on the provisions of PD 39/2017, is submitted electronically, based on the standard form and through the "Communication" functionality of the subsystem to the Contracting Authority, selecting the "Preliminary Appeal" indication as appropriate and attaching the relevant document. The deadlines



for submitting preliminary appeals and interventions begin on the day following the day of the aforementioned notification or knowledge, as applicable, and expire when the last full day and time 23:59:59 has passed and, if this is an exception or a Saturday, when the next full working day and time has passed 23:59:59.

- 18.5.** For the admissibility of the preliminary ruling appeal, a fee is deposited by the applicant in favor of the State, in accordance with the specific provisions of article 363 of Law 4412/2016, which is returned to the applicant a) in case of total or partial acceptance of his appeal, b) when the Contracting Authority revokes the contested act or takes the action due before the issuance of the decision of EADISY on the appeal, c) in case of withdrawal of the applicant from his/her appeal up to ten (10) days from the filing of the appeal.
- 18.6.** The deadline for filing the preliminary appeal and its exercise prevent the conclusion of the contract under penalty of invalidity, as defined in article 364 of Law 4412/2016, subject to the provisions of para. 2 of article 364 of Law 4412/2016. The invalidity is established by decision of the PAEA after filing a preliminary appeal, in accordance with article 368 of law 4412/2016 and 20 p.d. 39/2017. Otherwise, the filing of a preliminary appeal does not hinder the progress of the tender procedure, unless temporary protection measures are requested in accordance with article 366 par. 1-2 of law 4412/2016 and 15 par. 1-4 p.d. 39/2017.
- 18.7.** After the electronic filing of the preliminary appeal, as mentioned above, the Contracting Authority, through the "Communication" functionality of the subsystem: (a) notifies the preliminary appeal no later than the next working day from its filing to any interested third party, in accordance with the provisions of paragraph a of paragraph 1 of article 365 of law 4412/2016 and paragraph a of paragraph 1 of article 9 of presidential decree 39/2017, who may be affected by the acceptance of the appeal, in order to exercise his right to intervene in the procedure for examining the appeal, provided for in articles 362 paragraphs 3 and 7 of presidential decree 39/2017, in order to maintain the validity of the contested act, by submitting all the relevant documents at his disposal. (b) It transmits to EADISY, no later than fifteen (15) days from the date of submission, the complete file of the case, the evidence of notification to interested third parties and its Opinion Report on the appeal. In the Opinion Report, the contracting authority may provide initial or additional justification in support of the act contested by the preliminary appeal. (c) It notifies all parties of the Opinion Report, the interventions and the relevant documents through the electronic tender website no later than the next working day from their submission. d) Supplementary memoranda are submitted by any of the parties through ESIDIS, no later than five (5) days from the notification of the contracting authority's opinions.
- 18.8.** EADISY shall give a reasoned decision on the merits of the factual and legal allegations of the appeal and those of the Contracting Authority and, in case of intervention, those of the intervener and accepts (in whole or in part) or rejects the appeal by its decision, which is issued within an exclusive period of twenty (20) days from the day of examination of the appeal.
- 18.9.** The filing of the preliminary ruling appeal is a prerequisite for the exercise of the legal remedies of the application for suspension and the application for annulment of article 372 of Law 4412/2016 against the enforceable acts or omissions of the Contracting

Authority or the Contracting Authority.

- 18.10.** Anyone with a legitimate interest may request, by the same document, the provisions of Presidential Decree 18/1989 being applied accordingly, the suspension of the execution of the EADISY decision and its annulment before the competent Administrative Court. The same applies in the event of an implicit rejection of the preliminary appeal by EADISY. The Contracting Authority also has the right to exercise the above legal remedy, if EADISY accepts the preliminary appeal, as well as the person whose preliminary appeal has been partially accepted. With the EADISY decision, all acts or omissions of the Contracting Authority related to the above decision are considered as contributory, provided that they have been issued or carried out respectively until the discussion of the above application in the Court.
- 18.11.** The application shall be filed within ten (10) days from the notification or full knowledge of the decision of EADISY or from the expiry of the deadline for issuing a decision, in accordance with the provisions of para. 1 of article 367 of Law 4412/2016 on the decision-making procedure and consequences of EADISY's decisions. For the filing of the application, the prescribed fee shall be submitted, in accordance with the specific provisions of Article 372 para. 5 of Law 4412/2016.
- 18.12.** The request for suspension and cancellation includes only objections that were proposed in the preliminary appeal or concern the procedure before EADISY or the content of its decisions. The Contracting Authority, if it exercises the request of par. 1 of article 372 of law 4412/2016, may also raise subsequent allegations regarding the imperative reasons of public interest, which make the immediate award of the contract necessary.
- 18.13.** The time limit for filing and filing the application before the Court shall prevent the conclusion of the contract until the final court has been delivered, unless the competent court decides otherwise by means of an interim order. Also, the deadline for filing and filing the application impedes the progress of the award procedure for a period of fifteen (15) days from the filing of the application, unless by an interim order this court decides otherwise.
- 18.14.** A fee shall be paid for the application, in accordance with the specific provisions of article 372 par. 5 of Law 4412/2016. If the interested party did not request or unsuccessfully requested the suspension and the contract was signed and its execution was completed before the discussion of the application, par. 2 of article 32 of Presidential Decree 18/1989 shall apply accordingly. If the court annuls an act or omission of the Contracting Authority after the conclusion of the contract, the validity of the latter shall not be affected, unless the procedure for concluding the contract had been suspended prior to its conclusion. In the event that the contract is not invalid, the interested party is entitled to claim compensation, in accordance with the provisions of article 373 of Law 4412/2016.
- 18.15.** Without prejudice to the provisions of Law 4412/2016, the provisions of Presidential Decree 18/1989 shall apply to the adjudication of disputes under this article.

