

**HELLENIC REPUBLIC**  
**MINISTRY OF DEVELOPMENT AND INVESTMENT**  
**GENERAL SECRETARIAT OF RESEARCH AND TECHNOLOGY**

**INTERNATIONAL PUBLIC TENDER**  
**UNDER THE COMPETITIVE DIALOGUE PROCEDURE**  
**FOR THE AWARD OF PARTNERSHIP CONTRACT FOR THE PROJECT**  
**CREATING AN INNOVATION CENTRE IN ATHENS VIA PPP**

**TENDER PHASE I**  
**CALL TO EXPRESS INTEREST**

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CREATING AN INNOVATION CENTRE IN ATHENS VIA PPP  
TENDER PHASE I  
**CALL FOR EXPRESSION OF INTEREST**  
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## CREATING AN INNOVATION CENTRE IN ATHENS VIA PPP

TENDER PHASE I  
CALL TO EXPRESS INTEREST**Article 1 General Information****1.1 Call for partnership contract**

The General Secretariat of Research and Technology of the Ministry of Development and Investment, in the context of the its purpose and powers and by virtue of decision no. 134218/16.12.2020 of the Deputy Minister of Development and Investment, calls for an international public tender, under the competitive dialogue procedure, for the selection of a Private Partnership Entity for the execution of the project “Creating an Innovation Centre in Athens via PPP”, pursuant to Law 4413/2016 (Government Gazette A 148) and Law 3389/2005 (Government Gazette A 232), and invites interested parties to submit an Expression of Interest Dossiers (Phase I of the Tender), according to the provisions of this call and the annexes hereto, in order for parties selected in Phase I to participate in the ensuring tender procedure. The inclusion of this partnership in the provisions of Law 3389/2005 has been approved by decision of the Interministerial Public-Private Partnerships Committee, incorporated in the minutes of session no. 51/03.04.2020 (ΑΔΑ: Ψ0Σ946ΜΤΛΡ-ΔΥΗ), according to the provisions of article 3 of Law 3389/2005.

**1.2 Awarding authority**

Awarding authority General Secretariat of Research and  
Technology of the Ministry of Development  
and Investment

Competent units Directorate of Design and Planning of  
Research and Innovation Policies and  
Actions  
Department of Technical Studies and  
Research Infrastructure Development of the

Directorate of Supervision of Research and  
Technology Entities

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### 1.3 General Secretariat of Research and Technology

The General Secretariat for Research and Technology of the Ministry of Development and Investment (hereinafter “**GSRT**”) is a contemporary public service entrusted with the task of designing and coordinating the implementation of Research, Technology Development and Innovation policy (hereinafter “**RTDI**”). It supports the activities of research and productive entities through competitive research programmes with emphasis on economic efficiency and socially equitable distribution of the outcome. The GSRT supervises Research Centres and Technology Institutions which support local communities with the necessary skills to generate knowledge and innovation. It also monitors European and international developments on RTDI issues and represents the country in the European Union and international organisations in its areas of competence.

In the current difficult economic conjuncture, investing in science, research and technology is a key strategic priority for a socially and environmentally sustainable development model, based on the high training standards for human resources and new innovative ideas.

*i. The objectives of the GSRT are:*

(a) Devising and promoting an integrated strategy for research,

technology and innovation;

(b) Exploiting the high qualifications of research capacity to promote development, tackle unemployment and halt migration of quality scientific resources;

(c) Transferring and disseminating innovative technologies to the country's producers by utilising research outcomes;

(d) Supporting actions to raise the awareness of Greek society on Research and Technology issues;

(e) Supervising and financing the country's Research and Technology Institutions;

(f) Boosting international Research and Technology cooperation both with the European third countries and making the best use of opportunities for participation in relevant efforts at a European, transnational and wider international level; and

(g) Evaluating the outcomes of research and innovation actions for the continuous adaptation of research policy.

***ii. Organisational structure***

- Deputy Minister for Development and Investment (Research and Technology)
  - Secretary-General for Research and Technology
    - Directorate for Research and Innovation Policy Planning and Programming
      - Department for Planning and Programming
      - Department for Research and Innovation Policy Evaluation and Statistics Processing
      - Department for Research and Innovation Communication and Outreach
    - Directorate for Research and Innovation Activities Support
      - Department for Linking Research and Production
      - Department for Research Staff Development
      - Department for Innovation
    - Directorate for Research and Technology Bodies Supervision
      - Department for Planning and Administrative Supervision of Research and Technology Bodies

- Department for Programme Evaluation and Supervised Bodies' Research and Technology Infrastructure Development
- Department for Human Resources of Supervised Bodies
- Department for Research Infrastructure Technical Design and Development
- Department for Research Building Infrastructure Support
- Directorate for International Science and Technology Cooperation
  - Department for European Union
  - Department for Bilateral and Multilateral Transnational Organisations
  - Department for International/Transnational Organisations
- Special Management and Implementation Authority for Research, Technology Development and Innovation Actions by the Ministry of Education and Religious Affairs (MIA-RTDI)
- Special Account for Research Funds
- Secretariat of the National Council for Research, Technology and Innovation (NCRTI).

#### **1.4 Changes**

Any change, transformation, substitution or succession of the Awarding Authority or of the bodies and services referred to in this Call shall not affect the evolution of the award procedure. In such a case, the Awarding Authority will inform the participants in the award procedure accordingly.

#### **1.5 The scope of the Partnership Contract**

In the context of the proposed Public-Private Partnership, the Private Partnership Entity (PPE) will implement the design, construction, financing, operation and maintenance of the premises of the Innovation Centre, and will undertake the provision of services to support and promote innovation and commercial

exploitation of these facilities.

The scope of the Partnership Contract shall include the reconstruction and/or modernisation of existing buildings and infrastructures and/or the construction of new building complexes and infrastructures, with the necessary equipment and parking spaces, landscaping and any further action required by the nature or purpose of the Innovation Centre.

In particular, the scope of the Partnership Convention shall include, but shall not be limited to:

(a) Design and all technical studies required to ensure the timely issuance of all permits and authorisations prescribed by applicable provisions;

(b) Financing;

(c) The construction of the building complexes and the necessary infrastructure, including parking spaces, as well as landscaping;

(d) The organisation and appropriate configuration of the Property for the purposes of the Project;

(e) Commercial exploitation of the Property, including but not limited to the relevant promotional actions, lease management, user management and servicing, in accordance with the Partnership Contract and the objectives of the Project;

(f) The management and operation of building complexes, infrastructures and surroundings throughout the term of the Partnership Contract, including the maintenance, operation, storage, cleaning, waste management and health and safety assurance of buildings, infrastructures and surroundings throughout the term of the Partnership Contract, in accordance with applicable laws;

(g) The provision of Innovation support and promotion services;

(h) The return of the Project to the Awarding Authority in accordance with the provisions of the Partnership Contract at the end of the contractual period;

as well as any further action required by the nature or purpose of the said Innovation Centre.

The objective of the Project is to implement an Innovation Centre in Athens, according to the standards that have already been



successfully adopted in many international business centres. The Innovation Centre will be a key pillar for the development of the area's ecosystem since, through a dynamic and innovative combination of policies, quality space and properly designed facilities, programmes and high value-added services, it aims to:

- Hosting a substantial number of startups, spin-offs, innovative companies, research institutes and innovation agencies;
- Managing the flow of knowledge and technology between research bodies, universities and companies;
- Facilitating communication and interface between companies, entrepreneurs and scientists;
- Creating an environment that enhances the culture of Innovation, cooperation, creativity and quality;
- Creating venues for the hosting of important events for innovation, as well as providing catering and entertainment services;
- Facilitating the establishment of new businesses through business incubation and acceleration mechanisms, creating spin-offs and accelerating the development of small and medium-sized enterprises;
- Facilitating the access of businesses and spin-offs to funding bodies and tools;
- Designing and promoting innovation and entrepreneurship support programmes, in collaboration with market participants;
- Developing research and innovation activities in the field of medicine;
- Interfacing and taking action both within the European network of Business and Innovation Centres (EU|BIC) and the International Association of Science Parks and Areas of Innovation (IASP) that gather thousands of innovative companies and research institutions around the world, thereby facilitating the globalization of hosted companies.

To achieve these objectives, the Innovation Centre will foster cooperation and manage the flow of knowledge and technology

between universities, research and development institutions, companies and markets. It will also facilitate the establishment and development of Innovation-based companies through incubation and acceleration processes and provide value-added services along with high-quality hospitality and infrastructure.

The place of implementation of the Partnership Contract shall be the Third Municipal Community of the Municipality of Piraeus, the Regional Section of Piraeus, the Region of Attica (NUTS code EL307 – common nomenclature of territorial units for statistics).

The creation of an Innovation Centre falls explicitly within the relevant powers of the General Secretariat for Research and Technology, which has been designated as the Property Management Body and the Project's implementing-tendering body, pursuant to decision No. 4412/15.01.2020 of the Minister of Development and Investment (Government Gazette D 3).

#### **1.6 CPV codes**

The main CPV codes of the contract shall be:

45000000-7 – Construction works

45100000-8 – Site preparation work

45110000-1 – Building demolition and wrecking work and earthmoving work

45210000-2 – Building construction works

45214000-0 - Construction work for buildings relating to education and research

45212340-1 – Lecture hall construction works

45212350-4 – Buildings of particular historical or architectural interest

45212400-0 – Accommodation and restaurant buildings

45213150-9 – Office block construction work

45248000-7- Construction work for hydro-mechanical structures

45112700-2 – Landscaping work

71000000-8 – Architecture, construction, engineering and inspection services

71200000-0 – Architectural and related services

71320000-7 – Engineering design services

- 31000000-6 – Electrical machinery, apparatus, equipment and consumables; lighting
- 73000000-2 – Research and development services and related consultancy services
- 73200000-4 – Research and development consultancy services
- 73210000-7 – Research consultancy services
- 73220000-0 – Development consultancy services
- 73300000-5 – Design and execution of research and development
- 79400000-8 – Business and management consultancy and related services
- 79410000-1 – Business and management consultancy services
- 79411100-9 – Business development consultancy services
- 70000000-1 – Real estate services
- 70110000-5 – Real estate development services
- 70112000-9 – Non-residential real estate development
- 70310000-7 – Building rental or sale services
- 70330000-3 – Property management services on a fee or contract basis
- 70332000-7 – Non-residential property services
- 55000000-0 – Hotel, restaurant and retail trade services
- 51000000-9 – Installation services (except software)
- 50700000-2- Building installations repair and maintenance services
- 39000000-2 – Furniture (including office furniture), furnishings, domestic appliances (except lighting) and cleaning products
- 79713000-5 – Guard services
- 90910000-9 – Cleaning services

## **1.7 Consultants**

The Awarding Authority, for the requirements of the Tender, is supported by specialised consultants to assist in financial, legal and technical matters until the completion of the entire tendering procedure. The Awarding Authority has already appointed “Koutalidis Law Firm” as a legal adviser, the public limited company “DIADIKASIA BUSINESS CONSULTING SA” as financial advisors and the public limited company “SALFO AND ASSOCIATES SA” as technical advisors.

## **1.8 Personal Data**

The Awarding Authority shall act as data controller within the meaning of Greek and European data protection legislation, in particular the General Data Protection Regulation (EU) 2016/679 and Law 4624/2019 (Government Gazette A 137), regarding the personal data of natural persons collected in the context of the Tender; such data shall be processed in accordance with personal data protection laws, as currently in force. Such personal data may include any personal information included in the Expression of Interest Dossiers submitted to the Awarding Authority in the context of the Tender. The purpose of processing shall be to evaluate the Expression of Interest Dossiers, fulfil the Awarding Authority's statutory obligations, providing information to the Tenderers about the evaluation of the submitted Expression of Interest Dossiers, as well as the overall security and protection of transactions. The legal basis for processing is that it is in principle necessary for the performance of duties carried out in the public interest. The provision of such personal data is necessary for the evaluation of the submitted Expression of Interest Dossiers and failure to provide the necessary personal data would result in inability to evaluate and, therefore, the exclusion of the Tenderer. Finally, the identity and contact details will also be used by the Awarding Authority to notify the interested party of the evaluation of the submitted Expression of Interest Dossier. Such personal data may be communicated to entities assigned by the Awarding Authority with the execution of a specific work on its behalf, namely to the Consultants, its bodies, its officials and other servants in general, subject to compliance in each case with confidentiality in the context of their legitimate activities, as well as to public bodies and judicial authorities, in the context of their responsibilities, and to the Tender Tenderers for the purposes of compliance with Law 4413/2016. Such personal data will not be transmitted to third countries or bodies outside the European Union.

Personal data collected and processed in the context of the Tender may be retained for a period of five (5) years from the end of the

Contest. If the applicable legislation requires that specific personal data be retained for periods of more than five (5) years, they shall be retained until the relevant time period foreseen by law. In accordance with the General Data Protection Regulation (EU) 679/2016, natural persons have the following rights in relation to the processing of their personal data: (a) access and information, (b) rectification, (c) deletion, (d) restriction of processing, (e) opposition to the processing of their personal data, including opposition to automated decision-making and development of profiles and (f) portability of data. For the exercise of those rights or for any other relevant request, interested persons may contact the Award Authority at [g.mazioti@gsrt.gr](mailto:g.mazioti@gsrt.gr).

The Awarding Authority shall take all possible measures to respond to the requests of the data subject within a reasonable period and no later than one (1) month, which may be extended by a maximum of two (2) months if the request is complex or there is a large number of requests, and shall inform the data subject of such delay within one (1) month of receipt of the request. The Awarding Authority may refuse to satisfy in whole or in part a request of the data only if this is provided for in Greek and/or European legislation. In particular, the Awarding Authority has the right to refuse the request for deletion of any personal data, if their retention is necessary for compliance with a legal obligation, for the performance of the Tender, for archiving purposes in the public interest, or for the establishment, exercise or defence of legal or third party claims. The exercise of those rights shall not release interested parties from their obligations arising from their participation in the Tender. Natural persons are entitled at any time to contact and submit a complaint to the Hellenic Personal Data Protection Authority in case they consider that their rights are being violated. Contact details of the Hellenic Data Protection Authority are available on its website, [www.dpa.gr](http://www.dpa.gr). The Awarding Authority is obliged to take all reasonable measures to ensure compliance with confidentiality requirements, personal data processing security and the protection of such data against accidental or unlawful

destruction, accidental loss, alteration, unauthorised disclosure or access by anyone, as well as any other form of illegal processing. More specifically, with the submission of the Expression of Interest Dossier, Tenderers declare that the legal basis for the transfer and supply of all personal data provided to the Awarding Authority in the context of the Tender has been established and that all natural persons, whose personal data are provided to the Awarding Authority, have been duly informed in accordance with the requirements of the national and European Union legislation on personal data protection.

## **Article 2 Definitions**

**2.1** For the purposes of this Call TO Express Interest, the following terms will have the following meaning:

- (1) “**Property**” shall mean the land parcel located in the Municipality of Piraeus, in Building Block (O.T.) 63, at 62 Athens-Piraeus Avenue; it has an area (according to the deed) of 17,893.40 sq.m. (and 17,868.69 sq.m., according to a recent measuring in the topographic drawing prepared by topographic engineer Antonios Koutroumbis on 18.11.2020, which is attached to the Appendix hereof). It has been assigned with property code ΚΑΕΚ 051164106003/0/0, pursuant to the cadastral sheet dated 14.01.2020, as attached to the deed of the Minister of Development and Investment no. 4412/15.01.2020 concerning the concession of the right of exclusive use, exploitation and beneficial use of the property (Government Gazette, series D, 3/16.01.2020). According to the said cadastral sheet, there are fifteen (15) buildings within the Property.
- (2) “**Contractor**” shall mean Bidder to whom the Tender will ultimately be awarded on conclusion of Phase II, who will be asked to establish a special-purpose public limited company to sign the Partnership Contract.
- (3) “**Awarding Authority**” shall mean the General Secretariat for Research and Technology (GSRT), as defined in paragraph 1.2 hereof.
- (4) “**Agent**” shall mean the person designated as contact person on behalf of the Tenderer, pursuant to paragraph 1.2.4 hereof.

- (5) “**Phase I**” shall mean the current preselection phase of the Tender, which will be conducted in accordance with the terms and conditions of this Call and will be completed with the nomination of the Preselected Tenderers.
- (6) “**Phase II**” shall mean the phase of the Tender following the preselection of Tenderers and shall run until the conclusion of the selection process of the Private Partnership Entity and the award of the Partnership Contract; it is divided into two stages:
- Stage II.1 – Dialogue; and
  - Stage II.2 – Submission of Binding Offers.
- (7) “**Basic Design**” shall mean the technical description of the Project that will be selected for implementation under the Partnership Contract; it shall include but shall not be limited to guidelines, requirements, specifications and aspirations of the Awarding Authority, such as master plan, indicative location of units, indicative modules, construction and outcome specifications, equipment specifications, maximum construction time, management and operation services for the installations and the Innovation Centre, and shall be finalized in Stage II.1 of Phase II of the Tender (Dialogue).
- (8) “**Loaned Funds**” shall mean all obligations to credit or financial institutions, irrespective of the term of the contracts concerned, including any bond loans (simple, exchangeable or convertible). Loaned Funds shall not include (a) any loans by shareholders or partners, (b) interest rate swaps and related derivative financial instruments, and (c) any loans to finance VAT and the financial contribution of the State.
- (9) “**Binding Offer**” or “**Offer**” shall mean the offer submitted by the Preselected Tenderers to the Awarding Authority in the context of this Tender during Stage II.2 of Phase II thereof, in accordance with the terms of the Call for Binding Offers.
- (10) “**State**” shall mean the Greek State.
- (11) “**Tender**” shall mean the award procedure initiated with the publication of this Call to Express Interest with the aim to conclude the Partnership Contract.

- (12) “**Dialogue**” shall mean the procedure that will follow after the conclusion of Phase I of the Tender, included in Phase II and governed by the Call to Participate in the Dialogue.
- (13) “**Supporting Documentation**” shall mean the documents to be included in the Expression of Interest Dossier, as described in the Call.
- (14) “**Tenderer’s Representative**” shall mean the person designated in accordance with paragraphs 10.3.2 indent (h) and 10.3.3 indent (i) of this Call.
- (15) “**Interested Party**” shall mean any natural or legal person interested in participating in this Tender.
- (16) “**Association of Persons**” shall mean any association, including temporary partnership, or consortium of natural and/or legal persons.
- (17) “**Tender Committee**” or “**TC**” shall mean the Committee set up by the Awarding Authority to verify the Expression of Interest Dossiers and evaluate them in accordance with the provisions of Article 12 hereof.
- (18) “**Project**” shall mean the overall contractual scope of the Partnership Contract, as laid down in paragraph 1.5 hereof, i.e. the design, construction, financing, operation, maintenance and commercial exploitation of the Technical Project as an Innovation Center, with the individual obligations that the operation of the latter entails, as will be defined in the Basic Design.
- (19) “**Date of Publication**” shall mean the date of publication of the Call in the Supplement to the Official Journal of the EU.
- (20) “**Date of Submission**” shall mean the date set out in paragraph 14.1 of this Call.
- (21) “**Equity Funds**” shall mean the total equity funds resulting from the financial statements of the last three fiscal years.
- (22) “**Private Partnership Entity**” or “**PPE**” shall mean the special-purpose limited company (hereinafter referred to as “**SPSA**”) registered in Greece, which shall be established in accordance with the Greek law by the Contractor prior to the signing of the Partnership Contract, solely for the purposes of the Partnership



Contract and the Project. The founder and initial shareholder of the PPE shall exclusively be the Contractor and, in case of association of persons, its members, according to the ratio (percentage) of participation in the association, as stated in the Letter of Expression of Interest according to the template set out in ANNEX 2.

- (23) “**Constructor**” shall mean the economic operator (natural or legal person or association of persons within the meaning of Article 2 par. 2 of Law 4413/2016), to be appointed by the Tenderer in the Expression of Interest Dossier for the execution of the Technical Project or their successors or substitutes according to the provisions hereof, who will sign a Design and Construction Contract with the PPE.
- (24) “**Innovation**” shall mean the utilisation of existing or new knowledge or the transformation of an idea into a product or process or service.
- (25) “**Innovation Centre**” shall mean an organisation, run by qualified professionals, whose main purpose is to increase the wealth of its community by promoting the culture of innovation and competitiveness of the companies and the research, technology and university institutions it hosts.
- (26) “**Designer**” shall mean the economic operator (natural or legal person or association of persons within the meaning of Article 2 par. 2 of Law 4413/2016), designated by the Tenderer in the Expression of Interest Dossier to prepare the studies or their successors or substitutes according to the provisions hereof, who will sign a Design and Construction Contract with the Constructor.
- (27) “**Startup**” shall mean a person with the following characteristics:
- it has been lawfully established in accordance with the law of the State of its registered office; and
  - on the Date of Publication, no more than eight (8) calendar years have lapsed since its establishment.
- (28) “**Financial Statements**” shall mean the Consolidated Financial Statements of the Tenderer or, where there is no obligation to prepare consolidated financial statements, the simple (corporate) financial statements, as published in their complete form (i.e. non-

concise), prepared in accordance with International Financial Reporting Standards or, where there is no obligation to prepare them according to the International Financial Reporting Standards, in accordance with the accounting standards dictated or allowed by the applicable laws of the state where the submitting person is established, audited by a certified or other lawful auditor and published according to the laws of the state where the submitting person is established. Where there is no statutory obligation to publish financial statements, in addition to the unpublished Financial Statements, a relevant Statutory Statement concerning the non-disclosure obligation (in accordance with ANNEX 5 hereof) and all the information required in accordance with this Call shall be submitted. In case of foreign Tenderer or member thereof, the Financial Statements shall be accompanied by an official translation of the Financial Statements required hereby, in accordance with paragraph 19.2 hereof.

- (29) **“Financial Statements of the Last Three (3) Fiscal Years”** shall mean the Financial Statements of the last three (3) consecutive fiscal years, closed before the Date of Publication. In the event that the Financial Statements of a fiscal year have not been published, Tenderers shall submit a Statutory Statement comprising the reasons why they were not published and the audited unpublished Financial Statements, along with all information required in accordance herewith. Moreover, if the last fiscal year has closed before the Date of Publication and the Financial Statements of the last fiscal year have not been prepared and/or audited until to the Date of Publication, Tenderers shall submit a Statutory Statement comprising the reasons why it was not possible to prepare and/or audit and the Financial Statements of the three (3) fiscal years immediately preceding the last fiscal year. In the case of companies operating for less than three (3) years, Tenderers shall submit the Financial Statements up to the Date of Publication Date and the financial information required hereby shall be obtained on the basis of such Statements for the years they have been in operation.
- (30) **“Preselected Tenderer”** shall mean any Tenderer preselected after

the conclusion of the current Phase I of the Tender, who will be invited by the Awarding Authority to participate in Phase II of the Tender.

- (31) “**Call to Express Interest**” or simply “**Call**” shall mean this document.
- (32) “**Call to Participate in the Dialogue**” shall mean the document that will be sent to Preselected Tenderers who will be invited to participate in Stage II.1 of Phase II of the Tender.
- (33) “**Call to Submit Offers**” shall mean the call to submit Binding Offers that the Preselected Tenderers will be invited to receive from the Awarding Authority for their participation in Stage II.2 of Phase II of the Tender, which shall comprise the terms of the procedure, as well as any other necessary information about the relevant Stage of the Tender; it will be accompanied by a Draft Partnership Contract and other documents and Annexes.
- (34) “**Bidder**” shall mean the Preselected Tenderer who has submitted an Offer during Stage II.2 of Phase II of the Tender, in accordance with the provisions of the Call to Submit Offers.
- (35) “**Construction Design Contract**” shall mean the contract to be concluded between the PPE and the Constructor for the construction of the Technical Project, which will be signed at the same time as the Partnership Contract.
- (36) “**Innovation Services Contract**” shall mean the contract to be concluded between the PPE and the Innovation Entity for the provision of Innovation Services, which will be signed at the same time as the Partnership Contract.
- (37) “**Partnership Contract**” shall mean the Partnership Contract to be concluded between the Awarding Authority and the PPE.
- (38) “**Consultants**” shall mean the consultants designated for the Project by the Awarding Authority to assist it in the procedure for awarding the Partnership Contract, including those mentioned in paragraph 1.7 hereof.
- (39) “**Technical Project**” shall mean the design, construction and overall construction or engineering works relating to the establishment and development of the Innovation Centre within the meaning of Article

2 par. 8 of Law 4413/2016 and Article 8 indent (h) of Law 3389/2005.