## **Article 19    Applicable Legislation**

- 19.1.** The Tender will be conducted, in accordance with the following provisions, as in force, on the date on which the Tender Notice is sent for publication in the Official Journal of

the European Union:

- Law 4412/2016 "Public Works Contracts, Public Supply Contracts and Public Service Contracts (adaptation to Directives 2014/24/EU and 2014/25/EU)" (Government Gazette A' 147),
- Law 3389/2005 "Public Private Partnerships" (Government Gazette A' 232),
- Law 4820/2021 "Organic Law of the Court of Audit and other regulations" (Government Gazette A' 130),
- Law 4700/2020 "Single Procedural Text for the Court of Auditors, comprehensive legislative framework for pre-contractual audit, amendments to the Code of Laws for the Court of Auditors, provisions for the effective administration of justice and other provisions" (Government Gazette A' 127),
- Law 4912/2022 "Single Authority for Public Procurement and other provisions of the Ministry of Justice" (Government Gazette A' 59)
- Law 4727/2020 "Digital Governance (Incorporation into Greek Law of Directive (EU) 2016/2102 and Directive (EU) 2019/1024) - Electronic Communications (Incorporation into Greek Law of Directive (EU) 2018/1972) and other provisions" (Government Gazette A' 184),
- Law 3469/2006 "National Printing Office, Government Gazette and other provisions" (Government Gazette A' 131),
- Law 3310/2005 "Measures to ensure transparency and prevent circumvention in the public procurement process" (Government Gazette A' 30),
- Law 3882/2010 "National Geospatial Information Infrastructure - Harmonization with Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 and other provisions. Amendment of Law 1647/1986 "Cadastre and Mapping Authority of Greece (in Greek OKXE) and other relevant provisions"" (Government Gazette A' 141),
- Law 4270/2014 (Government Gazette A' 143) "Principles of financial management and supervision (incorporation of Directive 2011/85/EU) - public accounting and other provisions", as in force,
- Law 4250/2014 "Administrative Simplifications - Abolitions, Mergers of Legal Entities and Public Sector Services - Amendment of Provisions of Presidential Decree 318/1992 (A'161) and other regulations" (Government Gazette A' 74) and in particular Article 1 thereof,
- Article 26 of Law 4024/2011 (Government Gazette A' 226) "Establishment of collective administrative bodies and appointment of their members by drawing lots",
- Law 4013/2011 (Government Gazette A' 204) "Establishment of a single Independent Public Procurement Authority and Central Electronic Registry

of Public Procurement”,

- Law 3861/2010 (Government Gazette A' 112) “Enhancing transparency with the mandatory posting of laws and acts of government, administrative and local government bodies on the internet “Transparency Program” and other provisions”,
- article 188 of law 4635/2019, on the subject of "Investing in Greece and other provisions" (Government Gazette A' 167),
- articles 99-100 of Law 3669/2008 (Government Gazette A' 116) "Ranking of the Codification of Public Works Construction Legislation" (in Greek KDE),
- Law 3548/2007 (Government Gazette A' 68) "Registration of publications of Public bodies in the prefectural and local press and other provisions",
- Law 2690/1999 (Government Gazette A' 45) "Ranking of the Code of Administrative Procedure and other provisions" as in force,
- Law 2121/1993 (A' 25) "Intellectual Property, Related Rights and Cultural Issues",
- the Organization of the Cancer Treatment Hospital of Thessaloniki "Theageneio" (no. Y4a/oik. 112145/23.11.2012 Joint Ministerial Decision, B' 3282)
- the Decision no. 98/29.08.2024 (ADA:6EYΠH-9ΘΛ) of the Inter-Ministerial Committee for Public-Private Partnerships of article 3 of law 3389/2005
- Presidential Decree 71/2019 "Registers of factors of production of public and private works, designs, technical and other relevant scientific services (M.T.E.) (Government Gazette A' 112),
- Presidential Decree 28/2015 "Codification of provisions on access to public documents and data" (Government Gazette A' 34),
- Presidential Decree 80/2016 "Undertaking of commitments by authorising officers" (Government Gazette A' 145),
- Presidential Decree 39/2017 "Regulation for the Examination of Pre-Trial Appeals before the Authority for the Examination of Pre-Trial Appeals" (Government Gazette A' 64),
- Presidential Decree 82/1996 "Nomination of shares of Greek Sociétés Anonymes participating in the procedures for undertaking works or supplies of the State or legal entities of the wider public sector" (Government Gazette A' 66),
- Joint Ministerial Decision no. Π1 2380/2012 "Regulation of the specific issues of operation and management of the Central Electronic Register of

Public Contracts of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks" (Government Gazette B' 3400),

- Ministerial Decision 64233/2021 (Government Gazette B 2453/9.6.2021), Regulations of technical issues concerning the award of Public Procurement and Service Contracts using the individual tools and procedures of the National Electronic Public Procurement System (ESIDIS),
- no. 76928/09-07-2021 Joint Ministerial Decision of the Ministers of Development and Investments and State (B'3075/13-7-2021) "Regulation of more specific issues of operation and management of the Central Electronic Registry of Public Contracts (KIMDIS)". ( JMD ESIDIS- Public Works),
- Law. 4557/2018 (A' 139) "Prevention and suppression of money laundering and terrorist financing (incorporation of Directive 2015/849/EU) and other provisions",
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) OJ L 119,
- Law 4624/2019 (A' 137) "Personal Data Protection Authority, implementing measures of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and incorporating into national legislation Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 and other provisions",
- Regulation No. 2022/576 of the Council of the European Union of 08.04.2022, amending Regulation (EU) No. 833/2014 regarding restrictive measures due to Russia's actions that destabilize the situation in Ukraine,
- Decision No. 166278/30.06.2021 "Regulations on technical issues concerning the award of public contracts for works, studies and the provision of technical and other related scientific services using the individual tools and procedures of the National Electronic Public Procurement System (ESIDIS)" (Government Gazette B' 2813),
- Joint Decision No. 20977/2007 of the Ministers of Development and State "Justifications for the maintenance of the registers of Law 3310/2005, as amended by Law 3414/2005" (Government Gazette B' 1673),
- of the Ministerial Decision under file A.1198/20-12-2024 "Determination of non-cooperative states for the tax year 2023 pursuant to the enabling provision of par. 4 of article 65 of law 4172/2013 (A' 167) and the criteria of par. 3 in combination with par. 1, 2, 4 and 5 thereof" (Government Gazette B' 7298/31.12.2024),

- The Programmatic Agreement dated 28.02.2025 between the Administration of the 4th Health District of Macedonia and Thrace and the Anticancer Hospital of Thessaloniki 'Theageneio', for the provision of technical assistance in the context of the project 'IMPLEMENTATION OF THE NEW CANCER TREATMENT HOSPITAL OF THESSALONIKI THROUGH PPP (Public-Private Partnership).
- In addition, the regulatory acts issued in execution of the above provisions shall apply, as well as other provisions that are explicitly mentioned or that derive from the provisions of the contractual documents herein, as well as all the provisions of insurance, labor, environmental and tax law and more generally every provision (Law, Presidential Decree, Ministerial Decree) and interpretative circular that governs the assignment and execution of the Project and the Partnership Agreement, even if they are not explicitly mentioned.