- (40) “**Spin-off**” shall mean the person who develops new business activities with the main objective of exploiting knowledge generated in research laboratories, by natural persons of a high-level technical and scientific training or by research and educational establishments, with the assistance of specialists in business operation and private financial institutions.
- (41) “**Statutory Statement**” shall mean the Statutory Statement under Article 8 of Law 1599/1986 (Government Gazette A 75), as its content has been determined by decision No. DIADP/A1/18368/25.09.2002 (Government Gazette B 1276) of the Minister of Interior, Public Administration and Decentralisation; in the event that the Tenderer or the person signing the Statutory Statement are foreign, the Statutory Statement shall be an affidavit or declaration before a competent judicial or administrative authority or notary public according to the law of the state of origin/establishment of the Tenderer or the person signing the Statutory Statement.
- (42) “**Tenderer**” shall mean the economic operator (natural or legal person or association of persons within the meaning of Article 2 para. 2 of Law 4413/2016), that has submitted an Expression of Interest Dossier in accordance with this Call to Express Interest.
- (43) “**Innovation Entity**” shall mean the economic operator (natural or legal person or association of persons within the meaning of Article 2 para. 2 of Law 4413/2016), that has been designated by the Tenderer in the Expression of Interest Dossier to provide Innovation services or their substitutes according to the provisions hereof, who will sign the Innovation Services Contract with the SPSA, as specified herein.

**2.1** In this Call to Express Interest, unless otherwise indicated by the text:

- (a) Headings are inserted only for the purposes of organising the text and do not affect interpretation;
- (b) The definitions comprised in this Article 2 or in individual

terms hereof shall apply to the entire Call;

- (c) The use of the singular shall comprise the plural and vice versa, and the use of a gender shall comprise all other genders;
- (d) Any reference to days shall to be to calendar days, unless it is expressly stipulated that they are business days;
- (e) The time limits shall be calculated in accordance with the provisions of the Civil Code (Articles 240-247) and Council Regulation (EEC, Euratom) No 240/247 of 3 June 1971 laying down the rules applicable to periods, dates and time limits.

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

#### **3.1 Purpose of the Partnership Contract**

**3.1.1** The purpose and scope of the Partnership Contract are described in paragraph 1.5 of this Call and the technical details of the Project are described in detail in ANNEX 1 of this Call and in summary in paragraph 3.3 hereof.

**3.1.2** It is mentioned that a specific condition for the implementation of the Partnership Contract will be the PPE undertaking to comply with obligations in the fields of environmental, social security and labour law, enacted by European Union law, national law, collective agreements or international provisions of environmental, social security and labour law, listed in Annex X of Law 4413/2016. This special condition should be included in the Offer of the Bidders, in accordance with paragraph 3 of article 29 of Law 4413/2016. Moreover, additional specific conditions for the performance of the contract may be provided for in the Partnership Contract, relating to:

- (a) The number or percentage per category of qualification of unemployed and/or persons belonging to vulnerable groups recruited for the performance of the Partnership Contract; and
- (b) the environmental performance of the Project.

#### **3.2 Overview of the Property**

**3.1.1** The overview of the Property, as defined in paragraph 2.1 (1), is set out in ANNEX 1 to this Call.

#### **3.3 Brief description of the Technical Project**

**3.3.1** The scope of the Technical Project to be constructed by the PPE

shall comprise any action relating to designing, shaping, reforming, constructing and, more generally, any technical action required for the appropriate adaptation of the Property for the purpose of efficient operation of the Innovation Centre.

**3.3.2** In any event and notwithstanding the above, the scope of the Technical Project shall be finalised in Stage II.1 of Phase II of the Tender, during which the individual characteristics of the Project will be determined.

**3.3.3** The Technical Project will be constructed according to the applicable specifications for each category of work.

**3.3.4** The PPE will ensure that the Innovation Centre is constructed, operated and maintained in such a way as to allow its continuous and efficient operation and its return to the Awarding Authority on expiry of the term of the Contract, in accordance with the specific provisions of the Partnership Contract.

### **3.4 Constructor**

For the construction of the Technical Project, the Tenderer will designate in the Expression of Interest Dossier a specific Constructor, i.e. an economic operator in possession of the qualifications set out in 8.4.2 (Special Construction Experience and Professional Competence of the Constructor), who will sign a Design and Construction Contract with the PPE. The role of the Constructor in the implementation of the Project and the proper execution of the Partnership Contract is especially important.

### **3.5 Designer**

For the study and design of the Technical Project, the Tenderer will be called to designate in the Expression of Interest Dossier a Designer, i.e. an economic operator in possession of the qualifications set out in paragraph 8.4.3 (Professional Competence of the Designer), who will sign a contract with the Constructor and be cited in the Construction Design Study Contract. The role of the Designer in the implementation of the Project and the proper execution of the Partnership Contract is especially important.

### **3.6 Innovation Entity**

Fostering a proper environment for the generation and promotion of

Innovation is an essential prerequisite for the proper execution and operation of the Project, as described in paragraph 1.5 hereof. For the provision of Innovation services, the Tenderer will be called to designate in the Expression of Interest Dossier an Innovation Entity, i.e. an economic operator in possession of the qualifications set out in paragraph 8.4.4 (Special Experience and Professional Competence of the Innovation Entity), who will sign an Innovation Services Contract with the PPE. The role of the Innovation Entity in the implementation of the Project and the proper execution of the Partnership Contract is especially important.

### **3.7 Obligations of the PPE**

**3.7.1** The PPE will undertake to implement the Project in accordance with the specific provisions of the Partnership Contract. In the context of the Project, the PPE will undertake the design, construction, financing, operation, maintenance and exploitation of the Project.

**3.7.2** The PPE will implement the Technical Project fully, within time limits and appropriately, in accordance with the rules of science and art and according to the highest quality standards. It shall be then obliged to operate the Innovation Centre in such a way as to serve its purposes as best as possible, as they derive from its nature and this Call. In particular, with the purpose of supporting and promoting Innovation services, the PPE must ensure that this objective is pursued continuously.

**3.7.3** The PPE shall be obliged to issue, revise and maintain in full force and effect all necessary permits and authorisations required for both the construction and the operation and maintenance of the Innovation Centre, in accordance with the applicable legislation and the specific provisions of the Partnership Contract.

**3.7.4** The PPE shall be responsible, at its own costs, for the insurance, maintenance, guarding, cleaning and repair (if required) of the Innovation Centre, as specified in the Partnership Contract.

**3.7.5** The PPE shall be obliged, in the implementation of the Partnership Contract, to comply with its obligations arising from the provisions of environmental, social security and labour law, adopted through the provisions of Union law, national legislation, collective

agreements or international provisions of environmental, social and labour law listed in Annex X to Law 4413/2016.

### **3.8 Term of the Partnership Contract**

The duration of the Partnership Contract shall be at least thirty (30) years, with the possibility of further extension for fifteen (15) more years. The exact term of the Partnership Contract and any extension thereof shall be further specified during Phase II of the Tender, according to article 51 par. 1 of Law 4413/2016 and article 17 of Law 4413/2016.

### **Article 4 Estimated value – Budget – Financing**

**4.1.1** The Project shall be financed exclusively by the Tenderer's equity and/or loaned funds. The Special Purpose Company is expected to be able to secure a significant amount of equity, as well as the required sources of loaned funds. The return on equity and loan capital is expected not to be higher than the levels prevailing on the market, taking into account the risks of the Project. The Awarding Authority shall not participate in the financing of the Project. Part of the Project may be financed by the Recovery and Resilience Facility by securing a loan to the PPE or from other financial instruments, at the initiative, responsibility and care of the PPE.

**4.1.2** The indicative budget of the investment shall be assessed on the basis of the outcome of the dialogue during Phase II.2 of the Tender and it will be possible to communicate it to the Preselected Tenderers, during Phase II.2 of the Tender (Call to submit binding offers). In any event, the estimated value of the Contract shall exceed the monetary limit set out in indent (a) of paragraph 2 of article 1 of Law 4413/2016. The SPSA will recover its investment through the collection of a mixture of payments, the composition of which will be determined during Phase II of the Tender and finalised in the Call to submit binding offers and other contractual documents of Phase II.2, and may also constitute a subset of the award criteria.

**4.1.3** The SPSA is expected to assume the risks associated with the design, construction, maintenance, insurance, operation and financing of the Partnership. The PPE will assume the operational risk arising from the exploitation of the Contract, which includes



the risk of demand and supply. There is no provision to guarantee the depreciation of the investment or costs for the design, construction, management, operation, maintenance or financial charges of the scope of the Partnership Contract.

## **Article 5 Overview of the award procedure**

### **5.1 General points**

**5.1.1** Throughout the Tender, the Awarding Authority will comply with the general principles deriving from the fundamental rules and principles of European Union law, including the free movement of goods, the right of establishment, freedom to provide services, non-discrimination and equal treatment, transparency, proportionality and mutual recognition.

**5.1.2** The Awarding Authority shall provide, by electronic means, unlimited and full free access to the documents of the Partnership Contract as from the date of publication of the corresponding notice. The documents of the Partnership Contract are available at the following website: [www.gsrt.gr](http://www.gsrt.gr).

**5.1.3** The publication of the Call for Concession Contract, in conjunction with this Call, in the Supplement to the Official Journal of the European Union (Article 30 of Law 4413/2016 and Article 32 of Directive (EU) 2014/23 of the European Parliament and of the Council of 26 February 2014 on the award of concessions), shall mark the commencement of the Tender for the award of the Partnership Contract.

**5.1.4** The Tender shall be conducted in accordance with the provisions of Law 4413/2016 (Award and execution of concession contracts – Harmonisation with Directive (EU) 2014/23 of the European Parliament and of the Council of 26 February 2014 on the award of concessions (OJ L 94/1/28.3.2014) and other provisions) (Government Gazette A 148) and also Law 3389/2005 (Government Gazette A 232).

**5.1.5** Taking into account the technical complexity of the project, its legal and financial organisation and the risks associated therewith, the Tender shall be structured as follows, in order for the Awarding Authority to define the best means that could satisfy its needs or

assess what the market can offer from the point of view of technical, financial or legal solutions and adapt its readily available solutions.

**5.1.6** This award procedure comprises two phases:

(a) Phase I (preselection), governed by this Call, in response to which the Expression of Interest Dossier should be submitted in accordance with Article 10; and

(b) Phase II (dialogue and submission of offers), which is further divided into the following stages:

(i) Stage II.1, governed by the Call to Participate in the Dialogue; and

(ii) Stage II.2, governed by the Call to Submit Offers, asking for submission of binding offers for the conclusion of the Partnership Contract.

## **5.2 Phase I (Preselection)**

**5.2.1** In Phase I of the Tender, interested economic entities should express their interest by submitting an Expression of Interest Dossier, in accordance with the provisions of Article 10 of this Call.

**5.2.2** The purpose of Phase I is to preselect those Tenderers who meet the Preselection Criteria set out in Article 8 of this Call, in particular those who meet the Personal Status Criteria and demonstrate that they have the required Financial and Economic Adequacy and the Technical and Professional Competence required for participation in the Tender and the award of the Partnership Contract.

**5.2.3** The Awarding Authority intends to limit the number of Tenderers fulfilling the Preselection Criteria, who will be invited to participate in Phase II of the Tender (Dialogue and Submission of Offers), in accordance with paragraph 3 of article 38 of Law 4413/2016, provided that these Tenderers exceed the maximum number set below. In particular, the Awarding Authority intends to invite a maximum of six (6) Tenderers to participate in Phase II of the Tender (Dialogue and Submission of Offers), in accordance with the objective and non-discriminatory scoring criteria provided for in Article 16 of the Call.

**5.2.4** The Awarding Authority will examine the Expression of Interest Dossiers submitted and invite all Tenderers who meet the

Preselection Criteria, up to the maximum number specified above, in order to participate in Phase II of the Tender, as described below.

**5.3 Phase II (Dialogue and Call to Submit Offers)**

**5.3.1** Phase II of the Tender comprises two distinct and successive stages, namely Stage II.1 (Dialogue) and Stage II.2 (Submission of Offers), as specified below.

**5.4 Stage II.1 of Phase II of the Tender (Dialogue)**

**5.4.1** During Stage II.1 of Phase II of the Tender, a letter will be sent by the Awarding Authority to the Preselected Tenderers, in which they will be invited to receive the Call to Participate in Dialogue. The Call to Participate in Dialogue will specify the terms according to 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 investigate and identify the means that can best satisfy the needs of the Awarding Authority in relation to the project.

**5.4.2** It is indicatively stated that the Awarding Authority will conduct dialogue with each of the Preselected Tenderers on the main technical, financial and legal parameters of the Project and, at the discretion of the Awarding Authority, on all aspects of the Partnership Contract.

**5.4.3** At this stage, in order for the Preselected Tenderers to submit their comments and proposals, any information useful for describing the needs of the Awarding Authority in relation to the Project will be made available to the Preselected Tenderers, at the absolute and free discretion of the Awarding Authority.

**5.4.4** In the course of the Dialogue, the Preselected Tenderers, at the absolute discretion of the Awarding Authority, will be invited to comment or propose the main design parameters of the Project, in accordance with the information made available by the Awarding Authority and/or submit proposals, studies and solutions for the finalisation of the Project's basic design, as well as the legal and financial organisation of the Project, in accordance with the provisions of the relevant Invitation and/or to submit proposals, studies and solutions for the finalisation of the project's basic design, as well as for the legal and financial organisation of the

project, in accordance with the provisions of the relevant Invitation and/or to submit proposals, studies and solutions for the finalisation of the project's basic design, as well as for the legal and financial organisation of the project, in accordance with the provisions of the relevant Call to Participate in Dialogue, as possibly present them in meetings with the competent bodies and Consultants of the Awarding Authority.

**5.4.5** Participation in the Dialogue is a necessary requirement for participation of the Preselected Tenderer in Stage II.2 of the Tender (Submission of Offers), in accordance with the specific provisions of the Call to Submit Offers.

**5.4.6** In the course of the Dialogue, the Awarding Authority will ensure equal treatment of all Preselected Tenderers by, inter alia, providing the exact same information to the Preselected Tenderers. The proposals, solutions and general information brought to the knowledge of the Awarding Authority by a Preselected Tenderer and classified as confidential under Article 27(3) and (4) of Law 4413/2016 will not be disclosed to the other Preselected Tenderers without its consent.

**5.4.7** The Awarding Authority, having accepted any proposals that best meet its needs, will declare the conclusion of the Dialogue (Stage II.1 of the Tender) and notify the Preselected Tenderers.

**5.4.8** Stage II.1 is completed with the approval by the Awarding Authority of the definitive Basic Design of the Project and the approval of the documents of the Call to Submit Offers for the next and final stage II.2 of Phase II of the Tender.

**5.5 Stage II.2 of Phase II of the Tender (Binding Offers)**

**5.5.1** After the conclusion of Stage II.1, Stage II.2 of the Tender shall begin. In particular, a letter will be sent by the Awarding Authority inviting the Preselected Tenderers to receive the Call to Submit Offers, in its finalized form, on the basis of which the Binding Offers will be submitted. This letter, which will invite the Preselected Tenderers to participate in Stage II.2, will be sent to the Preselected Tenderers within a reasonable time before the date set for the submission of their Binding Offer.

**5.5.2** The Partnership Contract will be signed between the Awarding Authority and the PPE, as defined in paragraph 2.1 indent (22) of the Call (i.e. the Special Purpose Company to be established by the Contractor).

**5.5.3** In the event that the PPE is an Association of Persons, its members will participate in the share capital of the SPSA by the same participation rates, which were declared in the context of the Tender. The sole purpose of the SPSA will be to implement the Partnership Contract in accordance with the provisions of the Partnership Contract and the applicable provisions of Greek legislation.

#### **Article 6 Award Criteria**

The Partnership Contract will be awarded on the basis of the criterion of the most financially advantageous offer, as this criterion is provided for in article 10 par. 1 of Law 3389/2005, in the context of which the Awarding Authority will examine and take into account, in addition to the economic parameters, various other parameters of the scope of the Contract, as these are indicatively set out in article 10(2) of Law 3389/2005. The specific award criteria and their descending order will be determined during Phase II.2 of the Tender.

#### **Article 7 Right to participate**

##### **7.1 Terms and condition of participation**

**7.1.1** Natural or legal persons, or associations of natural and/or legal persons shall be entitled to participate in the Tender and submit of an Expression of Interest Dossier, provided that they or, in case of an Association of Persons, their members:

(a) are established in a Member State of the European Union (EU) or the European Economic Area (EEA) or in a member state of the World Trade Organisation or in states that have concluded bilateral or multilateral agreements with the EU on procurement procedures; and

(b) meet the Preselection Criteria consisting of the Personal Status Criteria, the Financial and Economic Adequacy Criteria and the Technical and Professional Competence Criteria, in accordance with

Article 8 hereof.

**7.1.2** Tenderers participating in the Tender in the form of an Association of Persons shall not be required to acquire a specific legal form to submit an Expression of Interest Dossier. In the course of the Tender, however, the members of the Association of Persons shall be jointly and severally liable to the Awarding Authority for their obligations, in accordance with the terms hereof. In case of a Tenderer Association of Persons, the participation percentage of its members shall be declared in the Expression of Interest Dossier and, if the Tenderer is designated as Contractor, the percentage of each member's participation in the Special Purpose Company will be binding, subject to paragraph 7.3 hereof.

## **7.2 Affiliated Undertaking**

**7.2.1** In the event that an Undertaking Affiliated to a Tenderer (as defined below) submits an independent Expression of Interest Dossier (i.e. participates in the Tender as an individual Tenderer), or participates as a member of an Association of Persons submitting an independent Expression of Interest Dossier, both these Tenderers shall bear the burden of demonstrating to the Awarding Authority, in a satisfactory manner, that their submitted Expression of Interest Dossiers and, subsequently, during Phase II of the Tender, their proposals during the Dialogue and their Binding Offers, although separate, have not been influenced by the other. Otherwise, the Awarding Authority may exclude both or one of the Tenderers at its sole discretion.

**7.2.2** For the purposes of this Invitation, the term "Affiliated Undertaking" shall mean any undertaking whose annual accounts have been consolidated with the Tenderer's accounts in accordance with the requirements of Law 4308/2014 (Government Gazette A 251). In case of economic entities that do not fall under Law 4308/2014, "affiliated undertaking" shall mean any entity in relation to which the Tenderer meets any of the criteria (a) to (e) below:

- (a) It holds the majority of the voting rights of shareholders, partners or members of the other entity (subsidiary entity);
- (b) It holds the right to appoint or terminate the majority of the members of the other entity's administrative, management or

- supervisory body (subsidiary entity) and is at the same time a shareholder, partner or member of that entity;
- (c) It holds the right to exercise 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 founding document or its statutes.
- (d) Is a shareholder, partner or member of the other entity and either:
- (d.1) controls on its own, under an agreement concluded with other shareholders, partners or members of that entity (subsidiary entity), the majority of the voting rights of its shareholders, partners or members; or
  - (d.2) all of the following conditions apply:
    - (i) The majority of the members of the administrative, management or supervisory bodies of that entity (subsidiary entity) who were in command during the current period, as well as during the preceding period and until the preparation of the consolidated financial statements, has been appointed only as a result of the exercise of its voting rights;
    - (ii) The voting rights held by the Tenderer represent at least 20% of the total voting rights in the subsidiary entity;
    - (iii) No third party holds the rights referred to in points (a), (b) or (c) of this paragraph in respect of this entity (subsidiary entity).
- (e) It has the power to exercise or actually exercises dominant influence or control over the other entity (subsidiary entity).

### **7.3 Changes in the composition of a Preselected Tenderer**

**7.3.1** Change in the composition of a Preselected Tenderer shall mean any of the following circumstances or a combination thereof:

- (a) The reallocation of participation percentages in the Association of

- Persons among its existing members;
- (b) The withdrawal of one or more existing members from the Association of Persons;
  - (c) The admission of one or more new members into the Association of Persons;
  - (d) The substitution of a third party whose capacities are relied upon by the Preselected Tenderer;
  - (e) The establishment of an Association of Persons by an individual Preselected Tenderer;
  - (f) The substitution of the designated Constructor;
  - (g) The substitution of the designated Designer; and
  - (h) The substitution of the designated Innovation Entity.

**7.3.2** Any change in the composition of a Preselected Tenderer shall be allowed after the finalisation of the results of Phase I of the Tender and only under the conditions that are set out below and, with regard to Phase II of the Tender, may be specified in more detail or supplemented in the Call to Submit Offers:

- (a) The change must be notified to the Awarding Authority in writing no later than one (1) month before the final date for submission of the Binding Offers and will be subject to the prior approval of the Awarding Authority, on recommendation of the Tender Committee.
- (b) The Association of Persons must continue to meet all the Quality Selection Criteria set out in Article 8 of the Call and the new member who may be admitted to the Association of Persons must meet the Personal Status Criteria set out in paragraph 8.2 of the Call.
- (c) In the event that a new member is admitted to the Association of Persons or in case of substitution of the Constructor or the Designer or the Innovation Entity or the third party whose capacities are relied upon by the Preselected Tenderer, any notification to the Awarding Authority of a change in the composition, as specified herein, must be accompanied by the supporting documents provided for in this Call concerning the new member, or the new Constructor or the new Innovation Entity or the new Third Party.
- (d) No change in the composition of the Association of Persons 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, split, conversion, etc.). Any such change will be subject to the prior approval of the Awarding Authority, provided that the Preselected Tenderer continues to meet the qualitative selection criteria set out in Article 8 of the Call.

(e) To express its opinion, the Tender Committee shall review whether or not the Preselected Tenderer still complies with the Quality Selection Criteria set out in Article 8 of the Call. In the event that the outcome of the review shows that the Preselected Tenderer does not meet all the terms and conditions of participation and the Preselection Criteria hereof, it will be excluded from the Tender.

(f) The above conditions 0 to 0 shall apply cumulatively. Any violation of the conditions set out above will result in the exclusion of the Preselected Tenderer from the Tender.

#### **7.4 Offshore companies**

Offshore companies or associations of persons or natural persons who are resident, have their registered or actual registered office or have an establishment in non-cooperating countries, as defined in Article 65 of the Greek Income Tax Code (Law 4172/2013) and listed in decision no. 1353/19.09.2019 of the Minister of Finance (Government Gazette B 3558), do not qualify for participation in the Tender either individually or as members of a Tenderer Association of Persons or as partners or shareholders holding more than one percent (1%) of the share capital of an economic operator being a Tenderer/Bidder or member of a Tenderer/Bidding Association of Persons.

#### **7.5 Release from liability**

The Awarding Authority or any of its Consultants, or representatives, bodies, or employees, or executives, shall be released from any liability or obligation to pay any costs or expenses incurred by the Association of Persons or any member of an Association of Persons or any Tenderer, as the case may be, as a result of exclusion. No person shall acquire, vis-à-vis the Awarding Authority or the Consultants or representatives, or employees, or executives thereof, any right or claim to compensation or

any other kind of remedy arising from this Call, or from their participation in the Tender for any reason, including any error, inaccuracy or misleading statement, or omission in this Call.

## **Article 8 Preselection Criteria**

### **8.1 Introduction**

**8.1.1** This article sets out the Preselection Criteria to be met by Tenderers, the Constructor, the Designer and the Innovation Entity, which consist of the following aspects: (a) Personal Status Criteria, as defined in paragraph 8.2 below, (b) Financial and Economic Adequacy Criteria, as defined in paragraph 8.3 below, and (c) Technical and Professional Competence Criteria, as defined in paragraph 8.4 below.

**8.1.2** Compliance with the Preselection Criteria is a constant requirement that must also be met after the submission and evaluation of the Expression of Interest Dossier and throughout the term of the Tender. Preselected Tenderers shall be obliged to include in their Binding Offer a certificate that they continue to meet the above criteria.

### **8.2 Personal Status Criteria**

**8.2.1** Tenderers must meet all the Personal Status Criteria described below. In case of an Association of Persons, the fulfilment of the Personal Status Criteria shall be examined for each member of the Association of Persons separately. Tenderers who do not meet any of the requirements of this Article or who have made false or inaccurate statements shall be excluded.

**8.2.2** The Awarding Authority shall exclude Tenderers from the Tender, if it is brought to its knowledge that there is an irrevocable conviction against them (or against a member, in case of an Association of Persons) for one of the following reasons:

- (a) Participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300);
- (b) Corruption, as defined in Article 3 of the Treaty on the fight against corruption involving officials of the European Communities or of officials of the Member States of the European Union (OJ C 195) and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ

L 192), and as defined in the applicable legislation or national law of the economic operator;

- (c) Fraud, within the meaning of Article 1 of the Treaty on the Protection of the European Communities' Financial Interests (OJ C 316), sanctioned by Law 2803/2000 (Government Gazette A 48);
- (d) Terrorist crimes or crimes related to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3) or inciting or abetting or attempting to commit a crime as defined in Article 4 thereof;
- (e) Money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for money laundering and terrorist financing (OJ L 309), transposed into national legislation by Law 3691/2008 (Government Gazette A 166);
- (f) 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), which was transposed into national legislation by Law 4198/2013 (Government Gazette A 215).

The Tenderer shall also be excluded when the person against whom an irrevocable conviction has been issued in the above circumstances is a member of the administrative, management or supervisory body of that economic operator or has the power of representation, decision-making or control over it.

**8.2.3** In addition, a Tenderer shall be excluded from participation in the Tender, if the Awarding Authority:

- (a) is aware that such Tenderer (or member thereof, in case of Association of Persons) has failed to fulfil its obligations regarding the payment of taxes or social security contributions, provided that this is attested by a court judgment with the force of res judicata or administrative decision with binding effect in accordance with the laws

of the country in which it is established or with the applicable provisions; and/or

(b) can demonstrate by appropriate means that such Tenderer (or member thereof, in the case of Association of Persons) has failed to fulfil its obligations in respect of the payment of taxes or social security contributions.

If the Tenderer is a Greek citizen or has his place of residence in Greece, his obligations regarding social security contributions shall cover both the main and supplementary insurance.

This paragraph 8.2.3 shall cease to apply where the reviewed economic operator fulfils its obligations, either by paying the taxes or social security contributions due, including, where applicable, accrued interest or fines or by concluding a binding arrangement for payment thereof.

**8.2.3** A Tenderer shall be excluded from participation in the Tender if any of the following conditions is met:

(a) If the Awarding Authority can demonstrate by appropriate means that Tenderer (or a member thereof, in case of Association of Persons) has breached the obligations provided for in paragraph 3 of article 29 of Law 4413/2016 (obligations arising from the provisions of environmental, social security and labour law, enacted through provisions of Union law, national legislation, collective agreements or international provisions of environmental, social and labour law, as listed in Annex X of Law 4413/2016);

(b) If the Tenderer (or a member thereof, in case of Association of Persons) is in bankruptcy or has been subject to reorganisation or special liquidation proceedings or is subject to mandatory management enforced by a liquidator or the court, is subject to bankruptcy proceedings or has suspended his business activities or is in any similar situation resulting from a similar procedure provided for in national laws and regulations. However, the Awarding Authority may decide not to exclude an economic operator, who is in one of the above situations, where it has been established that the economic operator in question will be able to perform the contract, taking into account the applicable national rules and measures relating to the continuity of activities in these situations;

(c) If a conflict of interest within the meaning of paragraph 3 of

Article 35 of Law 4413/2016 cannot be remedied by other, less invasive, means;

(d) If, without prejudice to paragraph 3b of article 44 of Law 3959/2011 (Government Gazette A 93), the Awarding Authority has sufficiently reasonable indications that lead to the conclusion that the Tenderer (or a member thereof, in case of Association of Persons) concluded agreements with other economic entities with a view to distorting competition;

(e) If the Tenderer (or a member thereof, in case of Association of Persons) has demonstrated serious or repeated defects in the execution of an essential requirement under a previous concession or prior contract with an awarding authority or awarding entity, as defined in Law 4413/2016 or the provisions of Law 4412/2016, which resulted in the early termination of such contract, compensation or other similar penalties;

(f) If the Tenderer (or a member thereof, in case of Association of Persons) has been found guilty of serious false statements in providing the information necessary to verify the absence of grounds for exclusion or fulfilment of the selection criteria, has withheld such information or is unable to provide the necessary documents in support of that information;

(g) If the Tenderer (or a member thereof, in case of Association of Persons) attempts to unfairly influence the decision-making process of the Awarding Authority, to obtain confidential information which may imply unfair advantages for him in the concession award procedure or to provide misleading information which may materially affect decisions concerning the exclusion, selection or award of the Partnership Contract;

(h) If the Awarding Authority can prove, by appropriate means, that the Tenderer (or a member thereof, in case of Association of Persons) has committed serious professional misconduct, which casts doubt on his integrity.

**8.2.5** An economic operator shall be excluded from participation in this Tender if the requirements of application of paragraph 4 of article 8 of Law 3310/2005 (Government Gazette A 30) are met (national exclusion grounds).

- 8.2.6** A Tenderer upon whom (if he is an individual natural or legal person) or upon one of whose members (if it is an Association of Persons) the penalty of exclusion from concession or public procurement procedures has been imposed by the joint ministerial decision set out in article 42 of Law 4413/2016 or by the decision set out in article 74 of Law 4412/2016, shall be automatically excluded from this Tender as well.
- 8.2.7** The Contracting Authority shall exclude a Tenderer at any time during the Tender, if it is established that this Tenderer (when it is an individual natural or legal person) or one of its members (when it is an Association of Persons) is, due to acts committed or omitted either before or during the tender procedure, in one of the situations referred to in paragraphs 8.2.2, 8.2.3 and 8.2.4. If the period of exclusion has not been determined by an irrevocable judgment, in the instances referred to in paragraph 8.2.2, that period shall be five (5) years from the date of the sentence by irrevocable judgment and, in the cases referred to in paragraph 8.2.4, three (3) years from the date of the relevant incident.
- 8.2.8** Any Tenderer (or member thereof, in case of Association of Persons) being in one of the situations referred to in paragraphs 8.2.2 and 8.2.4 may provide evidence in order to demonstrate that the measures taken provide sufficient evidence of its reliability, despite the existence of the relevant grounds for exclusion. If the evidence is considered deemed sufficient, the Tenderer in question shall not be excluded from the Tender. To this end, the Tenderer (or a member thereof, in case of Association of Persons) shall demonstrate that he has paid or committed to pay compensation for any damage caused by the criminal offence or misconduct, that he has fully clarified the facts and circumstances, through active cooperation with the investigating authorities, and has taken specific technical and organisational measures, as well as measures relating to its staff that are appropriate to prevent further criminal offences or misconduct. The measures taken by the Tenderers (or members thereof, in case of Associations of Persons) shall be assessed in the light of the seriousness and particular circumstances of the criminal offence or misconduct. If the measures are considered inadequate, the Tenderer shall be notified of the reasons for such decision. A Tenderer (or a member thereof, in case of Association of Persons) excluded, by

irrevocable judgment, from participation in concession award procedures within the meaning of the provisions of Article 42 of Law 4413/2016 cannot not make use of the possibility provided under this paragraph during the period of exclusion specified in that judgment in the Member State in which the judgment is in force.

**8.2.9** The decision of the Awarding Authority establishing the adequacy or inadequacy of the remedial measures referred to in the previous paragraph shall be issued with the consent of the committee set out in paragraph 9 of article 73 of Law 4412/2016, issued within thirty (30) days from the receipt of the draft decision of the Awarding Authority to the said committee, accompanied by all relevant information. Upon expiry of the above deadline, the Awarding Authority shall exclude the said Tenderer from the Tender. The decision of the Awarding Authority and the decision accepting legal remedies against it shall be notified to the Hellenic Single Public Procurement Authority (HSPPA).

**8.2.10** In the event that the Tenderer (or a member of a Tenderer Association of Persons) relies upon the Financial and Economic Adequacy or the Technical and Professional Competence of a Third Party to fulfil the criteria of Financial and Economic Adequacy or Technical and Professional Competence respectively, in accordance with Article 9 hereof, the Personal Status Criteria, as defined above, should be met by that Third Party as well.

**8.2.11** All the above Personal Status Criteria set out in this paragraph 8.2 should also be met by the Constructor, the Designer and the Innovation Entity.

### **8.3 Financial and Economic Adequacy Criteria**

**8.3.1** Each Tenderer must demonstrate during the Phase I of the Tender that it possesses financial and financial adequacy and borrowing capacity to ensure the financing of the implementation of the scope of the Partnership Contract (“Financial and Economic Adequacy Criteria”). In this context, Tenderers must demonstrate the following in the Expression of Interest Dossier.

**8.3.2** If the Tenderer is a natural person, he must prove that he has direct personal ownership and possession of financial instruments that are disposable, liquid and free-from-burdens (“Net Personal Property”), with

a total market value exceeding ten million euro (>EUR 10,000,000). To determine the Net Personal Property, the following shall be taken into account restrictively:

- (a) Cash deposits with banks or other financial institutions lawfully operating in Member States of the EU or of EEA or the OECD, and/or
- (b) Liquid and transferable securities.

**8.3.3** If the Tenderer is a legal person (with the exception of paragraph 8.3.4 below), it must demonstrate that it fulfils the following conditions:

- The average equity capital established and proved by the Financial Statements of the last Three (3) Years exceeds ten million euro (>EUR 10,000,000).

**8.3.4** If a Tenderer or member thereof is an investment fund, it must prove to fulfil the following condition:

- The sum of invested and available funds, including undisbursed frozen funds (the “Total Funds”), according to the Financial Statements of the last audited financial year prior to the Date of Publication or, where the investment fund has not completed at least one audited management year according to the certificate or report of certified auditor issued up to three (3) months before its submission to the Awarding Authority, exceeds ten million euro (>EUR 10,000,000).

**8.3.5** For the purposes of paragraphs 8.3.3 and 8.3.4:

- (a) Any recourse to a fiscal year ending before 1 January 2016 shall not be accepted; and
- (b) The relevant results will be derived from the Financial Statements of the last Three (3) Years of the audited economic operator.
- (c) By way of exception, with regard to the investment fund referred to in paragraph 8.3.4, where the relevant data do not derive from the relevant financial statements, they may be certified or reported by a certified auditor.

**8.3.6** Where the Tenderer is an Association of Persons, the above criteria are met if the weighted total, 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 Property, or,



if the member of the Association of Persons is an investment fund, Total Funds), weighted for each member of the Association of Persons proportionally to their participation in the Association of Persons (expressed as a decimal number), exceeds ten million euro (>EUR 10,000,000).

**8.3.7** Where the Tenderer is a legal person (with the exception of the investment fund referred to in paragraph 8.3.4 above) proving that has not completed three (3) years of operation since its establishment, the above criteria shall be examined in respect of the years of its operation, provided that the economic operator in question has completed at least one audited management year at the time of submission of the Expression of Interest Dossier.

**8.3.8** Where the Tenderer (or a legal person being member thereof) has merged with any undertaking from 1 January 2016 onwards, the aforementioned Financial and Economic Adequacy Criteria may also be satisfied on the basis of pro-forma financial statements prepared on the basis of the assumption that the merger or acquisition took place on 1 January 2016.

**8.3.9** In addition, the Tenderer must demonstrate that it has borrowing capacity for the implementation of the Project by credit or financial institutions lawfully operating in at least one EU, EEA or OECD Member State, providing the services set out in paragraph 1 of Article 11 of Law 4261/2014 (Government Gazette A 107), such as the granting of credit, including the issue of letters of guarantee, with a long-term credit rating of at least Caa2 on the Moody's or CCC+ on the Standard & Poor's scale or CCC on the Fitch scale.

#### **8.4 Technical and Professional Competence Criteria**

Each Tenderer must meet and demonstrate compliance with the Technical and Professional Competence Criteria provided for in this paragraph, cumulatively consisting in: (a) Professional Competence and Special Experience of the Tenderer, in accordance with paragraph 8.4.1, (b) Special Construction Experience and Professional Competence of the Constructor, in accordance with paragraph 8.4.2, (c) Professional Competence of the Designer, in accordance with paragraph 8.4.3, and (d) Special Experience and Professional Competence of the Innovation Entity, in accordance with paragraph 8.4.4.

#### **8.4.1 Professional Competence and Special Experience of the Tenderer**

Each Tenderer must meet and demonstrate compliance with the technical and professional competence criteria set out in this paragraph, cumulatively consisting of (a) the Tenderer's Professional Competence and (b) the Tenderer's Special Experience, as specified below. In particular:

- (a) The Tenderer or, in case of Association of Persons, its members should be registered in one of the professional or commercial registers maintained in the state of establishment.
- (b) The Tenderer and, in case of Association of Persons, at least one member thereof must have experience in the commercial exploitation or development and commercial exploitation of either (i) at least one (1) completed building project corresponding to the building work of this Tender, i.e. an Innovation Centre with a total built area equal to or greater than five thousand (5,000) sq.m. or at least one (1) completed Commercial Centre or Office or Research Centre or Business Incubator, as defined in indents 10.5 and 11 of paragraph II of article 1 of presidential decree 59/2018 (Government Gazette A 114) respectively, with a total built area equal to or greater than five thousand (5,000) sq.m., during the last fifteen years from the Date of Publication, or (ii) more than one completed building works corresponding to the building work of this Tender, i.e. Innovation Centres with a total built area equal to or more than ten thousand (10,000) sq.m., or more than one completed Commercial Centre or Office or Research Centre or Business Incubator, as defined in indents 10.5 and 11 of paragraph II of article 1 of presidential decree 59/2018, with a total built area equal to or greater than ten thousand (10,000) sq.m., during the last fifteen years from the Date of Publication. In indent (ii) above, if the Tenderer is an Association of Persons, the members of the Association may meet this criterion cumulatively. In order to cite these projects, the Tenderer or, in case of Association of Persons, its members must have a direct participation of at least thirty per cent (30%) during the last fifteen (15) years prior to the Date of Publication in the share capital of a company or

Association of Persons assigned with the commercial exploitation or development and commercial exploitation of these projects, as specified herein.

#### **8.4.2 Special Construction Experience and Professional Competence of the Constructor**

A. The Constructor and, in case of Association of Persons, its members, as specified in the letter of expression of interest (ANNEX 2), in order to be considered to possess the required special construction experience and professional competence, must prove to satisfy all the following criteria:

- (a) It must meet the terms and conditions of Article 7 of this Call, applicable *mutatis mutandis*;
- (b) It must be involved in the construction of projects in the following categories: (i) building, (ii) plumbing, (iii) road construction and (iv) electromechanical works;
- (c) The annual average turnover (within the meaning of Article 51 par. 2 et seq. of presidential decree 71/2019) in the most recent three (3) financial years for which annual Financial Statements have been published exceeds twenty million euro (> EUR 20,000,000). Where the Constructor is an Association of Persons, to establish whether this criterion is fulfilled, account shall be taken of the sum of the annual average turnovers of the members of the association declared to participate in the Constructor;
- (d) The annual average turnover for the most recent three (3) financial years for which annual Financial Statements have been published exceeds ten million euro (> EUR 10,000,000) for construction works sector and four million euro (EUR 4,000,000) for electromechanical works. Where the Constructor is an Association of Persons, to establish whether this criterion is fulfilled, account shall be taken of the sum of the annual average turnovers in these sectors of the members of the association declared to participate in the Constructor;
- (e) In the last fifteen (15) years before the Date of Publication, at least one Acceptable Project must have been successfully completed and definitively taken over by the project owner. For

the purposes of this paragraph, Acceptable Project for the determination of the said special experience shall mean a building project contract (other than warehouses and industrial buildings) with a minimum contract value of fifteen million euro (EUR 15,000,000), excluding VAT, as the concept of project is otherwise defined in paragraph 8 of article 2 of Law 4413/2016. This required experience may result from one or more contracts. In order to establish that this criterion is fulfilled, account shall be taken of the sum of the weighted (by the percentage of the constructor's participation in the economic operator that performed these contracts) value of the contracts cited by the Constructor. Where the Constructor is an Association of Persons, the weighted value of each member of the Association shall be taken into account to establish whether this criterion is fulfilled. This weighting shall be based on the declared participation rate of each member of the Association of Persons acting as the Constructor.

B. In addition, the Constructor and, in case of Association of Persons acting as a Constructor, the members thereof must be registered in the relevant professional register maintained in the state of establishment. In particular:

- (a) Constructors established in Greece are required to be entered in the Register of Contractors (MEEP) for the categories of projects defined above, in sub-indent 0 of indent A of paragraph 8.4.2 hereof. Otherwise, they is required to be entered in the Register of Public Works Contractors (MHEDEE), as defined in presidential decree 71/2019, for the categories of projects defined above, in sub-indent 0 of indent A of paragraph 8.4.2 hereof.
- (b) Constructors established in other Member States of the European Union are required to be entered in the Registers set out in Annex XI to Appendix A to Law 4412/2016, for the project categories set out in sub-indent 0 of indent A of paragraph 8.4.2.
- (c) Constructors established in other states, in which official lists of recognised contractors are maintained, are required to be entered in those lists for the project categories set out in sub-indent 0 of indent A of paragraph 8.4.2.

- (d) Constructors established in other states, in which official lists of recognised contractors are not maintained, are required to be entered in the professional or commercial registers of their country of establishment and demonstrate that they meet the same formal and substantive requirements applicable in this Tender for those entered in the Greek Register of Public Works Contractors (MHEDEE) or the Register of Contractors (MEEP) for the project categories set out in sub-indent 0 of indent A of paragraph 8.4.2.

#### **8.4.3 Professional Competence of the Designer**

A. The Designer, as designated in the letter of expression of interest (ANNEX), and, in case of Association of Persons acting as Designer, the members thereof must:

- (a) Meet the terms and conditions of Article 7 of this Call, applicable *mutatis mutandis*;
- (b) Be involved in the preparation of studies in the following categories:
- (6) Architectural studies for buildings;
  - (7) Special architectural studies (indoor and outdoor layout, restoration of monuments, preservation of traditional buildings, settlements and landscapes);
  - (8) Static studies (studies for supporting structures for buildings and major or special technical works);
  - (9) Mechanical, electrical and electronic studies;
  - (10) Studies for transportation works and traffic; and
  - (13) Studies for hydraulic works.

B. Moreover, the Designer and, in case of Association of Persons acting as Designer, the members thereof shall be required to be entered in the relevant professional register maintained in the state of establishment. In particular:

- (a) Designers established in Greece are required to be entered in the Registers of Designers or Design Offices for the categories of studies set out in subparagraph A of this paragraph 8.4.3, and to have resources, per category of study, as provided for in subparagraph C below. Otherwise, they are required to be entered

- in the Register of Experience of Designers (MEM) or the Register of Design Undertakings for Public Works (MHEDEE), pursuant to presidential decree 71/2019, for the corresponding categories of studies defined in subparagraph A of paragraph 8.4.3 above, and have the resources, per category of studies, set out in subparagraph C below.
- (b) Designers established in other Member States of the European Union are required to be entered in the Registers set out in Annex XI to Appendix A to Law 4412/2016, for the categories of studies defined in the subparagraph A of this paragraph 8.4.3, and to have the resources, per category of studies, specified in subparagraph C below.
  - (c) Designers established in other states in which official lists of service providers are maintained are required to be included in these lists for the categories of studies set out in subparagraph A of this paragraph 8.4.3 and to have the resources, per category of studies, set out in subparagraph C below.
  - (d) Designers established in other States, in which official lists of service providers are not maintained, are required to be entered in the professional or commercial registers of their country of establishment and have the resources, in the categories of studies set out in subparagraph A of this paragraph 8.4.3, and to have the resources, per category of studies, provided for in subparagraph C below.
- C. The Designer shall have the following minimum resources, per category of studies, defined in subparagraph A of this paragraph:
- (a) In category (6) Architectural studies of buildings: one (1) designer with at least 12 years of experience and three (3) designers with at least 8 eight years of experience in similar studies;
  - (b) In category (7) Special architectural studies (indoor and outdoor layout, restoration of monuments, preservation of traditional buildings, settlements and landscape): one (1) researcher with at least 12 years of experience in similar studies;
  - (c) In category (8) Static studies: one (1) designer with at least 12 years of experience and three (3) designers with at least 8 years of

- experience in similar studies;
- (d) In category (9) Mechanical, electrical and electronic studies: one (1) designer with at least 12 years of experience and three (3) designers with at least 8 years of experience in similar studies;
  - (e) In category (10) Transport works and traffic studies: one (1) designer with at least 12 years of experience in similar studies; and
  - (f) In category (13) Hydraulic Works Studies: one (1) designer with at least 12 years of experience in similar studies.

#### **8.4.4 Special Experience and Professional Competence of the Innovation Entity**

A. In order for the Innovation Entity and, in case of Association of Persons, its members, as designated in the letter of expression of interest (ANNEX), to be considered to possess the required special experience and professional competence, they must prove to satisfy all the following criteria:

- (a) Meet the terms and conditions of Article 7 of this Call, applicable *mutatis mutandis*;
- (b) Be entered in one of the professional or commercial registers maintained in the state of their establishment;

B. Furthermore, the Innovation Entity and, in case of Association of Persons, at least one of its members, as designated in the letter of expression of interest (ANNEX), should meet all the following criteria over the last three years from the Date of Publication:

- (a) The Innovation Entity should have provided business incubation and/or acceleration services to at least ten (10) startups and/or spin-offs in the last three years from the Date of Publication;
- (b) It should have operating regulations or equivalent document describing the statutory purpose of the Innovation Entity and the framework of obligations, rights and rules with which the undertakings/groups supported by it must comply;
- (c) The relevance, experience and adequacy of its executives for the implementation of its statutory purpose and the provision of its services should be documented by providing at least two (2) curriculum vitae of their active staff, which should show that each

of the executives:

- i) has a paid employment or contract relationship with the Innovation Entity;
  - ii) has proof of at least five (5) years of work experience in a field similar to their role in the Innovation Entity; and
  - iii) has academic and/or vocational training and/or professional experience in a field similar to their role in the Innovation Entity.
- (d) It should have a recorded and structured (using defined success/output indicators) evaluation process for the supported enterprises/business groups during their period of support by the Innovation Entity. The criteria for assessing groups/enterprises for the purpose of certification of the process could include:
- i) new jobs/employment created;
  - ii) turnover/sales of products and/or services;
  - iii) export activity;
  - iv) attracting investors;
  - v) patents/trademarks/industrial property titles registered;
  - vi) announcements/press releases issued by the undertaking, etc.
- (e) It should cooperate with at least one (1) entity providing access to funding to enterprises/groups such as:
- i) Venture Capital;
  - ii) Business Angels;
  - iii) Financial institutions (banks, investment funds, etc.), or other private capital providers;
  - iv) The Innovation Entity may meet this criterion by acting itself as a funding entity, provided that it can prove to have participated/invested in the share capital of at least two (2) supported enterprises.

## **Article 9 Reliance on resources of third-party economic operators**

**9.1** With regard to the financial and economic adequacy criteria referred to in paragraph 8.3 and the criteria relating to technical and professional competence referred to in paragraph 8.4 of this Call, a Tenderer may rely on the competences of other entities (“the Third Party”), irrespective of the legal nature of its links therewith. Under the same conditions, an



Association of Persons may rely on the competences of the participants in the Association or other bodies.