## **Article 20    General Provisions**

- 20.1.** The submission of an Expression of Interest implies and presumes the full and unconditional acceptance of all terms and conditions of the Invitation.
- 20.2.** The information regarding the physical scope of the Project contained in this Invitation and its Annexes has been gathered in good faith in order to assist Interested Parties in forming their own opinion about the Tender and the Project, however it should not be considered to be complete and has not been independently verified by the Contracting Authority, or the Consultants or the Contracting Authority. No representations of fact, guarantee or commitment, express or implied, are given or will be given with respect to the accuracy, adequacy or completeness of the information contained in the Invitation and its Appendices. In any case, the Interested Parties should carry out themselves, on their own sole responsibility, research and analysis of the actual technical and legal data relating to the subject matter of the Partnership Agreement to be concluded, with the help of their own financial, technical and legal advisors.
- 20.3.** No person shall acquire against the Contracting Authority its employees, executives, representatives or Consultants and agents in general any right or claim for compensation (not even with regard to the costs of submitting the Expression of Interest Folder) or any other compensatory damage against the Contracting Authority from this Invitation or its participation in the Tender for any reason or cause. Exclusion from the Tender or non-success in the Tender shall not constitute a basis for any right to compensation against the Contracting Authority and/or the aforementioned persons. Each Interested Party is responsible for the costs and expenses incurred in responding to the Invitation and for the preparation and submission of the Expression of Interest Folder. Neither the Contracting Authority nor its employees, executives, consultants and agents in general shall be liable for any costs or expenses incurred or other damage suffered by the Interested Party or any other recipient of this Invitation in relation to the Tender.
- 20.4.** The reference to any law, decree, regulation or other type of legislation or to any decision of a regulatory or non-regulatory nature shall be deemed to be made to such law, decree, regulation, legislation or decision with the content in force on the date on which the



Contract Notice is sent for publication in the Official Journal of the European Union and includes any amendments thereto.

- 20.5.** Reference to any standards or specifications or regulations shall be deemed to be made to such standards, specifications or regulations with the content in force on the date of dispatch of the Contract Notice for publication in the Official Journal of the European Union and shall include any amendments thereto.
- 20.6.** The Partnership Agreement to be concluded is not divided into lots.
- 20.7.** The Annexes attached to the Invitation are integral parts thereof.
- 20.8.** This Invitation for the Submission of Expression of Interest does not constitute in any way a proposal for the conclusion of a contract.

Thessaloniki June 2025

[Signature]

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For the Contracting Authority

— *Appended Annexes 1-11*

**PROJECT**

**NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP  
(PPP)**

**PHASE A OF THE TENDER**

**INVITATION FOR THE SUBMISSION OF EXPRESSION OF INTEREST**

**ANNEXES**

## **ANNEX 1**

### **TECHNICAL AND OPERATIONAL CHARACTERISTICS OF THE PROJECT**

This Annex describes the project that is the subject of the partnership and concerns the financing, design, construction, and maintenance of the new Cancer Treatment Hospital in Thessaloniki (Greece).

The Ministry of National Economy and Finance (MENF) intends to develop the Project through a Public-Private Partnership (PPP), where the Public Partner will provide the land and the Private Partner will undertake the design, financing, construction and maintenance of the Project throughout the service availability period and will receive monthly availability payments in return.

#### **Project Location**

The total area of the new Cancer Treatment Hospital of Thessaloniki is indicatively 46,305 sq m. and is to be implemented on a land plot with a total area of approximately 150,000 sq m., which is located in the eastern - northeastern area of the fenced Metropolitan Park/Camp "Karatasiou", in the Polichni area of Thessaloniki.

#### **Technical Description of the Project**

The project concerns the construction of a hospital with a capacity of 425 beds, which will consist of the following:

- Intensive Care Unit with 10 beds
- Palliative care unit for patients
- Day care unit for surgical cases and chemotherapy
- Patient service unit with psychological support and pain unit
- Outpatient department and limited emergency department
- Laboratory-Diagnostic Department in "in vitro" and "in vivo" services such as radiodiagnostics, nuclear medicine, endoscopies and "in vitro" laboratories with a molecular department
- Radiotherapy department and radioisotope therapy department
- Laundry areas for cleaning clothing, kitchen and other common areas

ANNEX 2

**TEMPLATE LETTER OF EXPRESSION OF INTEREST  
(according to paragraph 9.2.1 of the Invitation)**

To

**Thessaloniki Cancer Treatment Hospital “Theageneio”**

Dear Sirs / Ladies

*[In case of a legal entity, the following should be stated in the Letter of Expression of Interest:]*

1. The undersigned [● ] (full name), acting in his capacity as legal representative of the legal entity named [● ] (full business name), (or duly authorised to do so by the legal entity with the trade name [● ]), having its registered office in [● ] (address, country), declare that the above legal entity ("the Candidate") is interested in participating in the Tender for the award of a Partnership Agreement for the project **“NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP”** and hereby submits an Expression of Interest, in accordance with the terms of the relevant Invitation.

*[In case of a natural person, the following should be stated in the Letter of Expression of Interest:]*

1. The undersigned ..... (first and last name), his (father's full name) and ..... (mother's full name), holder of ( country) passport or identity card, number ....., issued by ..... (the authority that issued the passport/identity card), on ..... (date of issue of passport/identity card),..... (country) citizen, born in (place of birth, city and country) on ..... (date of birth), resident (country - city - street - postal code) ("the Candidate"), declare that I am interested in participating in the Tender for the award of a Partnership Agreement for the project **“NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP”** and hereby submit an Expression of Interest, in accordance with the terms of the relevant Invitation.