- 9.2** These Third Parties shall be designated in the Letter of Expression of Interest, in accordance with the template set out in ANNEX 2 to the Call.
- 9.3** In this case, Tenderers must demonstrate to the Awarding Authority that they will have at their disposal the necessary resources from the Third Party providing the relevant competences (Financial and Economic Adequacy or Technical and Professional Competence), throughout the term of the Partnership Contract, for the implementation of the scope of the contract, by submitting a relevant commitment of such Third Party, in accordance with paragraphs 9.6 and 9.7 hereof.
- 9.4** Third Parties may be natural or legal persons, or Associations of Persons, provided that they or, in case of Association of Persons, their members:
- (a) are established pursuant to paragraph 7.1.1 indent 0 of this Call; and
  - (b) meet the Personal Status Criteria (as defined in paragraph 8.2 of this Call).
- 9.5** As far as financial and economic adequacy is concerned, the Tenderer and the Third Parties that provide the relevant competences will be jointly responsible for the performance of the Partnership Contract, each being jointly and severally liable to the Awarding Authority. The Expression of Interest Dossier shall include a Statutory Statement, signed by the legal representative of the Third Party that provides the relevant competences, stating that it undertakes to place all the necessary resources at the disposal of the Tenderer throughout the Tender and, in the event that it is awarded the contract, to the PPE for the duration of the Partnership Contract (as specified therein) and that it will be liable to the Awarding Authority in the event that the terms described in this paragraph are not met (ANNEX 4 – Template 1, Reliance on the Economic and Financial Capacity of Third Parties), which shall be considered as sufficient evidence in any event.
- 9.6** As far as Technical and Professional Competence is concerned, the Tenderer and the Third Party that provide the relevant competences must demonstrate that the Third Party will be actively involved, on a case-by-

case basis and depending on the competence provided, in the implementation of the scope of the Partnership Contract. For this purpose, a Statutory Statement shall be produced, signed by the legal representative of the Third Party that provides the relevant competence, stating that it commits to place all the necessary resources, know-how and technical means at the disposal of the Tenderer for the implementation of the scope of the Partnership Contract and that it will be liable to the Awarding Authority in the event that the terms described in this paragraph are not fulfilled (ANNEX 4 – Template 2, Reliance on the Technical and/or Professional Competence of Third Parties), which shall be considered as sufficient evidence in any event.

- 9.7** Furthermore, the Third Party must submit all the documents provided for in paragraph 10.4 (Subfolder C – Documentation of Personal Status Criteria) and, where appropriate, the appropriate documents under the provisions of paragraph 10.5 (Subfolder D – Documentation of Financial and Economic Adequacy) or paragraph 10.6 (Subfolder E – Documentation of Technical and Professional Competence Criteria), as well as the documents provided for in paragraph 10.3.7.

## **Article 10 Content of the Expression of Interest Dossier**

### **10. General points**

**10.1.1** The Expression of Interest Dossier shall consist of five (5) separate subfolders, containing the documents described below and bearing the corresponding label:

- (a) **Subfolder A** shall include the Letter of Expression of Interest and the documents in accordance with paragraph 10.2 below;
- (b) **Subfolder B** shall include the documents in accordance with paragraph 10.3 below;
- (c) **Subfolder C** shall include the information/documents required by paragraph 10.4 to demonstrate compliance of the Tenderer with the Personal Status Criteria;
- (d) **Subfolder D** shall include the information/documents required by paragraph 10.5 to demonstrate compliance of the Tenderer with the Economic and Financial Adequacy Criteria;
- (e) **Subfolder E** shall include the information/documents required by paragraph 10.6 to demonstrate compliance of the Tenderer with the

Technical and Professional Competence Criteria.

(f) **Subfolder F** shall include any information and documents required by Article 16 to rate the Tenderers, which are not included in other Subfolders.

**10.1.2** In relation to the Documentation provided for in this Article 10 of the Call, the following provisions shall apply:

(a) Supporting documents must be submitted either in original or in lawfully certified copies;

(b) Where templates are provided as to the form and content of the Documentation in the Annexes to the Call, these templates must be adhered to;

(c) The signatures on the statutory statements under Law 1599/1986 provided for in Article 10 or in any other article of the Call must bear a certificate of authentication of the signature by a competent judicial or administrative authority or a notary public;

(d) If any of the Documents is not issued in the country where the Tenderer (or, in case of Association of Persons, its member) is registered or established, the latter shall be obliged to produce a Statutory Statement certifying the failure to issue such document (according to the template set out in ANNEX 10 to the Call). In the same statement, the Tenderer (or, in case of Association of Persons, its member) must also confirm the facts which would have been the subject matter of the non-issued certificate, in accordance with the requirements of the Call.

(e) All documents required or provided for in accordance with this Article should either show the amounts in euro (EUR) or be accompanied by annexes in which the amounts shown in currencies other than the euro (EUR) will be shown in euro (EUR), together with an indication of the applicable exchange rate. It is noted that Tenderers must convert the required amounts into euro and cite the exchange rate used for the conversion into euro, which for the purposes of paragraphs 8.3.3 and 8.3.4 should be the exchange rate of the last business day of each tax year and for the purposes of paragraph 8.3.2 the exchange rate applicable on the date of issuance of the document establishing financial adequacy;

(f) All supporting documents must have been issued and (where so provided) certified within the last three (3) months prior to the Date of

Submission, except for documents or certificates of other bodies or authorities, attesting to prior facts or circumstances (such as declarations of good performance of works, contracts, etc.) or unless otherwise provided for in this Call;

(g) In case of Associations of Persons, the Documentation referred to in the ensuing paragraphs shall be submitted in full as to each member;

(h) All affidavits submitted in the Expression of Interest Dossier shall be accepted provided that they have been prepared up to three (3) months before their submission to the Awarding Authority. Furthermore, all statutory statements submitted with the Expression of Interest Dossier shall be accepted provided that they have been prepared after the publication of a summary of this Call in the Supplement to the Official Journal of the EU (Notice of Concession Contract), unless otherwise specified herein.

(i) Every Annex submitted according to this Call shall constitute a statutory statement, having the consequences set out in Law 1599/1986, for proving the references made therein.

(j) The submission of the Documentation is mandatory and failure to submit shall lead to the exclusion of the Tenderer from the Tender. The same applies if it is shown that the Tenderer or a member of an Association of Persons has made false or inaccurate statements in relation to the Documentation.

**10.1.3** All foreign public documents submitted will bear an Apostille in accordance with the Hague Convention of 5.10.1961, sanctioned by Law 1497/1984, in order to certify their authenticity, and will be accompanied by an official translation into Greek. It is clarified that the wording in relation to the Apostille applies to documents considered to be public documents pursuant to Article 1 of the said Convention, in particular: (i) documents emanating from an authority or an official connected with the courts or tribunals of the State, (ii) administrative documents, (iii) notarial acts and (iv) official certificates such as official certificates recording the registration of a certificate or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

**10.1.4** Foreign public documents originating (i) from Parties to the Hague

Convention of 5 October 1961, but excluded from the scope of such Convention or (ii) from States which have not acceded to the Hague Convention, must bear consular certification either from the Greek consular authority in their state of origin or from the consular authority of that state in Greece and authentication of the signature of the diplomatic official of the foreign consular authority from the Department of Certification of the Translation Service of the Ministry of Foreign Affairs. Especially for documents issued by states for whose accession to the Hague Convention Greece has raised objections, authentication shall be carried out only by the relevant Greek consular authority in that state.

## **10.2 Subfolder A – Letter of Expression of Interest**

**10.2.1** The Letter of Expression of Interest must comprise the minimum information set out in the template model contained in ANNEX to the Call and be signed (if applicable) as follows:

- (a) In case of individual Tenderer, by the Tenderer (natural person) or the legal representative of the Tenderer (legal person) who either has a general power of representation or has been specifically authorised to sign it by the relevant body;
- (b) In case of Association of Persons,
  - by all members of the Association of Persons, natural or legal persons, such as the latter are represented by their legal representative, who either has a general power of representation or has been specifically empowered to sign by the relevant body;
  - otherwise, by the designated joint representative of all members of the Association of Persons, lawfully authorised for that purpose by all members of the Association of Persons, as provided for in paragraph 10.3.3 indent (i).

**10.2.2** This Letter of Expression of Interest shall be accompanied by a list of the Supporting Documents attached, as allocated to Subfolders A to F, in accordance with this Article.

**10.2.3** A copy of the Letter of Expression of Interest will be submitted at the same time as but separately from the Expression of Interest Dossier, to facilitate registration.

**10.2.4** Each Tenderer shall be obliged to designate a person as Agent, residing within the boundaries of the Region of Attica, whom the

Awarding Authority (through its representatives or advisers) can contact for the purposes of the Tender. The full name and contact details of the Agent must be cited in the Letter of Expression of Interest, including the postal address, fixed-line telephone number, fax number and email address of the Agent. A Statutory Statement of the person designated as Agent shall be attached, indicating acceptance of designation.

**10.2.5** Along with the Letter of Expression of Interest, the Tenderer should submit a summary of the perception and methodology for the implementation of the Project's objectives, and proposals for achieving them (concept presentation), set out in paragraph 1.5 of this Call, which should not exceed one thousand (1,000) words. The purpose of the presentation is to briefly capture the main pillars and the action outline of the Tenderer for the implementation of the objectives of the Innovation Centre. It should be noted that this presentation will not be subject to evaluation by the Awarding Authority and failure to submit it will not lead to the exclusion of the Tenderer.

### **10.3 Subfolder B – Credentials**

**10.3.1** Subfolder B shall contain the Tenderer's credentials and related authorisations, which document the power to sign the Letter of Expression of Interest on behalf of the Tenderer, as specified below.

**10.3.2** In case of individual Tenderer or a legal person, minutes of meeting of the Board of Directors of the Tenderer (for SAs), or minutes of the Administrators (for LTDs, IKEs, OEs or EEs), in which:

- (a) the submission of the Tenderer's Dossier for Expression of Interest in the Tender is approved, in accordance with the terms of this Call for Expression of Interest;
- (b) the Tenderer accepts all responsibilities and obligations for any matter related to the expression of interest in the Tender;
- (c) it is stated that the Tenderer is aware and unreservedly accepts the terms of this Call for Expression of Interest;
- (d) it is stated that the Tenderer is entitled to submit an Expression of Interest and there are no corporate restrictions, competition-related restrictions or other legal restrictions that prevent the submission of the Expression of Interest Dossier by the Tenderer;
- (e) it is stated that the Tenderer's participation in the Tender takes

place at the sole responsibility and expense of the Tenderer and does not give rise to any right of compensation by the Awarding Authority or its Consultants due to the participation of the Tenderer in the Tender per se;

- (f) it is stated that all information, statements and supporting documents or other accompanying documents submitted with the Expression of Interest Dossier are true and accurate and that no information about the Tender and the Tenderer has been concealed;
- (g) the Tenderer commits to the establishment of the SPSA if awarded the contract;
- (h) a representative is designated for the Tender (“Representative of the Tenderer”) and a deputy, with the power to bindingly sign on behalf of the Tenderer all documents of the Tender, including the Statutory Statements required pursuant hereto and take other action mentioned herein;
- (i) A specific natural person is designated as Agent, residing within the boundaries of the Region of Attica (and who may be the same person as the said Representative of the Tenderer), with full contact details (name, address, telephone number, fax, etc.).

Tenderers being foreign legal persons shall submit a decision of their governing bodies, in accordance with the law or their statutes, comprising the information referred to above, under paragraphs 0 to 0.

**10.3.3** In case of an Association of Persons, minutes of Decision of the Board of Directors (for SAs), or Decision of the Administrators (for LTDs, IKEs, OEs or EEs) for each member of the Association, in which:

- (a) the submission of the Expression of Interest Dossier is approved as member of the Tenderer in the Tender is approved, in accordance with the terms of this Call for Expression of Interest;
- (b) the participation rate of the member of the Tenderer is set and the participation rates of the other members of the Tenderer are accepted;
- (c) the member accepts all responsibilities and obligations for any matter related to the expression of interest in the Tender, jointly and severally and in full with the other members of the Tenderer;
- (d) it is stated that the member has become aware and unreservedly

accepts the terms of this Call for Expression of Interest, jointly and severally and in full with the other members of the Tenderer;

(e) it is stated that the member is entitled, as a member of the Tenderer, to submit an Expression of Interest Dossier and there are no corporate restrictions, competition-related restrictions or other legal restrictions that prevent the submission of the Expression of Interest Dossier by the Tenderer;

(f) it is stated that the member's participation in the Tender takes place at the sole responsibility and expense of the member and does not give rise to any right of compensation by the Awarding Authority or its Consultants due to the participation of the member in the Tender per se;

(g) it is stated that all information, statements and supporting documents or other accompanying documents submitted with the Expression of Interest Dossier are true and accurate and that no information about the Tender, the member and the Tenderer has been concealed;

(h) it is stated that the member commits to the establishment of the SPSA, jointly with the other members of the Tenderer, if awarded the contract, and that the percentages of each founding shareholder of the SPSA will be the same as their own participation percentages as member of the Tenderer;

(i) a joint representative of the Tenderer is designated for all members ("Representative of the Tenderer") and a deputy, with the power to bindingly sign on behalf of the Tenderer (Association of Persons) all documents of the Tender, including the Statutory Statements required pursuant hereto and take other action mentioned in relation to this Call for Expression of Interest;

(j) A specific natural person is designated as Agent of the Tenderer, residing within the boundaries of the Region of Attica (and who may be the same person as the said joint Representative of the Tenderer), with full contact details (name, address, telephone number, fax, etc.).

Members of the Tenderer being foreign legal persons shall submit a decision of their governing bodies, in accordance with the law or their statutes, comprising the information referred to above, under paragraphs 0 to 0.



**10.3.4** Where the Tenderer Association of Persons has taken the form of consortium or other legal type or form, the relevant document establishing the consortium or documents proving that it has taken another legal type or form must be provided.

**10.3.5** In case of natural person:

(a) If the Tenderer is an individual natural person, a Statutory Statement comprising the information required under paragraph 10.3.2, indents 0 to 0;

(b) Where a natural person is a member of the Tenderer, a Statutory Statement comprising the information required under paragraph 10.3.3, indents 0 to 0.

**10.3.6** In case of legal person, the following documents shall also be submitted:

(a) A recent commercial register certificate or equivalent document, issued in the last thirty (30) business days prior to submission to the Awarding Authority, certifying the establishment and registration of the legal person in the register of the competent authority of the country in which it is established and its existence at the date of issue of the certificate;

(b) Statutes and/or founding documents of the legal person, in codified form and/or in combination with other documents that may be required, as in force no earlier than thirty (30) business days prior to its submission to the Awarding Authority;

(c) Documents demonstrating the appointment of management and the power of representation of one or more persons (e.g. Managing Directors, Executive Directors, Managers, Co-Managing Directors, etc.), as applicable, issued within the last thirty (30) business days prior to their submission to the Awarding Authority.

**10.3.7** The documents referred to in paragraph 10.3.6 (in case of legal person, whether acting independently or participating in an Association of Persons) shall also be submitted by the Constructor, the Designer, the Innovation Entity and any Third Party whose competences are relied upon by the Tenderer in accordance with Article 9 of the Call. The above documents shall be included in subfolder B.

#### **10.4 Subfolder C – Documentation of Personal Status**

**10.4.1** To preliminarily demonstrate the compliance of the Tenderer, the Constructor, the Designer, the Innovation Entity and any Third Party that may provide competence in accordance with Article 9 hereof (or, in case of an Association of Persons, all its members) with the Personal Status Criteria referred to in paragraph 8.2 of the Call, a Statutory Statement shall be submitted, signed by the natural person or the legal representative(s) of the person(s). A template of this Statutory Statement is attached hereto as ANNEX 3. In case of legal persons, all members of the administrative, management or supervisory body of that economic operator or each member who has power of representation, decision-making or control over it shall have the obligation to submit a Statutory Statement. This obligation concerns: i) the managers, in case of limited liability companies (LTDs), private capital companies (IKEs) and personal companies (OEs and EEs), ii) the managing director and all members of the Board of Directors, in the case of societies anonymes (SAs), iii) the members of the Board of Directors, in case of cooperatives.

**10.4.2** As regards the grounds for exclusion set out in paragraph 8.2.5 of this Call, the Statutory Statement cited in the preceding paragraph shall be sufficient to preliminarily demonstrate that there are no such grounds concerning the Tenderer, the Constructor, the Designer, the Innovation Entity or any Third Party. The Provisional Contractor will be invited by the Awarding Authority, before the date of signature of the Partnership Contract, to provide evidence of compliance with the provisions on transparency, in accordance with the applicable legislation and the provisions of the Call for Submission of Tenders.

#### **10.5 Subfolder D – Documentation of Financial and Economic Adequacy**

**10.5.1** To demonstrate compliance with the Financial and Economic Adequacy Criteria set out in paragraph 8.3 of the Call, the following documents and information shall be submitted.

**10.5.2** Tenderers being legal persons and, in case of a Tenderer Association of Persons, any of its members being legal persons, should submit copies of the Financial Statements of the last Three (3) Years.

**10.5.3** Tenderers being investment funds and, in case of a Tenderer

Association of Persons, any of its members being investment fund, to demonstrate the information required by paragraph 8.3.4, may produce either copies of the Financial Statements of the last fiscal year prior to the Date of Publication or a certificate or report by a certified auditor in accordance with indent (c) of paragraph 8.3.5, issued up to three (3) months before the date of submission to the Awarding Authority.

**10.5.4** Where the Tenderer is a natural person or a Tenderer Association of Persons comprising a natural person, the dossier must comprise certificates issued by banks or other credit institutions lawfully operating in at least one Member State of the EU or EEA or the OECD, issued up to three (3) months before the date of submission to the Awarding Authority, concerning the level of cash deposits of the Tenderer/of each member thereof who is a natural person and/or a certificate, issued up to three (3) months before the date of submission to the Awarding Authority by a bank, a company providing investment services or a member of a stock exchange or a depositary lawfully operating in a Member State of the EU or the EEA or the OECD, concerning to the market value of the Tenderer's liquid and transferable securities.

**10.5.5** The Tenderer must also submit a list, prepared in accordance with ANNEX 6 hereto. The accuracy of the data in the table will be checked on the basis of the Financial Statements of the last Three (3) Years and/or bank statements submitted, etc.

**10.5.6** The Tenderer must also submit a letter of financial support issued by at least one credit or financial institution lawfully operating in at least one EU, EEA or OECD Member State and providing the services set out in paragraph 1 of Article 11 of Law 4261/2014, such as the granting of credits, including the issue of letters of guarantee, with a long-term credit rating of at least Caa2 on the Moody's scale or CCC+ on the Standard & Poor's scale or CCC on Fitch's scale. In the said letter of financial support, the credit or financial institution shall state, as a minimum, that it is aware of this Call (Phase I of the Tender), that it is interested in reviewing a request for Project financing either independently or in collaboration with other credit or financial institutions of the Tenderer is pronounced Provisional Contractor.

**10.5.7** If the Tenderer relies on the resources of a Third Party in accordance with Article 9 of the Call, it must also submit the supporting documents set out under 10.5.2 or 10.5.3 or 10.5.4 for such Third Party, depending on whether the Third Party is a legal person, investment fund or natural person, respectively, as well as the table set out under 10.5.5.

## **10.6 Subfolder E – Documentation of Technical and Professional Competence**

**10.6.1** To demonstrate compliance with the Technical and Professional Competence Criteria set out in paragraphs 8.4.1 (“Professional Competence and Special Experience of the Tenderer”), 8.4.2 (“Special Construction Experience and Professional Competence of the Constructor”) and 8.4.3 (“Professional Competence of the Designer”) of the Call and 8.4.4 (“Special Experience and Professional Competence of the Innovation Entity”), the documents and data set out below shall be submitted.

**10.6.2** To document the criterion set out in paragraph 8.4.1 (a), the Tenderer or, in case of a Tenderer Association of Persons, its members must submit a certificate of the relevant professional or commercial register of their country of establishment, certifying its registration therein and its specific profession/occupation, issued within thirty (30) working days prior to its submission to the Awarding Authority.

**10.6.3** To the criterion set out in paragraph 8.4.1 (b), the Tenderer or, in case of a Tenderer Association of Persons, its members shall be obliged to submit:

(a) A table prepared in accordance with ANNEX 8, indicating the title and type of project (uses), the size of the project (surface in sq.m.), the period of development or commercial exploitation, the percentage of the Tenderer’s participation in the share capital of a company or in an Association of Persons assigned with the commercial exploitation or development and commercial exploitation and the employer with contact details;

(b) Certificates relating to the projects listed in the Table set out in ANNEX 8, issued or attested by the competent authority (e.g. awarding authority or entity, owner of the project, independent engineer), indicating the title and type of project (uses), the size of the project

(surface in sq.m.), the period of development or commercial exploitation, the percentage of participation of the Tenderer in the share capital of a company or in an Association of Persons assigned with the commercial exploitation or development and commercial exploitation and certifying the successful and proper commercial exploitation of the project or the proper completion and commercial exploitation of the project, as well as the employer with contact details;

(c) If the Tenderer, or its members, are unable to produce the required certificates in accordance with the above, a Statutory Statement setting out the reasons why it is not possible to produce the above documents and certifying the contents of indent (b) of paragraph 10.6.3 shall be sufficient

**10.6.4** To document the criterion set out in paragraph 8.4.2, the Constructor or, in case of a Tenderer Association of Persons, its members must submit:

(a) Financial Statements of the last three (3) fiscal years;

(b) Certificate by a certified auditor concerning the level of the annual average turnover in the sectors of construction and electromechanical works for the most recent three (3) fiscal years, provided that this figure cannot be derived from the Financial Statements submitted for the last three years; otherwise, accounts approved by the project owner or the awarding authority or employer where this figure is aggregated;

(c) A table prepared in accordance with ANNEX.

Under personal liability and being aware the penalties provided for in paragraph 6 of Article 22 of Law 1599/1986, I solemnly state that the information comprised in the table above are accurate and true. This Annex constitutes a statutory statement, with the consequences set out in Law 1599/1986, to prove the information cited therein.

\_\_\_\_\_ (Place), \_\_\_\_ (date)

(Signature(s))

ANNEX 8B.

(d) A table prepared in accordance with ANNEX 8A, indicating the title and type of project, the contract value of the project, the time of the construction work, the size of the project (sq.m.), the percentage of the Constructor's participation in the project, the weighted contractual value

of the project as to the percentage of the Constructor's participation in the project and the employer with contact details;

(e) Certificates relating to the projects included in the table set out in ANNEX 8A, issued or attested by the competent authority (e.g. awarding authority or entity, owner of the project, independent engineer), indicating the title and type of project, the Constructor and the percentage of participation in the project, the contract value of the project, the size of the project (sq.m.) in accordance with the above, and certifying the successful and proper completion of the project, the place and time of execution and completion of works, as well as the employer with contact details;

(f) If the Constructor or its members are unable to produce the required certificates in accordance with the above, it will suffice to submit an additional Statutory Statement indicating the reasons why the above documents cannot be produced and confirming the information set out in paragraph 10.6.4.0;

(g) To document the Constructor's Professional Competence (subparagraph B of paragraph 8.4.2), the Constructor or, in case of an Association of Persons, its members must submit:

(i) If the Constructor (or, in case of an Association of Persons, each of its members) is established in Greece, it must submit relevant evidence of registration in the Register of Public Contractors (MHEEDE); otherwise, provided that the transitional periods set out in article 65 of presidential decree 71/2019 are in force, in the following categories of projects:

(i) construction, (ii) hydraulic works, (iii) road construction and (iv) electromechanical works, as defined in paragraph 8.4.2, subparagraph A indent 0, documenting compliance with the criteria set out in paragraph 8.4.2 subparagraph B indent (b), which shall be in force under the relevant provisions, or issued within the last thirty (30) business days prior to its submission to the Awarding Authority;

(ii) Constructors established in other Member States of the European Union are required to submit proof of their

registration in the Registers set out in Annex XI of Appendix A to Law 4412/2016 in the categories of works set out in subparagraph A of paragraph 8.4.2, documenting compliance with the criteria set out in paragraph 8.4.2 indent (b) subparagraph B, which is in force under the relevant provisions, or issued within the last thirty (30) business days prior to its submission to the Awarding Authority;

- (iii) Constructors established in other states in which official lists of recognised contractors are maintained are required to submit proof of their inclusion in these lists for the categories of projects set out in subparagraph A indent 0 of paragraph 8.4.2, demonstrating showing compliance with the criteria set out in paragraph 8.4.2 subparagraph B indent (c), which shall be in force under the relevant provisions, or issued within the last thirty (30) business days prior to its submission to the Awarding Authority;
- (iv) Where the state of establishment of the Constructor does not maintain a register and/or where the proof of registration in the register does not indicate the Constructor's registration for the categories of projects set out in subparagraph A indent 0 of paragraph 8.4.2 and/or compliance with the criteria set out in paragraph 8.4.2 subparagraph B indent (d), an affidavit shall be submitted or, in Member States or countries where no affidavit is provided for, a Statutory Statement before a competent judicial or administrative authority or notary public of the competent professional or commercial organisation of the country of origin or the country where the economic operator is established to the effect that such a register is not maintained and/or that it meets the criteria set out in paragraph 8.4.2 of the Call.

**10.6.5** To demonstrate the criterion set out in paragraph 8.4.3, the Designer or, in case of Tenderer Association of Persons, its members must submit:

- (a) If the Designer is established in Greece, a Designer's degree or certificate of registration and classification of designer undertaking

enterprise (Design Office), which is valid according to the relevant provisions, or issued within the last thirty (30) business days prior to its submission to the Awarding Authority, for the corresponding categories of studies, as follows:

- (i) in the category of studies (6) architectural studies for buildings: 5<sup>th</sup> class degree;
  - (ii) in the category of studies (7) (indoor and outdoor layout, restoration of monuments, preservation of traditional buildings, settlements and landscapes): 3<sup>rd</sup> class degree or higher;
  - (iii) in the category of studies (8) static studies: 5<sup>th</sup> class degree;
  - (iv) in the category of studies (9) mechanical, electrical and electronic studies: 5<sup>th</sup> class degree;
  - (v) in the category of studies (10) transport and traffic studies: 3<sup>rd</sup> class degree or higher;
  - (vi) in the category of studies (13) hydraulic studies: 3<sup>rd</sup> class degree or higher.
- (b) If the Designer is established in other Member States of the European Union, the statements and certificates described in Annex XI of Appendix A to Law 4412/2016. Such certificates must be valid in accordance with the relevant provisions, or issued within the last thirty (30) business days prior to their submission to the Awarding Authority;
- (c) If the Designer is established in other states where lists of service providers are also required, certificate of registration in these lists, which shall be valid under the relevant provisions, or issued within the last thirty (30) business days prior to submission to the Awarding Authority;
- (d) If the Designer is established in other states where official service lists are not maintained, certificate of registration in the professional or commercial registers of the country of establishment issued within the last thirty (30) business days prior to submission to the Awarding Authority;
- (e) In the event that the state of establishment of the Designer does not maintain a register, and/or in case the proof of registration in the register does not indicate the inclusion of the Designer in categories of



studies corresponding to those set out in indent (a) above or does not show that it has the resources, per category of study, provided for in paragraph 8.4.3 indent C of the Call, affidavit or, in Member States or countries where no affidavit is provided for, a Statutory Statement before a competent judicial or administrative authority, notary public or competent professional or commercial organisation in the country of origin or the country where the economic operator is established to the effect that such a register is not maintained and that it has the resources, per study category, provided for in paragraph 8.4.3 indent C of the Call.

**10.6.6** To document the criterion set out in paragraph 8.4.4, the Innovation Entity or, in case of an Association of Persons, its members must submit:

(a) A table filled out in accordance with ANNEX 9 of this Call to document the criterion set out in paragraph 8.4.4, indent B sub-indent 0;

(b) Service contracts signed in the last three years prior to the Date of Publication, with at least ten (10) Startups and/or Spin-offs to which the relevant services have been or continue to be provided, to document the criterion set out in paragraph 8.4.4 indent B sub-indent 0;

(c) In the event that the contracts set out in indent (b) above cannot be produced, it will be sufficient to submit an additional Statutory Statement, indicating the reasons why these contracts cannot be produced; moreover Statutory Statements must be submitted by at least ten (10) supported Startups and/or Spin-offs to document the criterion set out in paragraph 8.4.4 indent B sub-indent 0;

(d) Operating regulations or equivalent document describing the Innovation Entity's statutory purpose and the framework of the obligations, rights and rules with which undertakings supported by the Innovation Entity must comply. In case of legal persons in public or private law, Chambers, first-degree Local Governments, a corresponding constituting act, regulations or equivalent document shall be required;

(e) At least two (2) curriculum vitae of active executives of the Innovation Entity, documenting the relevance, experience and adequacy of the executives for the implementation of the Innovation Entity's statutory purpose and the provision of its services;

(f) Documents evidencing that each of the executives:

- i) has a paid employment relationship or contract;
  - ii) has at least five years of work experience in a related a field similar to their role in the Innovation Entity and certificates of academic and/or vocational training and/or professional experience in a field similar to their role in the Innovation Entity.
- (g) Recorded and structured (using defined success/output indicators) evaluation process for the supported enterprises/business groups during their period of support by the Innovation Entity.
- (h) Documentation of cooperation of the Innovation Entity with at least one (1) entity providing access to funding to enterprises/groups such as:
- i) Venture Capital;
  - ii) Business Angels;
  - iii) Financial institutions (banks, investment funds, etc.), or other private capital providers;
  - iv) Alternatively, evidence that the Innovation Entity acts itself as a funding entity, provided that it can prove to have participated/invested in the share capital of at least two (2) supported enterprises.
- (i) Certificate of the relevant professional or commercial register of the country of establishment, certifying its registration therein and its specific profession/occupation, in force or issued within the last thirty (30) business days prior to the date of submission to the Awarding Authority.

## **10.7 Subfolder F – Documentation of the Tenderers’ scores**

**10.7.1** The following documents and information shall be submitted to rate the Tenderers pursuant to Article 16 of the Call.

**10.7.2** To document the Tenderer’s performance in criterion A.2 and for the purposes of paragraph 16.2.4 of the Call, the Tenderer or, in case of Tenderer Association of Persons, its members must submit:

- (a) A table prepared in accordance with ANNEX 7 of the Call;
- (b) Certificates by credit or financial institutions confirming the level of loan contracts concluded, with explicit reference to the contract for the construction of a building project as described in paragraph 8.4.1 of this Call, or the project concession or the PPP contract to the financing

of which it relates.

To document the Tenderer's performance in Criterion B and for the purposes of paragraph 16.3.2 of the Call, the Tenderer or, in case of Tenderer Association of Persons, its members must submit the table set out in ANNEX 8.

Notes:

(1) Contracts are entered which (a) have been signed within the last 15 years, (b) are intended to finance the construction of building project, as described in paragraph 8.4.1 indent (b) of the Call, or a project concession or a PPP contract and (c) whose the loan amount comes to at least five million euro (EUR 5,000,000).

(2) Amounts are shown in euros. If the Tenderer prepares Financial Statements in a currency other than the euro, the Tenderer must convert the required amounts into euro and quote the exchange rate used for the conversion, which should be the exchange rate applicable on the last day of each year. The Financial Statements will take precedence over this table.

Under personal liability and being aware the penalties provided for in paragraph 6 of Article 22 of Law 1599/1986, I solemnly state that the information comprised in the table above are accurate and true. This Annex constitutes a statutory statement, with the consequences set out in Law 1599/1986, to prove the information cited therein.

\_\_\_\_\_ (Place), \_\_\_\_ (date)

(Signature(s))

**10.7.3** ANNEX 8 to this Call.

**10.7.4** To document the performance of the Innovation Entity in criterion C.1 and for the purposes of paragraph 16.4.2, the Innovation Entity must submit the table set out ANNEX 9 to this Call.

**10.7.5** To document the performance of the Innovation Entity in criterion C.2 and for the purposes of paragraph 16.4.4, the Innovation Entity must submit the table set out ANNEX 11 to this Call.

#### **Article 11 Means of evidence**

**11.1** To demonstrate that the grounds for exclusion set out in paragraph 8.2 hereof do not apply, the Preselected Tenderers will be invited, in accordance with the terms of the Call to Submit Offers, to provide

supporting documents, as specified in the Call to Submit Offers.

- 11.2** The Awarding Authority may ask the Tenderers, at any time during the tendering procedure, to submit, within a reasonable time determined by the Awarding Authority, all or some supporting documents to demonstrate that the grounds for exclusion set out in paragraph 8.2 do not apply, when this is required for the proper conduct of the procedure. The Tenderer may submit, within the time limit set by the Awarding Authority according to the above, a written request to the Awarding Authority for the extension of the deadline for submission, accompanied by supporting documents demonstrating that it has applied for the issuance of the supporting documents. In this case, the Awarding Authority shall extend the time limit for the submission of supporting documents for as long as it takes for the issuance of the supporting documents by the competent authorities.

#### **Article 12 Tender Committee**

- 12.1** A Tender Committee shall be established by decision of the Awarding Authority to conduct the Tender and examine and evaluate the Expression of Interest Dossiers.
- 12.2** The Tender Committee shall be responsible for unsealing and evaluating the Tenderers' Expression of Interest Dossiers, in accordance with the provisions of this Call. The Tender Committee shall prepare minutes and transmit them to the Awarding Authority for approval.
- 12.3** The Awarding Authority and the Tender Committee may be assisted in their tasks when examining and evaluating the Tenderers' Expression of Interest Dossiers by appropriate Consultants of the Awarding Authority.

#### **Article 13 Provision of information and clarifications**

- 13.1** The Awarding Authority considers that the information contained in this Call is sufficient for the submission of the Expression of Interest Dossier and the relevant supporting documents. However, if interested parties have any questions about the Tender or this Call, they are entitled to make detailed requests for clarifications in writing (by email), fifteen (15) days before the Date of Submission of the Expression of Interest Dossier at the latest to the Awarding Authority at [innovation@gsrt.gr](mailto:innovation@gsrt.gr).
- 13.2** The Awarding Authority shall reply to such requests for clarifications in

writing seven (7) days before the Date of Submission of the Expression of Interest Dossier at the latest, in accordance with paragraph 14.1 of this Call. In order to adhere to the highest standards of objectivity and transparency of the Tender, all relevant written requests and their corresponding replies provided by the Awarding Authority will be made available to all interested parties within the aforementioned period on the website of the Awarding Authority anonymously, i.e. without revealing the interested party who asked the specific question. Any information made available, as described above, on the website of the Awarding Authority shall be presumed to be unquestionably known to all interested parties as of the date of their publication.

**Article 14 Submission of the Expression of Interest Dossier**

**14.1** The Expression of Interest Dossier must be submitted in accordance with the requirements hereof by 15 March 2021 at 13:00 pm (Greek Time).

**14.2** Any Expression of Interest Dossier submitted after the date and time specified above will not be accepted. Any delay due to chance or force majeure shall not be recognised as a justifiable cause for late submission of the Expression of Interest Dossier. It is underlined that the risk of late submission of the Expression of Interest Dossier, including the Expression of Interest Dossiers submitted by post or as registered postal letters, is borne by the Tenderer.

**14.3** All candidacies shall be submitted in a closed and sealed envelope, clearly indicating:

*“Expression of interest in the International Public Tender to Select a Private Partnership Entity under the procedure of Competitive Dialogue for the Project “Creating an Innovation Centre in Athens via PPP” – Phase I Expression of Interest (Preselection)”*

*“Tenderer” (full name of Tenderer, address, telephone number, fax number email)*

*“Agent” (full name, address, telephone number, fax number email)*

*“Awarding Authority”: General Secretariat of Research and Technology of the Ministry of Development and Investment*

*Date of Submission, i.e. [★] 2020, day [[★] and time [[★]*

*Note: “To be opened only by the competent Tender Committee”.*

- 14.4** In case of Tenderer Association of Persons, the details of all its Members should be provided.
- 14.5** Tenderers must submit sealed Expression of Interest Dossiers to the registration department of the Awarding Authority at 14-18 Mesoghion Avenue, Postcode 11527, Athens. The Expression of Interest Dossier must be submitted in paper in two (2) copies: one original, marked “original in paper form” and one plain copy marked “copy in paper form”. All documents in the dossier must also be submitted in electronic format, stored in a non-rewriteable electronic storage device (e.g. CD, DVD) and in easily accessible format.
- 14.6** To facilitate the examination of the Expression of Interest Dossiers, all documents comprised therein must be book-bound, either individually or in groups of multiple documents (binders may be used). Individual documents or sheets of paper shall not be included in the Expression of Interest Dossier.
- 14.7** In the event of divergence between the original and the copies in paper or electronic format, the original shall prevail. If, during the verification of the above documents, it is established that: (a) the information provided in accordance herewith is false or inaccurate, or (b) the required originals or copies of the above Documentation are not submitted within the prescribed period, or (c) the supporting documents produced legally and within the time limit do not demonstrate that the terms and conditions for participation and the Preselection Criteria are met in accordance with Article 8 of this Call, the Tenderer’s expression of interest shall be rejected.

## **Article 15 Evaluation procedure**

### **15.1 Unsealing of the Expression of Interest Dossiers**

- 15.1.1** The Expression of Interest Dossiers will be unsealed on 16 March 2021 at 10:00 am (Greece Time) at the address of the Awarding Authority. Only Tenderers that have submitted Expression of Interest Dossiers shall be entitled to attend the unsealing procedure, specifically one (1) lawfully authorised representative on behalf of each Tenderer.
- 15.1.2** The Tender Committee, in its sole discretion, reserves the right to ask Tenderers to supplement or provide clarifications on the documents

submitted. In the event that a Tenderer does not supplement or clarify the documents in its Expression of Interest Dossier at the request of the Tender Committee and within the time limit set thereby, which may not be less than seven (7) calendar days from the submission of the request, the Tenderer shall be excluded from the Tender. Any clarification or supplementary information submitted by a Tenderer without having been asked to do so the Tender Committee shall not be taken into account.

**15.1.3** To avoid any doubts, the clarifications or supplementary information provided for in paragraph 15.1.2 above may only relate to ambiguities and cannot result in subsequent replacement or initial submission of documents in compliance with the terms of the Call; their purpose is only to clarify or supplement, even with new documents, documents and supporting documents already submitted.

**15.1.4** Particulars and points of the Expression of Interest Dossiers that cause ambiguities or contradictions, except in the case of manifest or insignificant errors, shall lead to the rejection of the Expression of Interest Dossiers.

**15.1.5** It is noted that any individual, fragmentary and minor deviations from the provisions of this Call for Expression of Interest with regard to the contents of Subfolders A, B, C, D, E and F shall not constitute grounds for exclusion and the Tender Committee reserves the right to invite the Tenderers to remedy the deviation within a reasonable period.

## **15.2 Examination and evaluation**

**15.2.1** For the purposes of evaluation, the Tender Committee will check in private meetings the content of the Tenderers' Expression of Interest Dossiers and prepare evaluation minutes, which will be forwarded to the Awarding Authority in order to take the relevant decision.

**15.2.2** In particular, the Tender Committee, on the day of the unsealing of the dossiers, as defined in paragraph 15.1.1 hereof, shall check the contents of each Tenderer's Expression of Interest Dossier, according to the date of submission of the Expression of Interest Dossiers. If it is not possible to complete this check on the same day due to the large number of Expression of Interest Dossiers, the process will continue in subsequent meetings. This procedure shall be recorded in the minutes of the Tender Committee or an annex thereto, signed by the President and

its members.

**15.2.3** The Tender Committee shall complete the preparation of the relevant minutes with the outcome of the procedure, by which it shall recommend the qualification of the Tenderers meeting the Qualitative Selection Criteria and the terms hereof, to Phase II of the Tender (or the cancellation of the procedure) and shall submit its relevant minutes to the Awarding Authority for approval.

**15.2.4** The Awarding Authority will then issue a decision about which Tenderers are preselected in order to participate in Phase II of the Tender and which are excluded. The Awarding Authority will notify the Tenderers accordingly, pursuant to the provisions of article 44 of Law 4413/2016 and shall provide access to the submitted information of the other Tenderers. An appeal for preliminary ruling under Article 20 hereof may be lodged against this decision.

**15.2.5** The present Phase I of the Tender shall be concluded with the pronouncement of the Preselected Tenderers, in accordance with the above.

**15.2.6** The Awarding Authority will invite all Tenderers who submitted late or inadmissible Expression of Interest Dossiers to receive their unsealed Dossiers.

## **Article 16 Limitation of the number of Tenderers**

### **16.1 Scores and classification table**

**16.1.1** In order for the Awarding Authority to limit the number of Tenderers meeting the Preselection Criteria, as defined in paragraph 5.2.3 of the Call, the Tender Committee shall rate the Tenderers on the basis of the objective and non-discriminatory scoring criteria and the tables provided in this article.

**16.1.2** The final score of each Tenderer shall be equal to the sum of the points received in each individual criterion and a ranking table shall be prepared on the basis thereof in descending order, comprising the score achieved by each Tenderer, with the purpose of designating a maximum of six (6) Tenderers to participate in Phase II of the Tender.

### **16.2 Criterion A: Financial Strength of the Tenderer**

**16.2.1** The Tenderer's financial strength shall be scored based on the following criteria:



A.1 Funds of the Tenderer (Maximum score: 10 points)

A.2 Capacity of the Tenderer to secure loan funds (Maximum score: 10 points)

**16.2.2** In particular, Tenderers shall be rated in this said sub-Criterion A.1 on the basis of the following table:

	<i>Funds of the Tenderer</i>	<i>Points</i>
<b>A.1</b>	€10,000,000 < Funds of the Tenderer ≤ €20,000,000	5
	€20,000,000 < Funds of the Tenderer	10

**16.2.3** With regard to criterion A.1 and for the purposes of paragraph 16.2.2 above, the term “Funds of the Tenderer” shall mean the level of the Tenderer’s Net Personal Property (in case of natural person) in accordance with paragraph 8.3.2 of the Call, or the average equity funds of the Tenderer (in case of legal person), established and documented by the Financial Statements of the last Three (3) Fiscal Years pursuant to paragraph 8.3.3 of the Call or the level of Total Funds of the Tenderer (in case of investment fund), in accordance with paragraph 8.3.4 of the Call or, if the Tenderer is an Association of Persons, the weighted total of the foregoing, according to paragraph 8.3.6 of the Call.

**16.2.4** Furthermore, the Tenderer’s rating in the said sub-Criterion A.2 shall be based on the following table:

	<b>Loan Funds</b>	<b>Points</b>
<b>A.2</b>	Loan funds ≤ €10,000,000	0
	€10,000,000 < Loan funds ≤ €20,000,000	5
	€20,000,000 < Loan funds ≤ €30,000,000	7.5
	€30,000,000 < Loan funds	10

**16.2.5** With regard to criterion A.2 and for the purposes of the above paragraph, the term “loan funds” shall have the meaning given in paragraph 2.1 (8) of the Call and loan contracts shall be taken into account which (a) have been signed within the last fifteen years, (b) are intended to finance a building construction contract, as described in

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paragraph 8.4.1.b of this Call or a project concession or a PPP contract, and (c) the loan amount of each contract comes to at least five million euro (EUR 5,000,000) irrespective of whether the loan funds were raised by one person or more persons in joint venture. For the assessment of this criterion, account shall be taken of the sum of the weighted (by the percentage of the Tenderer's participation in the economic operator that concluded the cited loan contracts) value. If the Tenderer is an Association of Persons, the account shall be taken of the weighted value of the above loan agreements, concluded by each member of the Association. This weighting shall be based on the declared participation rate of these members in the Association of Persons acting as Tenderer.

**16.2.6** The Tenderer's performance in the above criterion A.2 shall be evidenced pursuant to paragraph 10.7.2 of the Call.

### **16.3 Criterion B: Technical Adequacy of the Tenderer**

**16.3.1** The Tenderer's technical adequacy shall be scored on the basis of the following criterion:

B. Experience in the commercial exploitation or development and commercial exploitation of a building project (Maximum score: 15 points)

**16.3.2** In particular, Tenderers shall be rated in this Criterion B on the basis of the following table:

<b>Experience in the commercial exploitation or the development and commercial exploitation of a building project</b>	<i>Points</i>
Experience in the commercial exploitation or the development and exploitation either (i) at least one (1) completed building project of similar use to the building project of this Tender, i.e. an Innovation Centre with total built area of over five thousand (5,000) sq.m. or at least one (1) completed Commercial Centre or Office or Research Centre or Business Incubator, as defined in indents 10.5 and 11 of paragraph II of article 1 of presidential decree 59/2018 (Government Gazette A 114) respectively, with a total built area equal to or greater than five thousand (5,000) sq.m., during the last fifteen	5

B.	years from the Date of Publication, or (ii) more than one completed building works corresponding to the building work of this Tender, i.e. Innovation Centres with a total built area equal to or more than ten thousand (10,000) sq.m., or more than one completed Commercial Centre or Office or Research Centre or Business Incubator, as defined in indents 10.5 and 11 of paragraph II of article 1 of presidential decree 59/2018, with a total built area equal to or greater than ten thousand (10,000) sq.m., during the last fifteen years from the Date of Publication.	
	Experience in the commercial exploitation or the development and exploitation either (i) at least one (1) completed building project of similar use to the building project of this Tender, i.e. an Innovation Centre with total built area of over ten thousand (10,000) sq.m. or at least one (1) completed Commercial Centre or Office or Research Centre or Business Incubator, as defined in indents 10.5 and 11 of paragraph II of article 1 of presidential decree 59/2018 (Government Gazette A 114) respectively, with a total built area equal to or greater than ten thousand (10,000) sq.m., during the last fifteen years from the Date of Publication, or (ii) more than one completed building works corresponding to the building work of this Tender, i.e. Innovation Centres with a total built area equal to or more than ten thousand (10,000) sq.m., or more than one completed Commercial Centre or Office or Research Centre or Business Incubator, as defined in indents 10.5 and 11 of paragraph II of article 1 of presidential decree 59/2018, with a total built area equal to or greater than fifteen thousand (15,000) sq.m., during the last fifteen years from the Date of Publication.	15

#### **16.4 Criterion C: Technical Adequacy and Competence of the Innovation Entity**

##### **16.4.1** The technical adequacy and competence of the Innovation Entity

shall be scored on the basis of the following Criteria:

C.1 Special experience in supporting, by consulting and/or financial means and/or transfer of know-how and/or provision of hosting services in collaborative premises, at least ten (10) Startups and/or Spin-offs during the last three years from the Date of Publication Date (Maximum score: 20 points).

C2. Special experience in the provision of networking services with international networks of investors and/or entrepreneurs leading to securing investment funds for Startups or Spin-offs during the last three years from the Date of Publication (Maximum score: 20 points).

**16.4.2** In particular, Tenderers shall be rated in this sub-Criterion C.1 on the basis of the following table:

	<i>Special experience in developing and supporting Startups/Spin-offs</i>	<i>Points</i>
<b>C.1</b>	The Innovation Entity has provided the services set out in criterion C.1 to ten (10) to thirty (30) Startups and/or Spin-offs	0
	The Innovation Entity has provided the services set out in criterion C.1 to thirty one (31) to sixty (60) Startups and/or Spin-offs	10
	The Innovation Entity has provided the services set out in criterion C.1 to sixty one (61) to one hundred (100) Startups and/or Spin-offs	15
	The Innovation Entity has provided the services set out in criterion C.1 to more than one hundred and one (101) Startups and/or Spin-offs	20

**16.4.3** The performance of the Innovation Entity in this sub-criterion C.1 shall be evidenced in accordance with paragraph 10.7.4 of the Call.

**16.4.4** In particular, Tenderers shall be rated in this Criterion C.2 on the basis of the following table:

	<i>Special experience in securing investment funds to Startups/Spin-offs</i>	<i>Points</i>
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<b>C.2</b>	The Innovation Entity has secured funds (investment, loan, subsidies) from international financing resources to Startups and/or Spin-offs coming to €1,000,000 in total	0
	The Innovation Entity has secured funds (investment, loan, subsidies) from international financing resources to Startups and/or Spin-offs coming to €1,000,001 to €3,000,000 in total	10
	The Innovation Entity has secured funds (investment, loan, subsidies) from international financing resources to Startups and/or Spin-offs coming to €3,000,001 to €5,000,000 in total	15
	The Innovation Entity has secured funds (investment, loan, subsidies) from international financing resources to Startups and/or Spin-offs coming to over €5,000,000 in total	20

**16.4.5** The performance of the Innovation Entity in this sub-criterion C.2 shall be evidenced in accordance with paragraph 10.7.5 of the Call.