*[In the case of an Association of Persons, the following should be stated in the Letter of Expression of Interest:]*

1. The undersigned [● ] (full names), acting in our capacity as legal representatives of the legal entities under the names [● ] (full trade names), (or as duly authorized to do so by the legal entities with the trade names [● ]), having their registered offices [● ] (address, country), declare that the aforementioned legal entities are interested in participating jointly in the Tender for the award of a Partnership Agreement for the project **“NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP”** and, having established an Association of Persons for this purpose ("the

Candidate"), hereby submit an Expression of Interest in accordance with the terms of the relevant Invitation.

OR

The undersigned [●] (full name), acting in my capacity as joint representative, duly authorized for this purpose, of the legal entities mentioned below, declare that the aforementioned legal entities are interested in participating jointly in the Tender for the award of a Partnership Agreement for the project **"NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP"** and, having established an Association of Persons for this purpose ("the Candidate"), hereby submit an Expression of Interest in accordance with the terms of the relevant Invitation.

The persons mentioned below have formed an Association of Persons as follows:

Members of the Association of Persons:

a) [●] (*trade name*), formed in accordance with the law [●], with registered office [●] (*country, city, street, postal code*), holding [●] % (*share in the Association of Persons*).

b) [●] (*trade name*), formed in accordance with the law [●], with registered office [●] (*country, city, street, postal code*), holding [●] % (*share in the Association of Persons*).

c) [●]

Total: 100%

The Lead Member of the Association of Persons is ..... (*trade name*), holding ....% (...) (more than ....%) according to the Invitation and has the authority to represent the Association of Persons.

All the above legal and/or natural persons (members of the Association of Persons) agree to be jointly and severally liable to the Contracting Authority for their compliance with the terms of the Invitation and the Tender Procedure.

*[To be completed in case of invocation of Third Party resources]*

For the purposes of the Tender and the execution of the Partnership Agreement, I/we declare that the following economic operators will provide skills and resources to the Candidate or a member thereof, regarding the competencies required by the Invitation, as follows:

<i>Recipient of resources (Candidate or member)</i>	<i>Third Party Name</i>	<i>Type of Competences (with reference to § of the Invitation)</i>


3. For the purposes of the Tender and the execution of the Partnership Agreement, I/we declare that the following economic operators are designated to act as the Constructor of the Project:

	<i>NAME</i>	<i>Participation percentage %</i>
<i>CONSTRUCTOR</i>	.....	
	.....	
	.....	

4. For the purposes of the Tender and the execution of the Partnership Agreement, I/we declare that the following economic operators are designated to act as the Designer of the Project:

	<i>NAME</i>	<i>Design Category</i>
<i>DESIGNER</i>	.....	
	.....	
	.....	

For the purposes of the Tender and the execution of the Partnership Agreement, I declare that the following economic operators are designated to act as the Administrator of the Project:

	<i>NAME</i>	<i>Participation percentage %</i>
<i>ADMINISTRATOR</i>	.....	
	.....	
	.....	

5. Our Letter of Expression of Interest is accompanied by all the necessary information and supporting documents for participation in the Tender Procedure, as defined in Article 9 of the Call .6. In case the above Candidate is selected as Contractor and is invited to sign the Partnership Agreement for the implementation of the Project **“NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP”**, it undertakes to finance the Project with debt and/or equity, the amount of which will cover all the requirements of the Project.



I/We appoint Mr/Ms [●] (full name), resident at [●] (full address), with telephone number [●] (landline telephone number), fax number [●] and e-mail address [●], as the addressee and communication representative (Addressee), with whom the Contracting Authority and its Consultants may communicate within the framework of the respective Tender Procedure.

(In the case of a Joint Venture) We appoint Mr./Ms. (●) (full name), resident at (●) (full address), with telephone number (●) (landline telephone number), fax number (●) and email address (●), as our Representative and Coordinator for the Tender, with the authority to sign bindingly for the Candidate all the documents of the Tender, including the Solemn Declarations required in accordance with this, as well as to proceed with the other actions referred to in this regard.

The terms used here with a capital initial letter have the meaning attributed to them in the relevant Invitation for Expression of Interest.

Place, Date

SIGNATURE(S)

**ANNEX 3**  
**RELIANCE ON THIRD-PARTY RESOURCES**  
**(according to paragraphs 8.5 and 8.6 of the Invitation)**

TEMPLATE 1

RELIANCE ON THE ECONOMIC AND FINANCIAL STANDING OF THIRD PARTIES

*(It is signed on a standard form of Solemn Declaration of Law 1599/1986)*

SOLEMN DECLARATION

To

**Thessaloniki Cancer Treatment Hospital “Theageneio”**

The undersigned ..... of *(father's name and surname)* .....  
and ..... *(mother's name and surname)* .....

....., holder of Passport/Identity Card number ..... issued by  
..... *(the issuing authority)* ....., on ..... *(date of issue)*, ..... national,  
born in *(Place of birth – Country and City)* ..... the ..... *(date of birth)*,  
resident ..... *(Country-City-Street-Postcode)*, [and in case the undersigned  
person is a legal representative of a company], acting as the legal representative of the  
company ..... *[in case the legal representatives of the company are  
more than one, the details of all the representatives who will sign should be filled in]*,  
knowing the sanctions provided for by the provisions of para. 6 of article 22 of Law  
1599/1986, I hereby declare in relation to the submission by the ..... *(name of  
Interested Party)* of the Expression of Interest Folder in the Tender for the award of a  
Partnership Agreement for the project **“NEW THESSALONIKI CANCER TREATMENT  
HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP”**, according to the relevant  
Invitation, that:

The company *(the name of the company that will provide the economic and financial  
standing to the Interested Party / a member of the Association of Persons)*, which I/we  
represent, undertakes to put all necessary resources *(economic and financial)* at the  
disposal of ..... *(corporate name of the Interested Party / of the member  
of the Association of Persons)*, throughout the duration of the Tender and, in case it is  
nominated as the Contractor, to the Private Partner for the entire duration of the  
Partnership Agreement (as specifically provided for therein).

The company ..... (*the name of the company that will provide the economic and financial capacity to the Interested Party / to a member of the Association of Persons*), which I/we represent, will be jointly and severally liable to the Contracting Authority with the aforementioned Candidate (or its member) for the execution of the Partnership Agreement, as well as in case the conditions described in this statement and/or Article 8 of the Invitation are not met.

The company ..... (*the name of the company that will provide the economic and financial capacity to the Interested Party / a member of the Association of Persons*), which I/we represent, will not provide at the same time the same resources and capabilities to another economic operator related to the Tender nor can it use these resources itself to participate in the Tender.

The company ..... (*the name of the company that will provide the economic and financial capacity to the Interested Party / a member of the Association of Persons*) which I/we represent, in case of loss or drastic limitation of the above resources and capabilities for the period of their disposal, undertakes to notify the Contracting Authority without delay.

The terms used here with a capital initial letter have the meaning attributed to them in the relevant Invitation for Expression of Interest.

Place, Date

SIGNATURE(S)

## TEMPLATE 2

## RELIANCE ON TECHNICAL AND PROFESSIONAL ABILITY OF THIRD PARTIES

## SOLEMN DECLARATION LAW 1599/1986

*(It is signed on a standard form of Solemn Declaration of Law 1599/1986)*

To

**Thessaloniki Cancer Treatment Hospital “Theageneio”,**

The undersigned ..... of *(father's name and surname)* .....  
and ..... *(mother's name and surname)*

.....holder..... Passport/Identity Card

number ..... issued by ..... *(the issuing authority)*, on the ..... *(date of issue)*, ..... national, born in ..... *(Place of birth – Country and City)* ..... on the ..... *(date of birth)*, residing in ..... *(Country-City-Street-Postcode)*, [and in case the undersigned person is a legal representative of a company], acting as the legal representative of the company

*[in case the legal representatives of the company are more than one, the details of all the representatives who will sign must be filled in]*, knowing the sanctions provided by the provisions of paragraph 6 of article 22 of Law 1599/1986, I hereby declare in relation to the submission by the ..... *(name of Interested Party)* of the Expression of Interest Folder in the Tender for the award of a Partnership Agreement for the project **“NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP”**, according to the relevant Invitation, that:

The company ..... *(the name of the company that will provide the technical and professional competence to the Interested Party / a member of the Association of Persons)*, which I/we represent, undertakes to participate actively, on a case-by-case basis and depending on the capacity provided (such as, in particular, the technical and professional competence of the Constructor, or the Designer or the Administrator ), in the implementation of the Project, and in particular undertakes to put all the necessary resources (material and human) and the necessary know-how and technical means at its disposal (corporate name of the Interested Party / member of the Association of Persons) for the implementation of the scope of the Partnership Agreement, through the conclusion of a relevant contract, throughout the duration of the Tender and, in case it is nominated as the Contractor, to the Private Partner, throughout the term of the Partnership Agreement (as specifically provided for therein), through the conclusion of a relevant contract, as specified in the Invitation.

The company ..... *(the name of the company that will provide the technical and professional capacity to the Interested Party / a member of the Association of Persons)*, will be liable to the Contracting Authority in case the conditions described in this statement and/or Article 8 of the Invitation are not met.

The company ..... (*the name of the company that will provide the technical and professional ability to the Interested Party / a member of the Association of Persons*), which I represent, will not provide at the same time the same resources and abilities to another economic operator related to the Tender nor can it itself use these resources to participate in the Tender.

The company ..... (*the name of the company that will provide the technical and professional ability to the Interested Party / a member of the Association of Persons*) which I represent, in case of loss or drastic limitation of the above resources and abilities for the period of their disposal, undertakes to notify without delay the Contracting Authority.

The terms used here with a capital initial letter have the meaning attributed to them in the relevant Invitation for Expression of Interest.

Place, Date

SIGNATURE(S)



**ANNEX 4**  
**NON-PUBLICATION OF FINANCIAL STATEMENTS**  
**(according to paragraph 2.1.25 of the Invitation)**

**SOLEMN DECLARATION LAW 1599/1986**

(It is signed on a standard form of Solemn Declaration of Law 1599/1986)

**To**

**Thessaloniki Cancer Treatment Hospital “Theageneio”**

The undersigned ..... of (father's name and surname) .....  
and ..... (mother's name and surname)

.....holder..... Passport/Identity Card

number ..... issued by ..... (the issuing authority), on the ..... (date of  
issue), ..... national, born in ..... (Place of birth – Country and City) ..... on  
the ..... (date of birth), residing in ..... (Country-City-Street-  
Postcode), [and in case the undersigned person is a legal representative of a company],  
acting as the legal representative of the company..... [in case the legal  
representatives of the company are more than one, the details of all the representatives  
who will sign must be filled in], knowing the sanctions provided by the provisions of  
paragraph 6 of article 22 of Law 1599/1986, I hereby declare in relation to the submission  
by the ..... (name of Interested Party) of the Expression of Interest Folder in the  
Tender for the award of a Partnership Agreement for the project **“NEW THESSALONIKI  
CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP”**, according  
to the relevant Invitation, that:

The applicable law ..... (specific reference to that law) in relation to the  
financial statements of the legal entity..... (company name) does not  
require the publication of financial statements of the above legal entity.

Place, Date

SIGNATURE(S)

**ANNEX 5  
TEMPLATE A  
CANDIDATE'S FINANCIAL INFORMATION  
(according to paragraph 9.5 of the Invitation)**

**I. In case of an Expression of Interest Folder submitted by a Candidate consisting of one person, the following table is completed:**

NAME	PARTICIPATION PERCENTAGE	EQUITY (for a legal entity)		NET PERSONAL ASSETS (for a natural person)	TOTAL FUNDS (for fund)
[ Candidate's name ]	100%	n*	X1	Y	Z
		n-1	X2		
		n-2	X3		
			<i>X [Average] Equity of the Candidate Of the last 3 years – AVERAGE X1, X2, X3 X [Average]</i>	[ n Year amount ) (Y)	[ n Year amount ) (Z)

SHADED CELLS ARE NOT FILLED IN – CELLS MARKED WITH X1, X2, X3 or Y or Z AND THEIR DERIVATIVES ARE FILLED IN AS APPROPRIATE

\* where n the most recent financial year (cf. art. 2.1.29, "Financial Statements of the Last Three Years")

The amounts are in Euros. In the event that Financial Statements are kept in a currency other than the Euro, the amounts should be converted into Euro and the exchange rate used for the conversion should be quoted, which should be the exchange rate on the last day of each fiscal year.