#### **16.5 Equal scores**

In the event that two or more Tenderers obtain equal scores, the Awarding Authority shall select the Preselected Tenderer by lot among the Tenderers with equal scores. The lot shall be conducted by the Tender Committee in the presence of the Tenderers with equal scores, at a date and time to be notified by announcement on the website of the Awarding Authority and by written communication with the Agent of each Tenderer.

#### **16.6 Indicative self-assessment of the Tenderers**

To facilitate the evaluation process, Tenderers shall indicate in ANNEX 12 hereto the score they consider appropriate to their respective qualifications, in accordance with the above-mentioned scoring criteria. This self-assessment of the Tenderers shall be indicative only and shall not be taken into account in the Tenderers' rating, nor will it be binding for Awarding Authority in any way.

### **Article 17 Cancellation of the Tender**

**17.1** The Awarding Authority reserves the right to repeat, postpone or modify

the Tender, including the right to modify the timetables of any Phase of the Tender or the deadline for submission of the Expression of Interest Dossiers or any other time limit relating to the Tender, at its absolute discretion, without having any liability vis-à-vis Interested Parties, Tenderers, Preselected Tenderers, Bidders and/or third parties.

- 17.2** The Awarding Authority shall, by specifically reasoned decision on recommendation of the competent body, cancel the Tender, if it has been ineffective either because of the exclusion of all Tenderers or Offers or due to the failure to submit an Expression of Interest Dossier or the rejection of all Expression of Interest Dossiers or Offers.
- 17.3** The Tender procedure for the award of the Partnership Contract may be annulled or cancelled by specifically reasoned decision of the Awarding Authority on recommendation of the competent advisory body of the respective Phase of the Tender, in one or more of the following instances:
- a) due to the irregular conduct of the Tender;
  - b) if the offer is considered to be unprofitable from an economic point of view;
  - c) if the performance of the contract is no longer of interest to the Awarding Authority;
  - d) if the economic or technical parameters relating to the Tender have been substantially changed or there are grounds of force majeure, so that the Partnership Contract cannot be implemented;
  - e) for other overriding reasons of public interest, such as in particular public health or environmental protection.
- 17.4** If errors or omissions are found at any stage of the award procedure, the Awarding Authority may, at the recommendation of the competent body, partially cancel the procedure or reform the outcome accordingly or decide to repeat it from the point where the error or omission has been found.
- 17.5** Subject to the provisions of Law 4413/2016, if the Tender is cancelled, annulled or repeated for any reason, in accordance with the provisions hereof, Interested Parties, Tenderers, Preselected Tenderers or Bidders shall not be entitled to any compensation.
- 17.6** The Contracting Authority also reserves the right, on recommendation of

the competent body, to decide, pursuant to paragraph 5 of article 46 of Law 4413/2016, along with the cancellation or annulment of the Tender and the repetition of any phase thereof by amending its terms or not, to carry out a new award procedure without publication of call, provided that the terms and conditions of paragraph 5 of article 30 of Law 4413/2016 are fulfilled.

**17.7** Interested Parties, Tenderers, Preselected Tenderers and Bidder shall bear all the costs of participating in the phases of the Tender and the Awarding Authority and the Tender Authority shall not have any responsibility.

**17.8** Participation in the Tender of one Tenderer only shall not constitute an impediment to the award of the Tender.

#### **Article 18 Publicity**

**18.1** A contract notice, i.e. the relevant standard form “Notice of Concession”, was transmitted through the web portal [simap.europa.eu](http://simap.europa.eu) for publication to the Publications Office of the European Union on 16.12.2020.

**18.2** The notice set out in the previous paragraph and this Call are (a) published in the Central Electronic Register for Public Procurement (KIMDIS) and (b) posted on “Diavgeia” ([diavgeia.gov.gr](http://diavgeia.gov.gr)), while the entire text of this Call is posted on [www.gsrt.gr](http://www.gsrt.gr).

**18.3** In the event of divergence between the terms of this Call to Express Interest (including the Annexes hereto) and the terms of the summary of the Call to Express Interest, as published, the terms of this Call to Express Interest shall prevail.

#### **Article 19 Language of the tender**

**19.1** The official language of the Tender and the Partnership Contract shall be Greek and every document of the Awarding Authority will be written in Greek.

**19.2** All documents included in the Expression of Interest Dossier shall be written in Greek or accompanied by a lawful translation into Greek. For the purposes hereof, lawful translations are provided either by the Translation Service of the Ministry of Foreign Affairs or the competent Consulate or a lawyer, within the meaning of article 454 of the Code of Civil Procedure, the provisions of Law 3712/2008 (Government Gazette

A 225) and Article 53 of the Lawyers Code. The prevailing version shall always be Greek.

**19.3** Any preliminary rulings, in accordance with Article 20 hereof, shall be submitted in Greek.

**19.4** Registration and oral communication between the Awarding Authority, the Tender committees and the Interested Parties, Tenderers, Preselected Tenderers, Bidders, the Contractor and the PPE must be made in Greek. It is pointed out that all the above parties are obliged to facilitate communication of their foreign employees with the Awarding Authority and the Tender Committees, by retaining and using interpreters at their own responsibility and costs.

**Article 20 Action for Preliminary Ruling – Judicial Protection**

**20.1** Pursuant to the provisions of article 60 of Law 4413/2016 and the provisions of book IV of Law 4412/2016, any interested person who has or had had interest in the award of this particular contract and has or had or may have suffered damage by an enforceable act or omission of the Awarding Authority in breach of the legislation of the European Union or domestic law, shall be entitled to lodge an action for preliminary ruling before the Authority for the Examination of Preliminary Appeals (“AEPP”) against the relevant act or omission of the Awarding Authority, specifying the legal and actual complaints that justify their request.

**20.2** In the event of appeal against an act of the Awarding Authority, the time limit for lodging the action for preliminary ruling shall be:

(a) ten (10) days from the notification of the contested act to the economic operator concerned, if the act was transmitted by electronic means or fax; or

(b) fifteen (15) from the notification of the contested act, if other means of communication were used, or

(c) ten (10) days from the full, factual or presumed knowledge of the act that prejudices the interests of the economic operator concerned. Specifically for the purpose of bringing action against a notice, full knowledge thereof is presumed fifteen (15) days after publication in KIMDIS.

**20.3** In case of omission, the time limit for bringing an action for preliminary



ruling shall be fifteen (15) days from the day following such omission.

- 20.4** The action for preliminary ruling, in accordance with the provisions of presidential decree 39/2017, shall be submitted to AEPP by email to the AEPP's email address. The date of submission of the action shall be the date when AEPP received the email. No later than the business day following receipt of the action, AEPP shall electronically notify the complainant of the receipt of the action and the registration number thereof.
- 20.5** In order for the action for preliminary ruling to be admissibly lodged, a fee shall be deposited by the complainant in favour of the State, in accordance with the provisions of article 363 of Law 4412/2016, which shall be refunded to the complainant of the action is accepted in whole or in part or if, prior to the issuance of the decision of AEPP on the action, the Awarding Authority revokes the contested act or takes the required action.
- 20.6** The time limit for lodging the action for preliminary ruling and the lodging thereof shall prevent the conclusion of the contract on penalty of nullity, determined by decision of AEPP following an appeal in accordance with article 368 of Law 4412/2016.
- 20.7** In all other matters, the action for preliminary ruling shall not impede the progress of the Tender procedure, without prejudice to paragraphs 1 and 2 of Article 366 of Law 4412/2016 (temporary protective measures).
- 20.8** In accordance with the provision of paragraph 2 of article 9 of presidential decree 39/2017, the Awarding Authority is invited (a) to notify the appeal within five (5) days at the latest to any interested third party who may be affected by acceptance of the appeal, in order to exercise their right to intervene in the review procedure, in accordance with Article 7 of presidential decree 39/2017, and (b) transmit to AEPP, within ten (10) days at the latest from the date of notification of the appeal to the Awarding Authority, the complete case file, its views on the appeal and evidence of transmission to interested parties. In its views, the awarding authority may provide initial or additional reasoning for the act contested by the appeal (Article 365 par.1 (b) of Law 4412/2016).
- 20.9** AEPP shall give a reasoned opinion on the validity of the alleged factual

and legal pleas made by the awarding authority and, in case of intervention, of the claims made by the intervening party, and shall accept (in whole or in part) or reject the appeal by decision, issued within an exclusive period of twenty (20) days from the date of the review of the appeal. The AEPP shall exclusively address matters raised in the appeal and cannot incidentally examine the terms of the call or issues relating to the conduct of the procedure.

**20.10** The action for preliminary ruling shall be a required condition for the exercise of the remedies of petition for suspension and petition for annulment pursuant to Article 372 of Law 4412/2016 against enforceable acts or omissions of the Awarding Authority.

**20.11** Any person with a legitimate interest may ask for the suspension of the enforcement of the decision of the AEPP and its annulment before the competent court. The awarding authority shall also have the right to exercise the same legal remedies if AEPP accepts the action for preliminary ruling. By means of the remedies of petition for suspension and petition for annulment, all acts or omission of the Awarding Authority being pertinent to the said decision are considered to be also challenged in the decision of AEPP, provided that they have been issued or executed respectively until the hearing of the petition for suspension or the first hearing of the petition for annulment.

**20.12** The lodging of the petition for suspension shall not be subject to the prior lodging of the petition for annulment. The petition for suspension shall be lodged with the competent court within ten (10) days of notification or full knowledge of the decision on the action for preliminary ruling and shall be heard within thirty (30) days of its lodging at the latest. For the lodging of the petition for suspension, the prescribed fee is deposited in accordance with the provisions of article 372 par.4 of Law 4412/2016.

**20.13** The petition for suspension shall prevent the conclusion of the contract, unless the competent judge decides otherwise by means of provisional order.

## **Article 21 Applicable laws**

**21.1** The Tender shall be conducted in accordance with the following provisions in particular, as in force on the date of transmission of the

Contract Notice for publication in the Official Journal of the European Union:

- (1) Law 4413/2016 "Award and execution of concessions (harmonisation with Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concessions (OJ L 94/1/28.3.2014) and other provisions)" (Government Gazette A 148);
- (2) Law 3389/2005 "Public-Private Partnerships" (Government Gazette A 232);
- (3) Law 4412/2016 "Public Contracts for Works, Procurement and Services (adaptation to Directives 2014/24/EU and 2014/25/EU)" (Government Gazette A 147);
- (4) Law 4622/2019 "Executive state: organisation, operation and transparency of the Government, government bodies and public administration" (Government Gazette A 133);
- (5) Law 4129/2013 "Ratification of the Code of Laws on the Court of Audit" (Government Gazette A 52);
- (6) Law 4700/2020 "Uniform text of the Court of Audit Procedure, comprehensive legislative framework for pre-contractual audit, amendments to the Code of Laws on the Court of Audit, provisions on effective administration of justice and other provisions" (Government Gazette A 127);
- (7) Law 4270/2014 "Principles of financial management and supervision (transposition of Directive 2011/85/EU) – public accounting and other provisions" (Government Gazette A 143);
- (8) Law 4250/2014 "Administrative Simplifications - Abolitions, Mergers of Legal Persons and Services of the Public Sector - Amendment to Provisions of presidential decree 318/1992 (Government Gazette A 161) and other Arrangements" (Government Gazette A 74), in particular the provisions of article 1;
- (9) Article 26 of Law 4024/2011 "Establishment of collective administration bodies and designation of their members by lot" (Government Gazette A 226);
- (10) Law 4013/2011 "Establishment of the Single Independent Authority of Public Procurement and Central Electronic Register of Public Procurement" (Government Gazette A 204);

- (11) Law 3861/2010 "Strengthening transparency through the mandatory posting of laws and acts of governmental, administrative and local authorities on the internet, "Diavgeia Programme" and other provisions (Government Gazette A 112);
- (12) Presidential decree 71/2019 "Registers of production factors of public and private works, studies, technical and other relevant scientific services (ΜΗΤΕ) (Government Gazette A 112);
- (13) Law 2690/1999 "Ratification of the Code of Administrative Procedure and other provisions" (Government Gazette A 45);
- (14) Presidential decree 28/2015 "Codification of provisions on access to public documents and data" (Government Gazette A 34);
- (15) Joint Ministerial Decision no. Π1 2380/2012 "Regulation of specific matters of operation and management of the Central Electronic Register of Public Procurement of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks" (Government Gazette B 3400);
- (16) Ministerial Decision No. 576/2017 "On the operation and management of the Central Electronic Register of Public Procurement (KIMDIS) of the Ministry of Economy and Development" (Government Gazette B 1781);
- (17) Presidential decree 80/2016 "Commitment by Authorising Officers" (Government Gazette A 145);
- (18) Decision no.1191/14.03.2017 (Government Gazette B 969) "Determination of the time, method of calculation of the withholding process and reimbursement of the 0.06% withholding in favour of the Authority for the Examination of Preliminary Rulings (ΑΕΡΡ)";
- (19) Presidential decree 39/2017 "Regulation for the Examination of Preliminary Appeals before the Authority for the Examination of Preliminary Rulings" (Government Gazette A 64);
- (20) Law 2121/1993 "Intellectual Property, Related Rights and Cultural Matters" (Government Gazette A 25);
- (21) Law 3310/2005 "Measures to ensure transparency and prevent circumvention during the public procurement procedure" (Government Gazette A 30);
- (22) Presidential decree 82/1996 "Nominalisation of shares of Greek Societes Anonymes participating in works or procurement procedures of

the State or legal persons of general public sector” (Government Gazette A 66);

(23) Joint Decision of the Ministers of Development and State No. 20977/2007 (Government Gazette B 1673) on “Supporting documents for the maintenance of the registers set out in Law 3310/2005, as amended by Law 3414/2005”;

(24) Law 4172/2013 “Income Taxation, emergency measures to apply Law 4046/2012, Law 4093/2012 and Law 4127/2013 and other provisions” (Government Gazette A 167);

(25) Joint Decision No. 1353/19.09.2019 of the Minister and the Deputy Minister of Finance "Determination of the non-cooperating states for fiscal year 2019 pursuant to the delegating provision of paragraph 4 and the criteria of paragraph 3 in conjunction with paragraphs 1, 2, 4 and 5 of article 65 of Law 4172/2013 (Government Gazette B 3558);

(26) Law 2859/2000 “Ratification of Value Added Tax Code” (Government Gazette A 248);

(27) Law 4624/2019 “Personal Data Protection Authority, measures implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and transposing into national law Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 and other provisions” (Government Gazette A 137);

(28) Law 4310/2014 “Research, Technology Development and Innovation and other provisions” (Government Gazette A 258);

(29) Decision No 4412/15.01.2020 of the Minister for Development and Investment (Government Gazette D 3);

(30) Presidential decree 81/2019 “Establishment, merger, renaming and abolition of Ministries and definition of their responsibilities - Transfer of services and competences between Ministries” (Government Gazette A 119);

(31) Presidential decree 83/2019 Appointment of Vice-President of the Government, Ministers, Alternate Ministers and Deputy Ministers (Government Gazette A 121);

(32) Presidential decree 84/2019 “Establishment and abolition of General

Secretariats and Special Secretariats/Uniform Administrative Sectors of Ministries” (Government Gazette B 123);

(33) Article 63 of presidential decree 18/2018 “Organisation of the Ministry of Education, Research and Religious Affairs” (Government Gazette A 31);

(34) Decision no 48/18.07.2019 of the Prime Minister and the Minister of Development and Investment for the delegation of powers to the Deputy Minister for Development and Investment, Christos Dimas (Government Gazette B 3100);

(35) Joint decision No. 80327/01.08.2019 of the Prime Minister and the Minister of Development and Investment appointing Athanasios Kyriazis as non-permanent Secretary General of Research and Technology of the Ministry of Development and Investment (YODD 511);

(36) Article 63 of Law 4647/2019 “Emergency arrangements of the Ministries of Health, Internal Affairs, Labour and Social Affairs and other provisions” (Government Gazette A 24);

(37) Presidential decree 63/2005 “Codification of legislation on Government and government bodies” (Government Gazette A 98);

(38) In addition, regulatory acts adopted in implementation of the above provisions and other provisions expressly mentioned or deriving from those stipulated in the contractual documents hereof, as well as all provisions of insurance, labour, environmental and tax law, and more generally any provision and interpretative circular governing the award and execution of the Project and the Partnership Contract, shall also apply, even if they are not explicitly mentioned.

## **Article 22 Guarantees**

The current Phase I does not require the deposit of guarantees. A participation guarantee that will be required in Stage II.2 of Phase II of the Tender, as well as the other guarantees, will be determined in the Call to Submit Offers.

## **Article 23 General Provisions**

**23.1** The submission of an Expression of Interest Dossier shall imply and presume full and unconditional acceptance of all terms and conditions of the Call.

**23.2** The information comprised in this Call for Expression of Interest and its

Annexes has been gathered in good faith in order to help Interested Parties to form their own views on the Tender and the Project; however, they should not be considered comprehensive and have not been verified independently by the Awarding Authority or its consultants. No representation, declaration of guarantee or commitment, express or implied, is or will be given in relation to the accuracy, adequacy or completeness of this document. In any event, Interested Parties must, at their own sole responsibility, investigate and analyse the actual and legal elements relating to the scope of the Contract to be concluded, with the assistance of their own financial, technical and legal advisers.

- 23.3** No person shall acquire vis-à-vis the Awarding Authority, its bodies, officials, executives or advisers any right or claim for compensation (including costs of submission of the Expression of Interest Dossier) or any other compensation claim against the Awarding Authority as a result of the receipt of this Call or participation in the Tender for any reason. Exclusion from the Tender or failure to succeed in the Tender shall not become the basis of any right of compensation vis-à-vis the Awarding Authority and/or the aforementioned persons. Each Interested Party shall be responsible for the costs and expenses to be borne in response to the Call and the preparation and submission of the Expression of Interest Dossier. Neither the Awarding Authority nor its employees, executives, consultants and employees shall be liable for any costs or expenses incurred or other damage suffered by an Interested Party or other recipient of this Call in relation to the Tender.
- 23.4** The submission of alternative offers shall is not be permitted. If alternative proposals are submitted, they will not be taken into account. Counter-offers or modifications to offers or proposals that may be assimilated to a counter-offer shall not be allowed either.
- 23.5** This Call to Express Interest does not, in any case, constitute a proposal for the conclusion of a contract.
- 23.6** The documents of the Tender Committee and the Awarding Authority relating to the Tender shall be notified by fax or email to the Agent of each Tenderer.
- 23.7** The time of receipt of these documents shall be the note of the fax machine on the forwarded document or the date indicated in the email.

**20PROC007899619 2020-12-21**

**GENERAL SECRETARIAT  
FOR RESEARCH & TECHNOLOGY**

INTERNATIONAL PUBLIC TENDER  
WITH COMPETITIVE DIALOGUE  
FOR AWARDING A PARTNERSHIP CONTRACT  
ON THE PROJECT  
«CREATING AN INNOVATION CENTRE  
IN ATHENS THROUGH PPP»

TENDER - PHASE 1

**CALL FOR EXPRESSION OF INTEREST**

**ANNEXES**



## 1. ANNEX 1

### TECHNICAL COMPONENTS OF THE PROJECT

#### **Purpose of the Project**

In the framework of the suggested Public-Private Partnership, the Private Partnership Operator (PPO) shall implement the design, the construction, the financing, the operation and the maintenance of the premises of the Innovation Centre in Athens and shall undertake to support and to enhance innovation and to fulfill the commercial purposes of said premises.

The Partnership Contract shall involve the reconstruction and/or the modernisation of the current buildings and infrastructure and/or the construction of new compounds and infrastructure, along with the necessary equipment and parking space, the landscaping of non-built surrounding space of the Property, as well as any further activity required in terms of the nature or the purpose of the Innovation Centre, including but not limited to:

- (1) design and all engineering studies required to ensure prompt issuance of all the permits and the authorisations provided for in the proper provisions,
- (2) financing,
- (3) construction of the compounds and of the necessary infrastructure, including the parking space, and renovation and landscaping of the non-built surrounding space,
- (4) organisation and suitable configuration of the Property to fulfill the requirements of the Project,
- (5) commercial exploitation of the Property, including but not limited to, proper promotional activities, lease management, user administration and servicing, according to the Partnership Contract and the purposes of the Project,
- (6) management and function of the compounds, of the infrastructure

and of the surrounding space throughout the term of the Partnership Contract, which shall include the maintenance, the operation, the guarding, the cleaning, the waste management, the sanitation and the security of the compound, of the infrastructure and of the surrounding area throughout the Partnership Contract, according to the applicable laws,

- (7) Innovation support and enhancement,
- (8) returning the project to the Contracting Authority as provided for in the Partnership Contract at the end of the contractual term

as well as any further activity required in terms of the nature or the purpose of the Innovation Centre.

The purpose of the Project is to build an Innovation Centre in Athens, in accordance with the standards so far successfully adopted by several international business centres. The Innovation Centre shall be the main pillar of the ecosystem of the district, since, through a dynamic and innovative combination of policies, quality of space and properly shaped premises and programmes and services of high value added, it shall intend to:

- host a significant number of start-up companies, spin-off enterprises, innovative firms, research institutes and Innovation agencies;
- channel knowledge and technology flow between research agencies, universities and companies;
- facilitate the communication and the interconnection between companies, businessmen and scientists;
- establish an environment that fosters the culture of Innovation, cooperation, creativity and quality;
- create spaces with a view to holding significant events of Innovation, as well as to offering food and entertainment services
- enable the establishment of new enterprises through an incubation and acceleration mechanism, of spin-offs, and enhance the development of small- & medium-size businesses;
- enable the enterprises and spin-offs to access funding institutions and tools;
- design and enhance programmes that encourage Innovation and

entrepreneurship in association with the market operators;

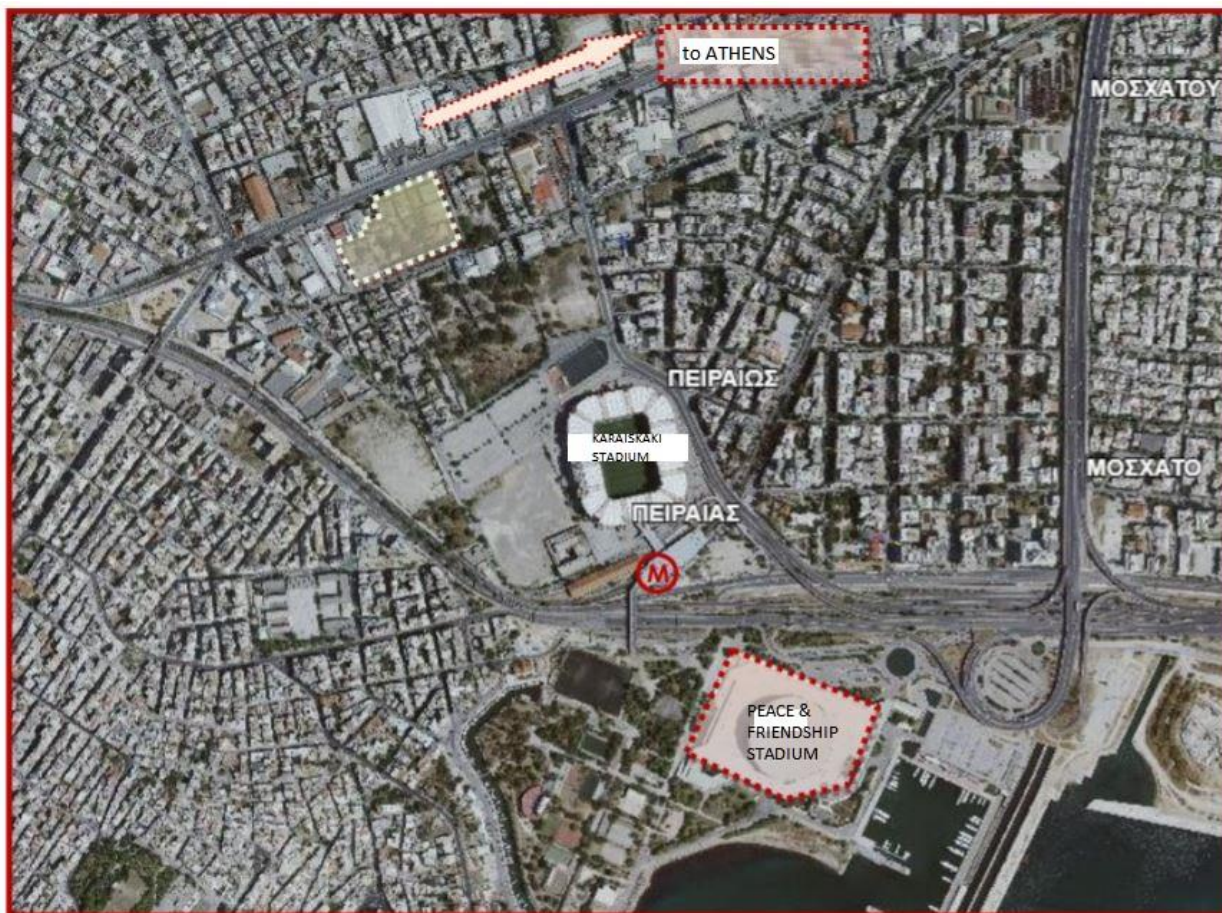
- develop research and Innovation activities in the field of medicinal products, interlink and do business in both, the European network of business and innovation centres and operators (EU/BIC) and the international network of innovation centres (IASP) gathering thousands of innovative firms and research institutes all over the world, enabling the internationalisation of the companies hosted

To accomplish the foregoing goals, the Innovation Centre shall foster the cooperation and shall channel the knowledge and technology flow between the universities, the research and development institutes, the companies and the markets. It shall also enable the establishment and the development of companies based on innovation through incubation and acceleration procedures and it shall provide value added services together with high quality hosting and infrastructure.