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I solemnly declare that the data mentioned in the above table are accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

Place - date

[Signature]

**II. In case of an Expression of Interest Folder submitted by a Candidate being an an Association of Persons submitting a Joint Expression of Interest, the following tables are completed \*\*:**

FINANCIAL DATA OF MEMBERS OF A CANDIDATE ASSOCIATION OF PERSONS				
No.	NAME	PARTICIPATION PERCENTAGE	YEAR	EQUITY OR NET PERSONAL ASSETS or TOTAL FUNDS
1	[Name of the Candidate Member]	[participation stake in the Candidate]	n*	X1
			n* -1	X2
			n* - 2	X3
	EQUITY AVERAGE OF MEMBER 1			X = Average X1, X2, X3
2	[Name of the Candidate Member]	[participation stake in the Candidate]	n*	Y
NET PERSONAL ASSETS OF MEMBER 2				Y
3	[Name of the Candidate Member]	[participation stake in the Candidate]	n*	Z
				TOTAL FUNDS OF MEMBER 3
...	[Name of the Candidate Member]	[participation stake in the Candidate]	[LINEAGE DEPENDING ON WHETHER THE MEMBER IS A LEGAL ENTITY (SUCH AS MEMBER 1) OR A NATURAL PERSON (SUCH AS MEMBER 2) OR AN INVESTMENT FUND (SUCH AS MEMBER 3)]	
WEIGHTED FINANCIAL DATA OF A CANDIDATE				
NAME				EQUITY
				Weighted Average of the Members of Candidate X, Y, Z etc. based on participation rates in the Association of Persons

\* where n is the most recent financial year (cf. Art. 2.1.29, "Financial Statements for the Last Three Years")

\*\* In the case of an Association of Persons of different entities, the table shall be filled in accordingly. In case the different entities consist of Associations of Persons, the table for them is first filled in and with the resulting data the table for the Candidate.

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I solemnly declare that the data mentioned in the above table are accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

Place- date

[Signature]

## Template B

## Constructor's Financial Data

(In accordance with the specific provisions of paragraph 9.6.3 para. 3 the Invitation for Expression of Interest)

NO.	NAME	PARTICIPATION PERCENTAGE IN THE CONSTRUCTOR	YEAR	TURNOVER IN CONSTRUCTION WORKS	TURNOVER IN THE FIELD OF E/M	GENERAL TURNOVER
	[the Name of the member in the Constructor (i.e.	[participation percentage in the Constructor who will undertake the construction of the physical object of the Project]	n*	X1	Y1	Z1
	the Candidate himself or, in case of a Candidate		n* - 1	X2	Y2	Z2
	Association of Persons, its member, or collaborators declare to		n* - 2	X3	Y3	Z3
1	participate in the Constructor					
	AVERAGE TURNOVER OF MEMBER 1			X = AVERAGE X1, X2, X3	Y = AVERAGE Y1, Y2, Y3	Z = AVERAGE Z1, Z2, Z3
NO.	NAME	PARTICIPATION PERCENTAGE IN THE CONSTRUCTOR	YEAR	TURNOVER IN CONSTRUCTION WORKS	TURNOVER IN THE FIELD OF E/M	GENERAL TURNOVER
	[the Name of the member in the Constructor (i.e.	[participation percentage in the Constructor who will undertake the construction of the physical object of	n*	A1	B1	C1
	the Candidate himself or, in case of a Candidate		n* - 1	A2	B2	C2
	Association of Persons, its member, or		n* - 2	A3	B3	C3

...	collaborators declared to	the Project]				
	participate in the Constructor					
	AVERAGE TURNOVER OF MEMBER ...			A = AVERAGE A1, A2, A3	B = AVERAGE B1, B2, B3	C= AVERAGE. C1, C2, C3
	[[ The Constructor's name is indicated) ]	100%		SUM OF AVERAGE TURNOVER IN THE CONSTRUCTION SECTOR (X+A+....)	SUM OF AVERAGE TURNOVER IN THE E/M SECTOR (Y+B+....)	SUM OF AVERAGE GENERAL TURNOVER (Z+C+....)

\* where n is the most recent financial year (cf. Art. 2.1.29, "Financial Statements for the Last Three Years")

Notes:

The amounts are presented in Euro. In case the Constructor keeps Financial Statements in a currency other than Euro, it must convert the required amounts into Euro and quote the exchange rate used for the conversion, which should be the exchange rate on the last day of each year of use. The Financial Statements shall take precedence over the above table.

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I solemnly declare that the data mentioned in the above table are accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

\_\_ (place), \_\_\_\_ (date)

(Signature(s))



ANNEX 6

**DECLARATION ON NON-ISSUANCE OF SUPPORTING DOCUMENTS**  
(according to paragraph 9.1.2(c) of the Invitation)

SOLEMN DECLARATION LAW 1599/1986  
(Signed on a standard form of Solemn Declaration of Law 1599/1986)

To

**THESSALONIKI CANCER TREATMENT HOSPITAL “THEAGENEIO”**

[Address]

The undersigned ..... of ..... (*father's name and surname*) ..... and (*mother's name and surname*) ....., holder of Passport/Identity Card number ..... issued by ..... (*the issuing authority*), on the ..... (*date of issue*), ..... national, born in ..... (*Place of Birth – Country and City*) ..... on the ..... (*Date of birth*), resident ..... (*Country-City-Street-Postcode*), [and in case the undersigned person is a legal representative of a company:], acting as legal representative of the company ..... [in case the legal representatives of the company are more than one, the details of all the representatives who will sign should be filled in], knowing the sanctions provided for by the provisions of paragraph 6 of article 22 of Law 1599/1986, I hereby declare in relation to the submission by the

..... (*name of the Interested Party*) of the Expression of Interest Folder in the Tender for the award of a Contract for the project “**NEW THESSALONIKI CANCER TREATMENT HOSPITAL VIA A PUBLIC-PRIVATE PARTNERSHIP**”, according to the relevant Invitation, that: the ..... (*description of the document required under the relevant paragraph of the Invitation*) cannot be issued in the ....., country of incorporation, and/or country of current establishment of our company, for the following reasons: ..... (*indication of reasons for not being issued*).

Accordingly, we confirm and responsibly declare the following [The company should confirm in this declaration the facts that would have been certified if the certificate had existed, as required by the Invitation].

(Place) (Date) (Signature(s))

## ANNEX 7

**Template A****CANDIDATE'S EXPERIENCE IN UNDERTAKING / IMPLEMENTING PROJECT CONCESSIONS OR PPP CONTRACTS**

(in accordance with the provisions of para. 9.6.2 (a) the Invitation)

NAME OF CANDIDATE MEMBER	PROJECT TITLE AND DESCRIPTION OF SCOPE	CONTRACTOR OF THE PROJECT (CONCESSION AIRE / SPSA)	CONTRACTING AUTHORITY /PROJECT OWNER	START & END DATE OF THE CONTRACT	PARTICIPATION PERCENTAGE OF CANDIDATE MEMBER IN CONTRACTOR OF THE PROJECT	INVESTED FUNDS <sup>(2)</sup>	WEIGHTED VALUE INVESTED CAPITALS BASED ON THE PERCENTAGE PARTICIPATION TO THE CONTRACTOR OF THE PROJECT <sup>(1)</sup>	
							TOTAL <sup>(3)</sup>	

Notes:

The amount of the weighted value of the Invested Funds of each invoked contract must amount, at least, to ten million Euros (€ 10,000,000.00), excluding VAT.

The amounts are presented in Euro. In case an alleged contract has been concluded in a currency other than Euro, the Bidder should convert the amounts into euros, stating the exchange rate used for the conversion.

The sum of the Invested Funds of the Acceptable Project contracts, which should amount to at least fifty million Euros (€50,000,000), excluding VAT

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I solemnly declare that the data mentioned in the above table are accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

— *(place)*, \_\_\_\_\_ *(date)* *(signature(s))*

**Template B**  
**LIST OF ACCEPTABLE BUILDING INFRASTRUCTURE PROJECTS**  
(as defined in paragraph 9.6.3 para. (4) the Invitation for Expression of Interest)

Name of economic operator declared as Constructor or member thereof:

Project title	Type of project	Contract value of the project (€)	Participation percentage of the Constructor in the declared project	Weighted contract value of the project by the percentage participation of the Constructor in the declared project (€)	Employer and his contact details	Date and documentation* of final acceptance of the project
(1)	(2)	(3)	(4)	(5)	(7)	(8)

\* Reference may be made to any appropriate means of proof (such as certificate, attestation, etc.).

The amounts are presented in Euro. In case a contract has been concluded in a currency other than Euro, the Bidder should convert the amounts into euros, stating the exchange rate used for the conversion.

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I solemnly declare

that the data mentioned in the above table are accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

\_(place),\_ (date)

Signature(s)

**Template C**  
**TABLE OF ACCEPTED PROJECT STUDIES**

(in accordance with the specific provisions of 9.6.4 case. (1) of the Invitation)

Name of economic operator declared as a Designer or Member thereof:

Study title	Category and stage of Study	Time of preparation (From To)	Percentage of participation of the Designer in the declared study	Employer and contact details
(1)	(2)	(3)	(4)	(5)

\* Reference may be made to any appropriate means of proof (such as certificate, attestation, etc.).

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I solemnly declare that the data mentioned in the above table are accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

\_\_(place),\_ (date)

Signature(s)

**Template D**  
**TABLE OF PROOF OF EXPERIENCE OF THE ADMINISTRATOR IN THE OPERATION AND/OR MAINTENANCE OF BUILDING**  
**INFRASTRUCTURE**

(in accordance with the specific provisions of 9.6.5 item 1 of the Invitation)

[Name of the economic operator]	
Participation percentage in the Administrator	
Name of the Acceptable Project invoked	
Location of the Acceptable Project invoked	
Name of economic operator in charge of operation and maintenance	

Participation Percentage of the declared economic operator that will participate in the Administrator	
Brief description and value of the Acceptable Project	
Time period of the participation	
Nature of the work undertaken	
Certificates showing the declared capacity	

The amounts are presented in Euro. In case a contract has been concluded in a currency other than Euro, the Bidder should convert the amounts into euros, stating the exchange rate used for the conversion.

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I solemnly declare that the data mentioned in the above table are accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

\_\_ (place),\_(date)

(Signature(s))



**ANNEX 8**  
**PROCESSING OF PERSONAL DATA**

The Thessaloniki Cancer Treatment Hospital “Theageneio”, in its capacity as controller, informs the natural person who signs the Expression of Interest as a Candidate or as the Legal Representative of a Candidate, that it or third parties, at its request and on its behalf, will process the following data as follows:

I. The object of processing is the personal data contained in the Expression of Interest Folder, which is submitted to the Contracting Authority, in the context of this Tender, by the natural person who is himself a Candidate or Legal Representative of a Candidate.

II. The purpose of the processing is the evaluation of the Expression of Interest Folder, the award of the Partnership Agreement, the protection of the rights of the Contracting Authority, the fulfillment of the legal obligations of the Contracting Authority and the general security and protection of transactions. The identity and contact data will be used by the Contracting Authority also to inform the Candidate about the evaluation of the submitted Expression of Interest Folder.

III. The recipients of the above (under I) data to whom they are communicated are:

(a) Entities to which the Contracting Authority assigns the execution of specific actions on its behalf, i.e. its Consultants, officials and other agents in general, subject to confidentiality in any case.

(b) The State, other public bodies or judicial authorities or other authorities or courts, within the framework of their competences.

(c) Other participants in the Tender, in the context of the principle of transparency and the right to judicial protection of participants in the Tender, in accordance with the law.

IV. The data referred to in paragraph I above shall be kept for a period of twenty (20) years from the expiry of the deadline for submission of the Expression of Interest Folder or, in respect of the Provisional Contractor and the Private Partner, for a period of twenty (20) years from the expiration or termination of the Partnership Agreement. After the expiry of the above periods, personal data will be destroyed.

V. The natural person who is either a Candidate or the Legal Representative of the Candidate, may exercise any legal right regarding the personal data concerning him/her, by contacting the Contracting Authority at the contact details mentioned in the Invitation.