### **An overview of the Property**

The Innovation Centre shall be constructed on a Property including the current industrial complex at the New Faliro Municipal Unity (Third Municipal Community) in the Piraeus Municipality, Building Block (BB) no. 63. In particular, it is a 17,868.69 sq.m. plot of land according to the surveying plan dated 18.11.2020 of the land surveyor Mr. Antonios Koutroubis (as attached to Addendum 1 of this Annex 1 and it is located on no.62, Piraeus avenue, close to two big stadiums (Peace & Friendship Stadium and Karaiskaki stadium) and to the Faliro overground metro station).

The Property selected has some basic features that stand for the purpose of the Project. It is situated in a central arterial route connecting Athens with Piraeus, it is located at some distance from the metro and it expands on a large community area.



*Image 1: Geographic location of the Property*

The Property belongs to the Public Law Legal Entity «National Organisation for Medicines» (E.O.F.), which has granted the right of exclusive use, exploitation and beneficial use of said property for 49 years to the Ministry of Development & Investments.

Building Block 63 on which the plot of land under overview is situated is part of a special category of land use called «Piraeus Avenue Renovation Zone» (Government Gazette issue D' 79/1988 and D' 663/1994). Following alterations of the General City Plan (GPS) in 2004 (GG issue D' 1063/2004), the use of the Renovation Zone is set out in more detail and the district is described as an «Industrial Park-Small Industry Park to be reclaimed», as shown in the excerpt of the Alteration Decision of the General City Plan 2004 below.

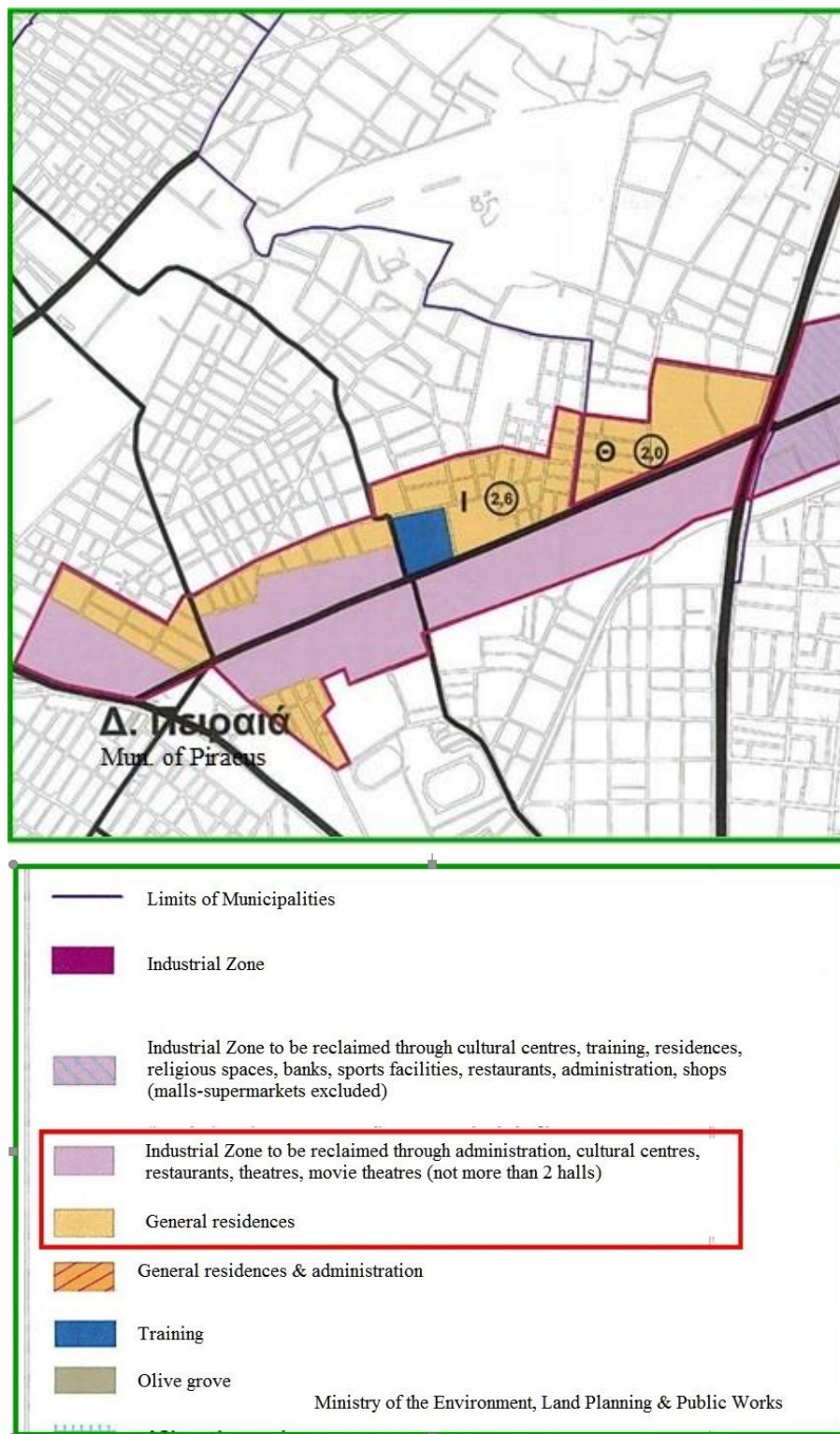


Image 2: General City Plan Alteration Excerpt, 2004

The Property's initial area was 18,885.44 sq.m.; however, in accordance with the Technical Report 159/1992, it was declared expropriated and as a result of the zoning, the surface thereof was reduced by 1,016.75 sq.m. (expropriated zone on the front of Athinon-Piraeus avenue). Therefore, its final surface is 17,868.69 sq.m. (GG issue Zoning A' 38/1954, D' 44/1962, D' 713/1979, D' 45/1987).

The industrial complex «XROPEI», which is the most significant industry in the category of potent «pollutant» industrial products, dates back to the first industrial period (est. 1899) as it has already been evaluated. In terms of morphology, it consists of plain building masses ordered in space using a grid.

There are seventeen (17) building complexes (15 based on the cadastral entry), all of which have been declared protected (GG issue D' 267/1997). Those buildings have been erected at different times. The older ones were built in the '50s and some of them were constructed there even before the '40s. Others are more recent structures, whilst there have been subsequent additions to a great number of them since the '60s.

Initially, those buildings had a load-bearing structure made of brickwork with a coating and wooden roofs. Later on, the needs of the industry called for modifications and stiffening, so reinforced concrete components were added, which constitute, together with the initial masonry, the current mixed bearing structure. This is not the case though with the big buildings of the facade, which were constructed later and have a reinforced concrete bearing structure.

After the earthquake in 1999, the autopsy protocols on the «dangerous decrepit buildings» of the Industry Earthquake Victims Rehabilitation Sector (TAS) were drawn up in 2000, according to which, thirteen (13) out of the seventeen (17) structures were considered condemned (as shown in Image 3).

In addition to that, the current form of the complex has deteriorated since the last registered survey in 2012, as a result of constant dereliction.



Image 3: Current condition of the Property

The Property had been described as a building site for the construction of the Piraeus Courthouse (article 19 of law 3226/2004 (A' 24), but later on, it was no longer regarded as such based on article 63 of law 4647/2019 and the supplementary special building requirements and restrictions were also determined, as detailed below:

- Built-surface ratio: 2.6
- Cover factor: 60%
- Maximum Authorised Altitude: 21m

*«c. (...) The additions, whether horizontal or vertical extensions, to the buildings of the above property, which have been described as protected (industrial building complex) in accordance with the Ministerial Decision no. 7863/1383/30.01.1997 (267/D/1997), the restoration of the architectural and morphological components, the rearrangement of the indoor spaces, as well as the interventions for functional reasons shall be permitted in such a way as to not affect the architectural nature thereof. With regards to the foregoing, a final architectural study shall be carried out, which shall be approved pursuant to the provisions of article 6, paragraph 3c, law 4067/2012 (New Building Regulations).  
d. The applicable general and special provisions shall apply to any other issue».*

According to the foregoing, the authorised components resulting with regards to the Property shall be:

- Authorised Cover:  $17,868.69 \times 60\% = 10,721.21$  sq.m.
- Current cover: 13,089.15 sq.m. Of these, 341.01 sq.m. may be subject to zoning, hence 12,748.14 sq.m. remain as existing
- Authorised construction capacity:  $17,868.69 \times 2.6 = 46,458.59$  sq.m.

Given that the industrial building complex is protected, any intervention that may be effected there shall have to respect its initial architectural nature and design.



In order to facilitate the Project, the General Secretariat for Research and Technology has submitted to the proper Direction for Architecture, Building Regulations and Authorisations of the Ministry of the Environment and Energy a proposal for the development of the Property, on which said Direction has put forward suggestions to the Central Architecture Council (KESA) of the General Secretariat for Spatial Planning and Urban Environment of the Ministry of the Environment and Energy. The Central Architecture Council delivered an opinion, through the Act no. 196 at its 16th Assembly of November 20th 2020, entitled «Specifying the supplementary special building requirements and restrictions at the protected «XROPEI» industrial complex situated at the B.B. no. 63, Neo Faliro, Municipality of Piraeus, for the utilisation of said property through the implementation of the project «CREATING AN INNOVATION CENTRE IN ATHENS», through public-private partnership (PPP) as per law 3389/2005.

In particular, the Central Architecture Council agrees on the *«issue of a Ministerial Decision, according to the provisions of article 6, par.3c, Law 4067/12 (GG 79A), on the «New Building Regulations» to specify any supplemental special building requirements and restrictions»* on the Property.

According to the opinion, it is allowed:

*«1. To create an «Innovation Centre Research and Technology Model Park» under the name mark description «INNOVATION CENTRE» in the entire area of the property's premises.*

*2. To utilise and/or to rearrange the initial shells of the building complex, where required so.*

*3. To erect new buildings in the property and to add new building masses, as an addition, whether as vertical and/or as horizontal extensions, to the preserved masses thereof.*

*4. To create open spaces in the property with the necessary formations to serve the functionality thereof.*

*5. To effect the foregoing interventions in the property according to the supplementary special building requirements and restrictions specified pursuant to the provisions of article 63 of Law 4647/2019.*

*6. The final building complex utilisation study, involving the rearrangement of the building masses, the additions, whether vertical and/or horizontal extensions, the construction of new buildings and the necessary landscaping shall be authorised by the Central Architecture Council (KESA).*

*7. The provisions of the Ministerial Decision no. 7863/1383/97 (GG 267D/ /97) shall apply to any other issue.*

The shape & size proposal – conceptual design on the development of the Property is then laid out as filed to the Direction for Architecture, Building Regulations and Authorisations, on which the Central Architecture Council expressed the opinion as mentioned above.

It is noted that this is a typical proposal, laid out below for the convenience of the Tenderers.

### **Typical Shape & Size Proposal – Conceptual Design**

At masterplan level, the imprint mainly of the perimetric existing buildings is preserved, whilst in its interior space a single open green space is generated, to both, cover the needs of the compound and bring out the two current landmarks (Water Tower and Funnel).

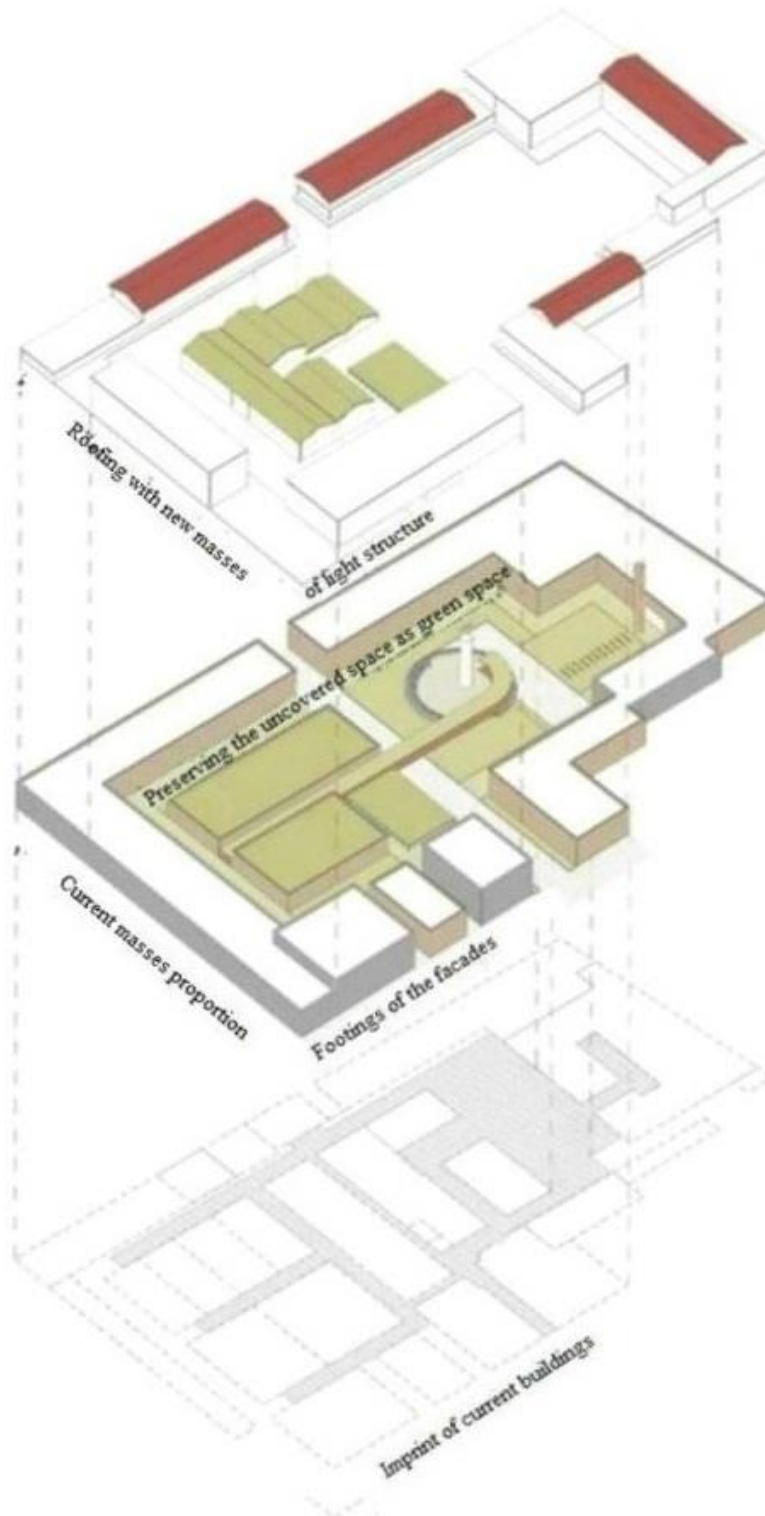
The open green space is landscaped with lawn, paving, wooden decks, permeable paving blocks, undergrowth flower beds and water features that blend in with the existing water tower.

The idea of the highly visible separation between the old masses and the new additions differentiates the structural materials. This is why the reinforced concrete is preserved in the three-storey buildings of the front (1, 2 and 4), as well as in the buildings 5 and 7 only with regard to the pre-existing floors. The new additions are made of a light metal structure. In the other buildings, which were mainly two-storey and made of stone, the stone masonry is preserved on the first two floors whilst the same aforementioned metal structure is added to the additional floors.

The rooftop - tile roof proportion is preserved, while some planted rooftops are also added (whether flat or sloping).



Image 4: Form sections of suggested development



In the proposal of the industrial complex utilisation, it is suggested for a start to create two (2) underground levels, so as to ensure mainly the needs in parking

space and electrical-mechanical installations space at the compound, without altering its above-ground architectural nature. A single space shall be formed for about three hundred (300) parking lots per level and the electrical-mechanical installations spaces shall be situated on the first basement level. The entrance shall be from the entrance ramp at Andrea Mourati street and the exit shall be from the exit ramp at Piraeus avenue.

The buildings located in the centre of the campus (13, 14) shall encompass the public spaces (cafeteria - restaurant - meeting room), shall be in direct contact with the surrounding area of the campus and shall dispose a roof garden.

Moreover, in the basement of these buildings there shall be a WC, a restaurant kitchen and other auxiliary spaces, as shown on the ground plans laid out below.

The other buildings shall encompass office spaces with all the required supplementary uses (office spaces, rest and recreational areas, lunch room, libraries, etc.). One more roof garden cafeteria shall be placed on the top floor of building 9, with a 360° view as shown on the ground plans laid out below.





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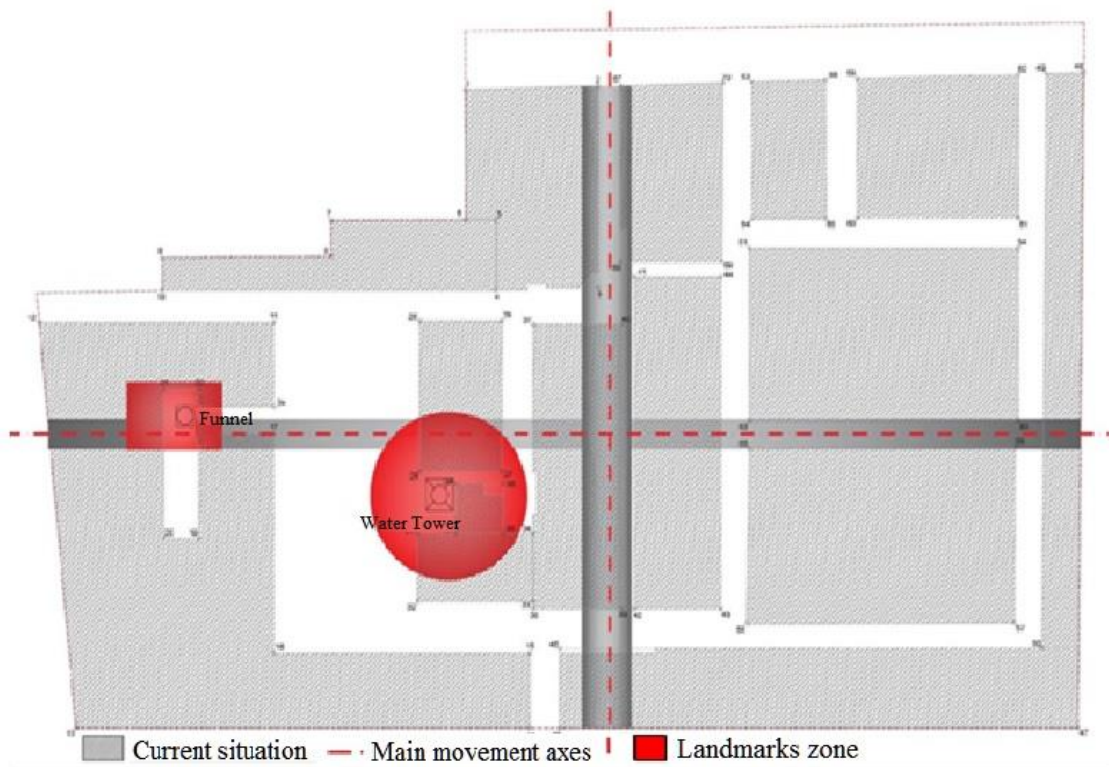
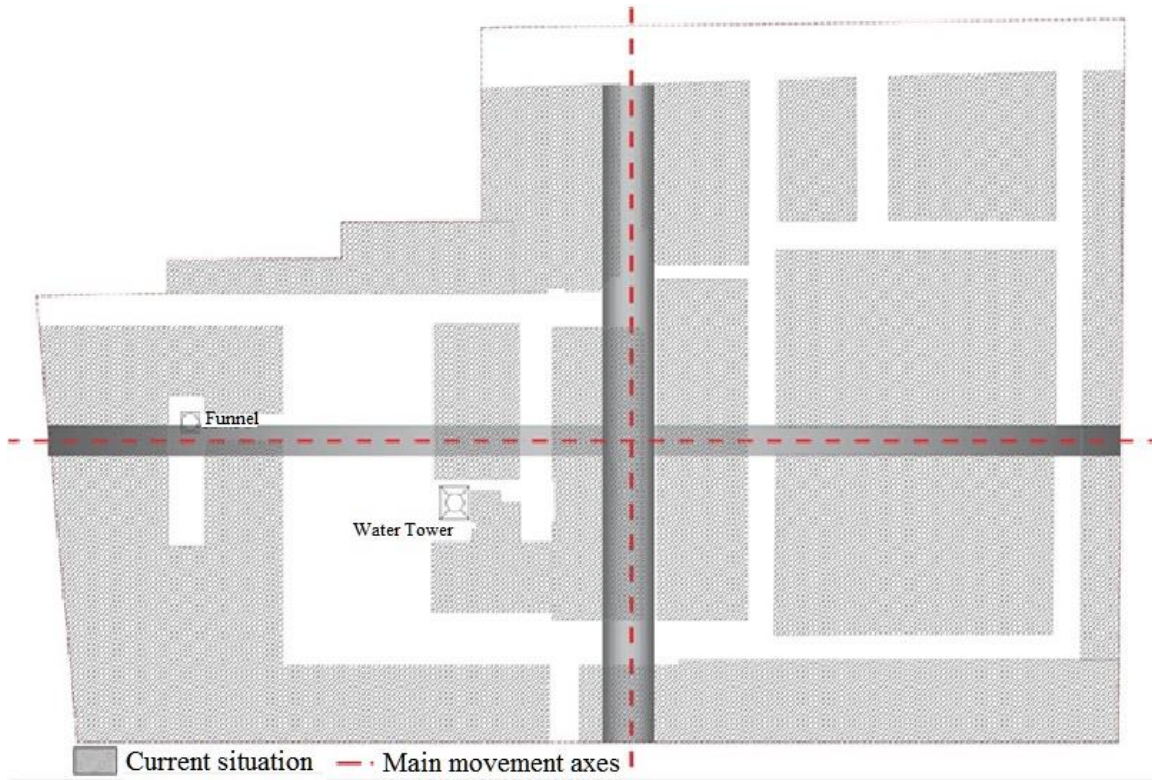