VI. The Contracting Authority is obliged to take all reasonable measures to ensure the confidentiality and security of data processing and their protection from accidental or unlawful destruction, accidental loss, alteration, prohibited disclosure or access by anyone and any other form of unlawful processing.

VII. Having been informed of the above, I give my unconditional consent to the processing of my above personal data for all the purposes mentioned in paragraph II hereof.

My above consent applies to any subsequent relationship between me and the Contracting Authority.

(Place) (Date)

(Signature(s))

## **ANNEX 9**

### **ESPD GUIDELINES**

Candidates complete the relevant ESPD template which has been uploaded, in XML and PDF format, on the [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal of ESIDIS and is an integral part of the Invitation (Appendix A).

This template is submitted by economic operators with their Expression of Interest Folder completed, as defined by the Contracting Authority in this notice, in pdf format (Decision P1/2390/13) digitally signed in accordance with articles 79 and 79A of Law 4412/16 and the Invitation.

In order to prepare and/or complete the required ESPD, economic operators will use the auxiliary XML file posted by the Contracting Authority in order to take advantage of the EU eESPD service and produce their response in PDF format, which they initially store locally on their computer. Please note the following:

The PDF file is generated indirectly by the eESPD service by selecting the "Print" button. The print should be redirected to a virtual PDF printer, i.e. software installed on the user's computer that stores the print content in an electronic PDF file instead of routing it to a physical printer. Indicatively, this function can be performed natively by a web browser, such as Google Chrome, or by specialized software, such as PDF Creator, Cute PDF, etc.

## ANNEX 10

## DETAILED CURRICULUM VITAE

(in accordance with the provisions of paragraph 9.7.4 of the Invitation)

1. Surname :

2. Name:

3. Date and place of birth:

4. Citizenship:

5. Marital status:

6. Education:

<b>INSTITUTION:</b>	
<b>Date:</b>	
<b>From (months/years)</b> <b>(Months/years)</b>	
<b>Degree:</b>	

(In case of studies in more than one institution or more than one degree, the table is amended accordingly).

7. Languages: (Grades 1 to 5 for ability, where 5 is excellent):

LANGUAGE	COMPREHENSION LEVEL	SPEAKING	WRITING
Greek			

8. Member of professional organisations:

9. Current position: (Indicate current employment - position in a Business, Public or Private Sector Organization, freelancer, etc.).

10. Main qualifications: (Indicate the main qualifications and abilities of the individual resulting from his/her professional and other experience to date).

11. Professional employment: (His/her employment in all Businesses or Services to date is indicated, starting from the current job. Information is given such as the length of stay in each different Company or Service or possibly a different position, the duties and responsibilities he/she had in each position).

**Duration:** From (month/year) to (month/year)

**Country:**

**Business – Service Name:**

**Position in Business – Service:**

**Responsibilities:**

**Duration:** From (month/year) to (month/year)

**Country:**

**Business – Service Name:**

**Position in Business – Service:**

**Responsibilities :**

**12. Years of relevant professional experience:** (Indicate the total years of relevant professional experience in the requested work unit).

**13. Specific Experience** related to the requested category of work of the assigned project:

(The listing starts with the most recent tasks; there is no time limit on the tasks to be included in the table

COUNTRY	DATE:	TOTAL DURATION IN MONTHS OF THE SPECIAL EXPERIENCE	CONTRACT PRICE	NAME AND BRIEF DESCRIPTION OF THE DESIGN OR SERVICE/POSITION AND DUTIES
	From (month /year)  Up to (month/yea r)			
	EXPE RIENCE FOR THE FULFILLME NT OF CRITERION 7.5.3			

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I declare responsibly that the information mentioned in my present CV is accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

— (place), \_\_\_\_\_ (date) [Signature(s)]



## ANNEX 11

## SPECIAL ADVISOR'S DETAILED CURRICULUM VITAE

(in accordance with the provisions of paragraph 9.6.6 of the Invitation)

1. Surname:

2. Name:

3. Date and place of birth:

4. Citizenship:

5. Marital status:

6. Education:

INSTITUTION	
Date:	
From (months/years) (Months/years)	
Degree:	

(In case of studies in more than one institution or more than one degree, the table is amended accordingly).

7. Languages: (Grades 1 to 5 for ability, where 5 is excellent):

LANGUAGE	COMPREHENSION LEVEL	SPEAKING	WRITING
Greek			

8. Member of professional organisations:

9. Current position: (Indicate current employment - position in a Business, Public or Private Sector Organization, freelancer, etc.).

10. Main qualifications: (Indicate the main qualifications and abilities of the individual resulting from his/her professional and other experience to date).

11. Professional employment: (His/her employment in all Businesses or Services to date is

indicated, starting from the current job. Information is given such as the length of stay in each different Company or Service or possibly a different position, the responsibilities and responsibilities he/she had in each position).

**Duration:** From (month/year) to (month/year)

**Country:**

**Business – Service Name:**

**Position in Business – Service:**

**Responsibilities:**

**Duration:** From (month/year) to (month/year)

**Country:**

**Business – Service Name:**

**Position in Business – Service:**

**Responsibilities :**

**12. Years of relevant professional experience:** (Indicate the total years of relevant professional experience in the requested work unit).

**13. Specific Experience** related to the requested category of work of the assigned project:

(The listing starts with the most recent tasks; there is no time limit on the tasks to be included in the table).

COUNTRY	DATE:	TOTAL DURATION IN MONTHS OF THE SPECIAL EXPERIENCE	CONTR ACT PRICE	NAME AND BRIEF DESCRIPTION OF THE DESIGN OR SERVICE/POSITIO AND DUTIES
	From (month /year)  Up to (month/yea r)			
	EXPE RIENCE FOR THE FULFILLME NT OF CRITERION 7.4.5			

On my own responsibility and knowing the sanctions provided for by the provisions of para. 6 of Art. 22 of Law 1599/1986, I declare responsibly that the information mentioned



in my present CV is accurate and true. This Annex constitutes a solemn declaration, with the consequences of Law 1599/1986, to prove what is stated therein.

\_\_ (place), \_\_\_\_\_ (date) [Signature(s)]