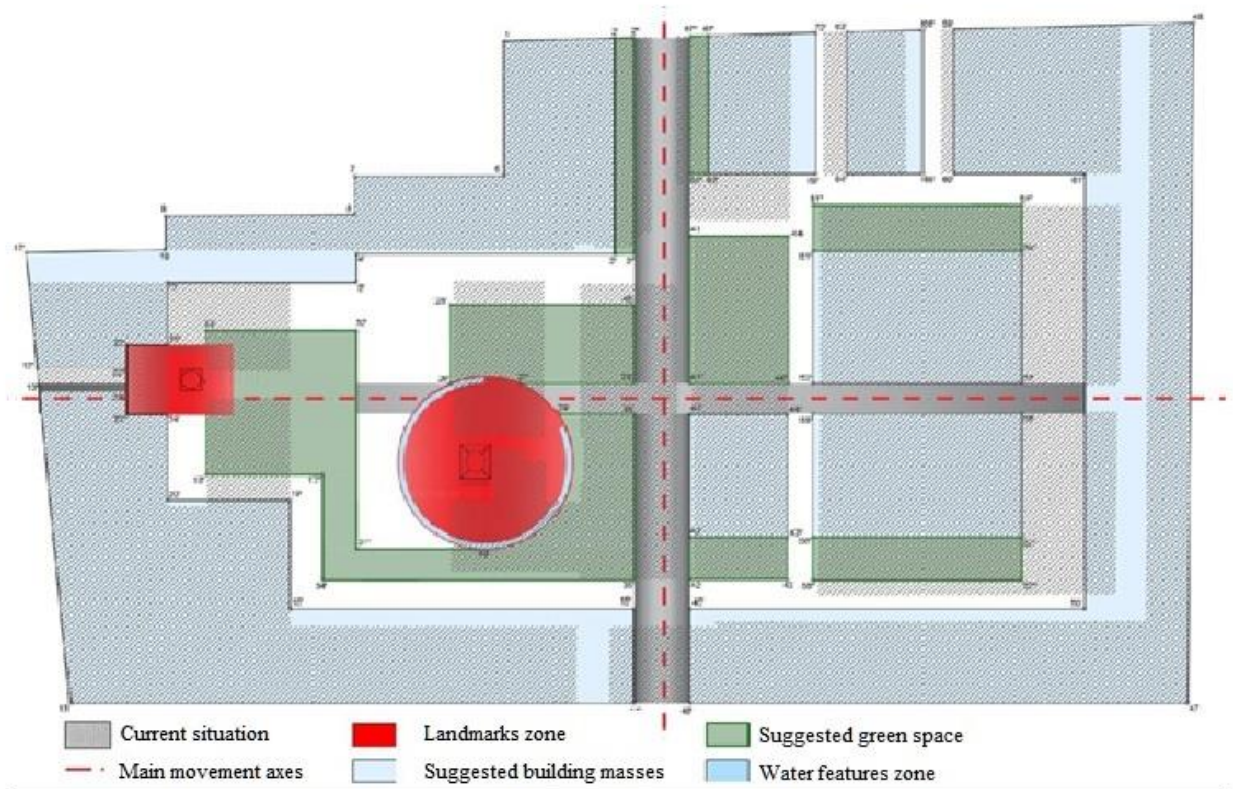
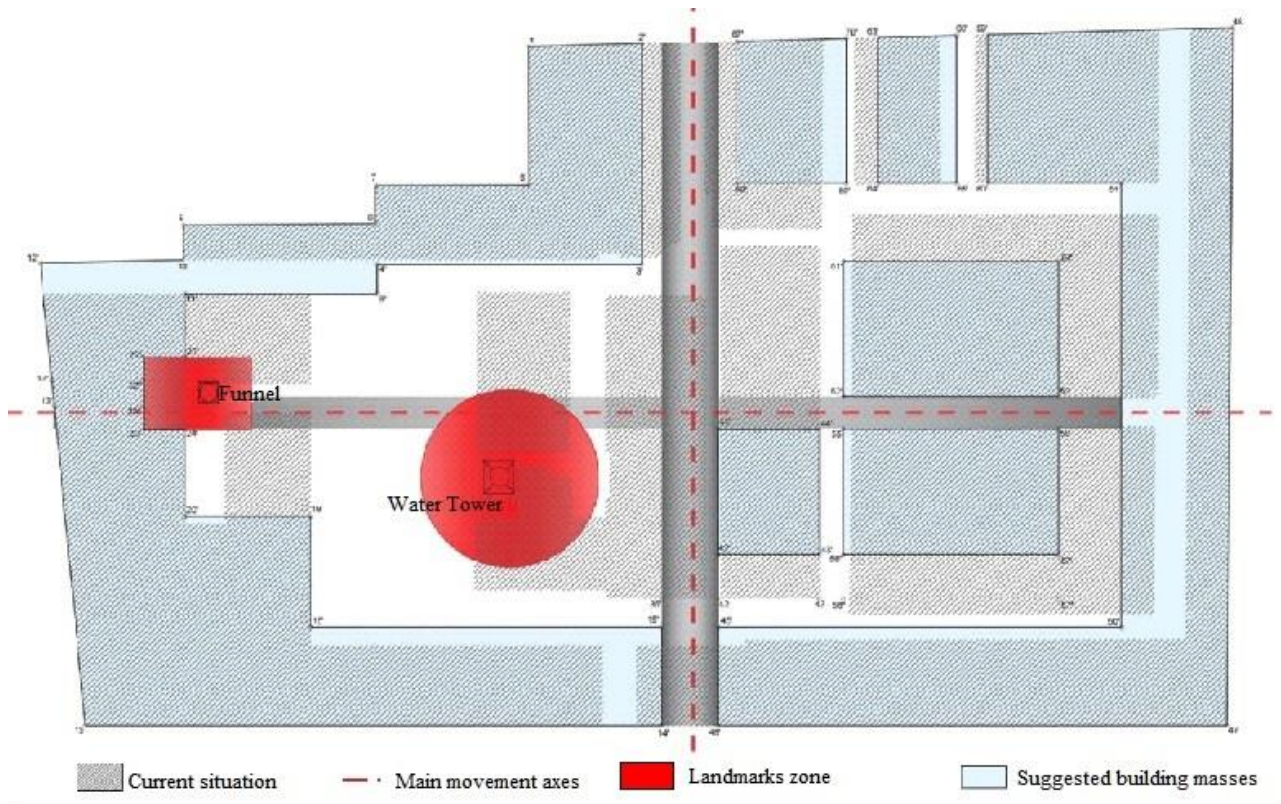
A typical building schedule of the foregoing proposal is shown below and which shall provide for 38,304.55 sq.m. net surface of spaces out of the overall authorised surface (41,087.53 sq.m). The minimum construction capacity shall be 29,900 sq.m.

SPACE DISTRIBUTION	SPACE	SPACE NET SURFACE	%
	CULTURAL VENUE	1,554.76	4.06
	OFFICE AND COMMUNAL SPACES	24,400.71	63.70
	LOBBY	1,278.83	3.34
	BOOTHES	123.70	0.32
	LIBRARY	1,298.91	3.39
	TRAINING ROOMS	2,001.16	5.22
	PATIOS	1,031.71	2.69
	GYM	1,152.49	3.01
	LABORATORIES	425.09	1.11
	CONFERENCE CENTRE	1,394.31	3.64
	ADMINISTRATION	800.19	2.09
	DINING AREAS	2,842.69	7.42
	<b>TOTAL</b>	<b>38,304.55</b>	<b>100.00</b>

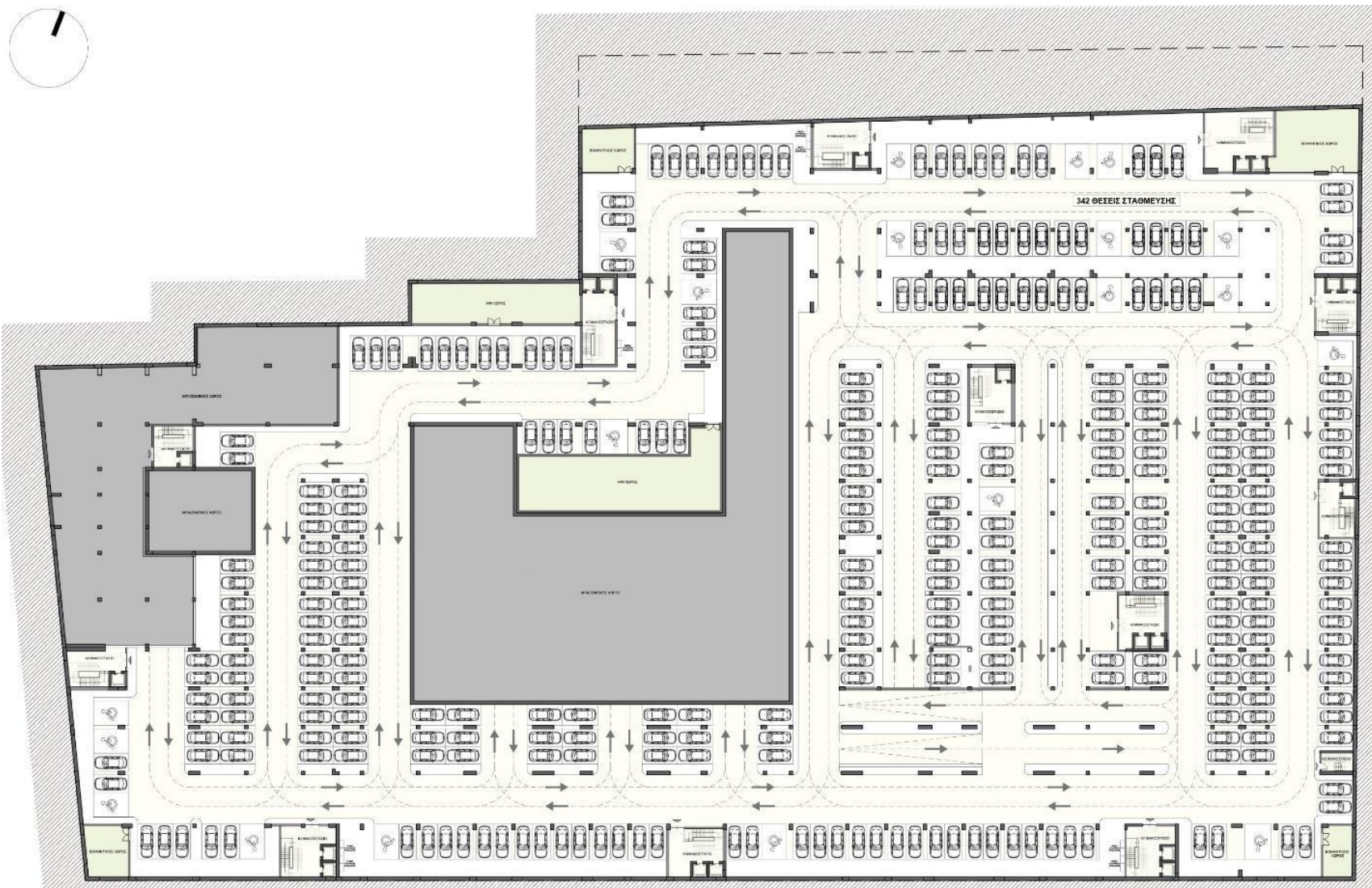
BUILDING	BASEMENT	GROUND FLOOR STRUCTURE	1ST FLOOR STRUCTURE	2ND FLOOR STRUCTURE	3RD FLOOR STRUCTURE	4TH FLOOR STRUCTURE	5TH FLOOR STRUCTURE	MINIMUM STRUCTURE CAPACITY	TOTAL STRUCTURE CAPACITY	COVER
BUILDING 1		543.76	543.76	436.27	436.27			1,523.79	1,960.06	543.76
BUILDING 2		440.07	440.07	440.07	344.27	344.27	344.27	1,664.48	2,353.02	440.07
BUILDING 3		381.24	381.24	343.95	343.95	343.95	343.95	1,450.38	2,138.28	381.24
BUILDING 4		969.11	969.11	680.64	557.09	557.09	557.09	3,175.95	4,290.13	969.11
BUILDING 5		1203.90	1203.90	601.41	601.41	601.41	601.41	3,009.21	4,813.44	1,203.90
BUILDING 6	302.97	339.83	453.66	307.52				793.49	1,403.98	453.66
BUILDING 7		370.96	370.96	303.01	302.06			1,044.93	1,346.99	370.96
BUILDING 8	833.87	840.00	840.00	605.07	655.29	655.29		2,940.36	4,429.52	840.00
BUILDING 9		1228.79	1228.79	979.97	955.75	955.75		3,437.55	5,349.05	1,228.79
BUILDING 10		854.42	854.42	703.04	627.30			3,039.18	3,039.18	854.42
BUILDING 11		831.80	831.80	715.75	680.61			3,059.96	3,059.96	831.80
BUILDING 12		406.70		330.48				406.70	737.18	406.70
BUILDING 13	800.91	754.19	499.92	501.52				1,755.63	2,556.54	754.19
BUILDING 14	1012.19	1094.16	969.99	533.86				2,598.01	3,610.20	1,094.16
<b>TOTAL</b>								<b>29,899.62</b>	<b>41,087.53</b>	<b>10,372.76</b>



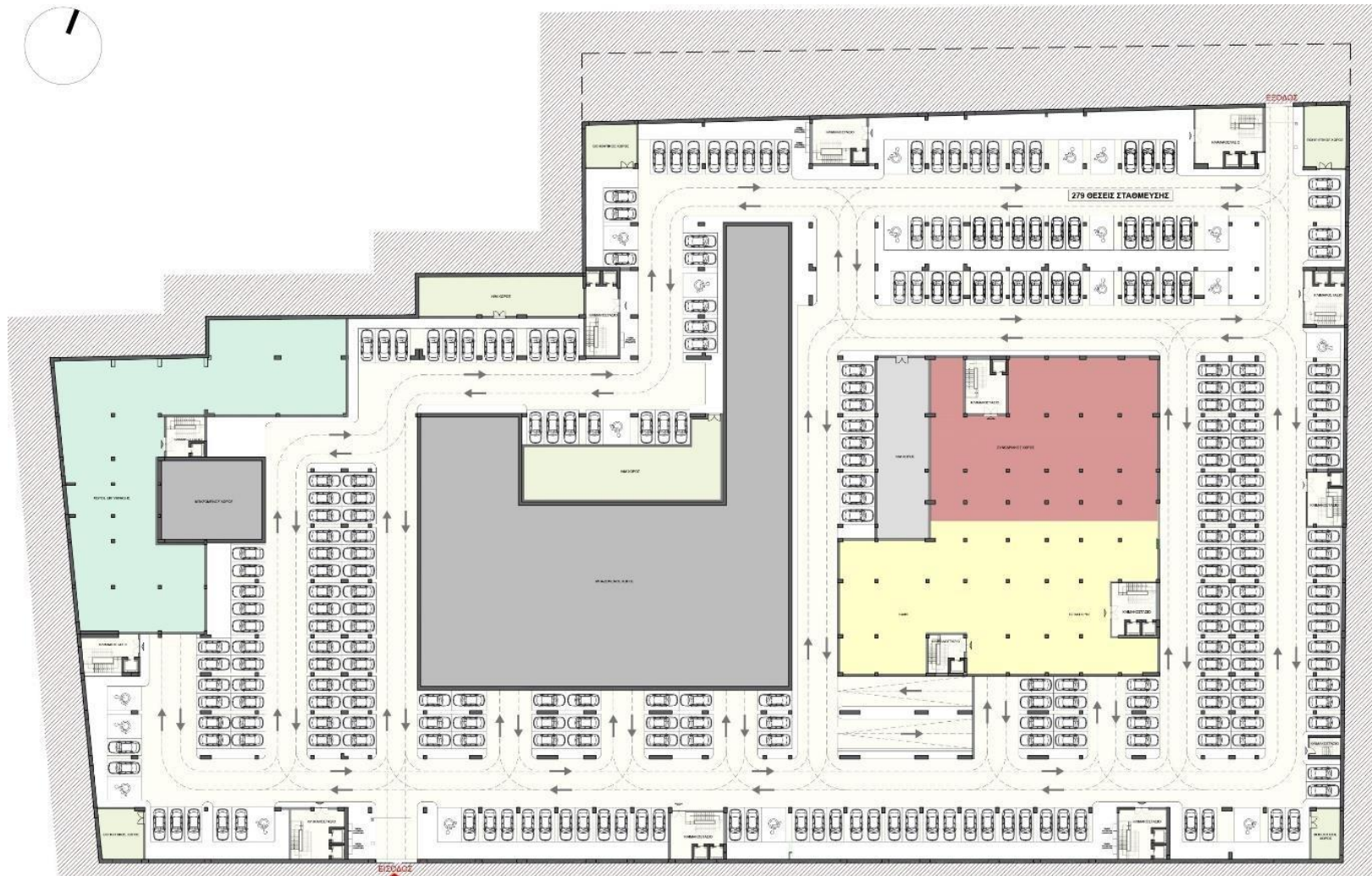
**Operation diagrams**



**Ground plans**



Second Basement Plan

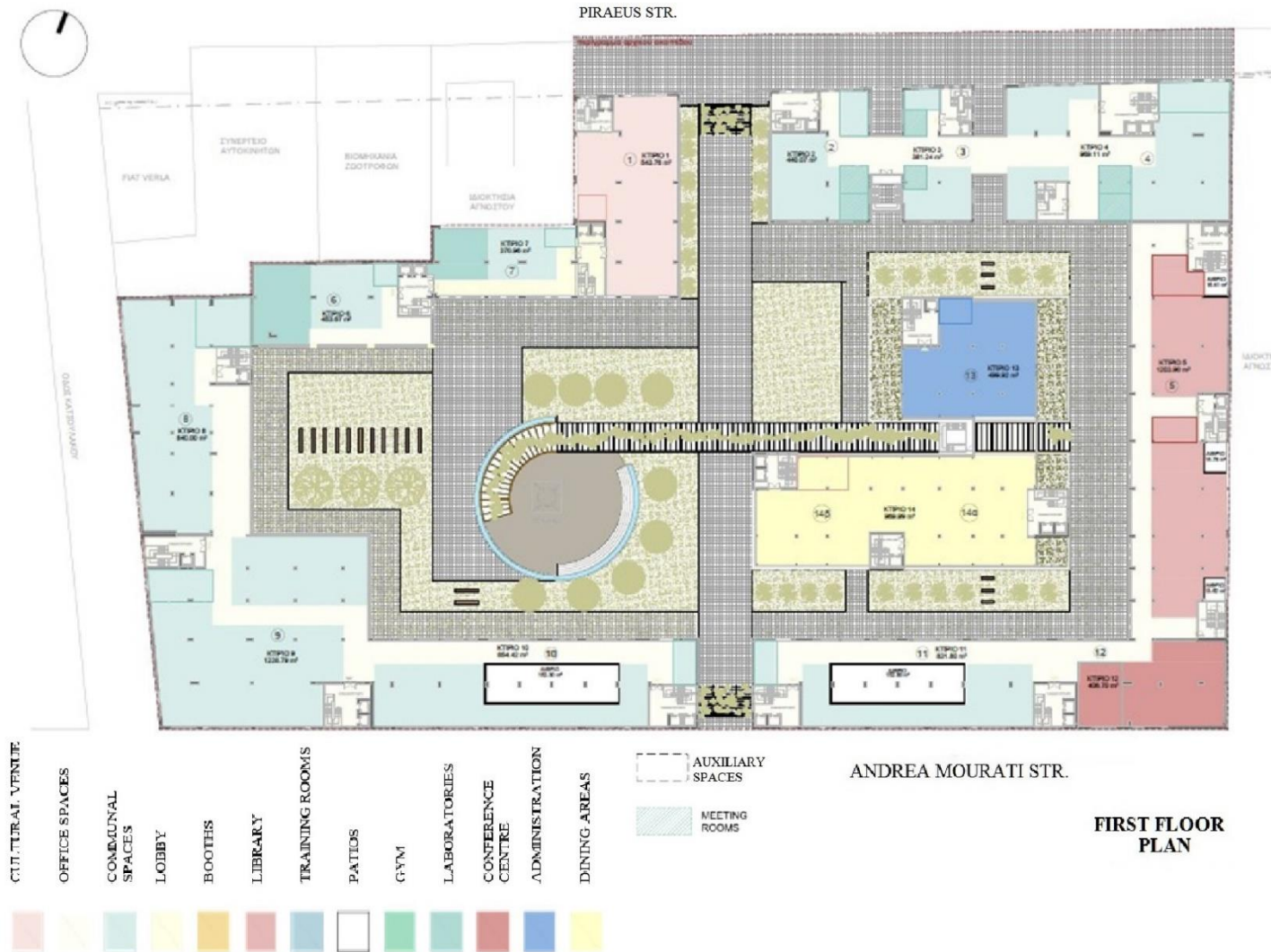


First Basement Plan

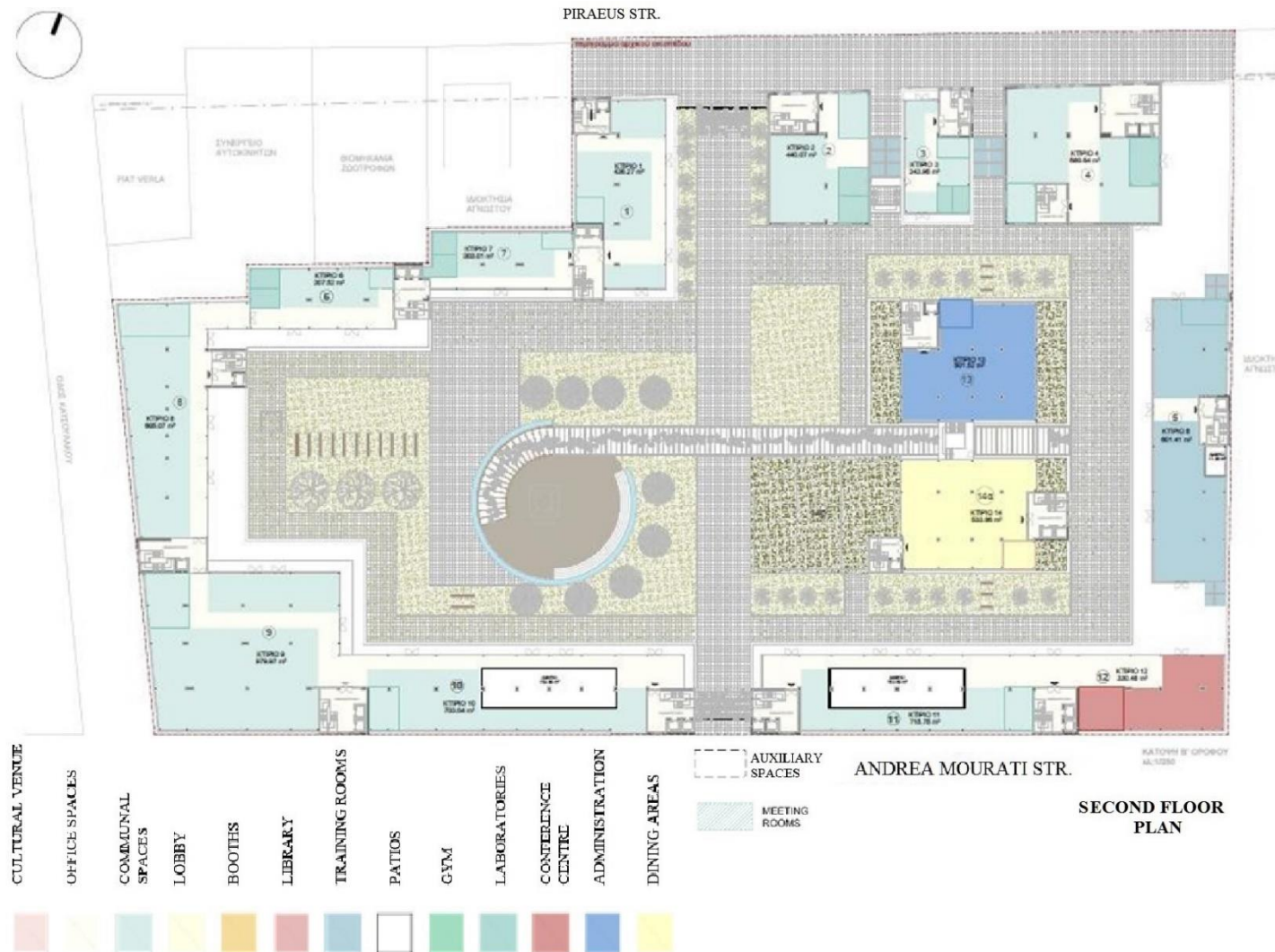
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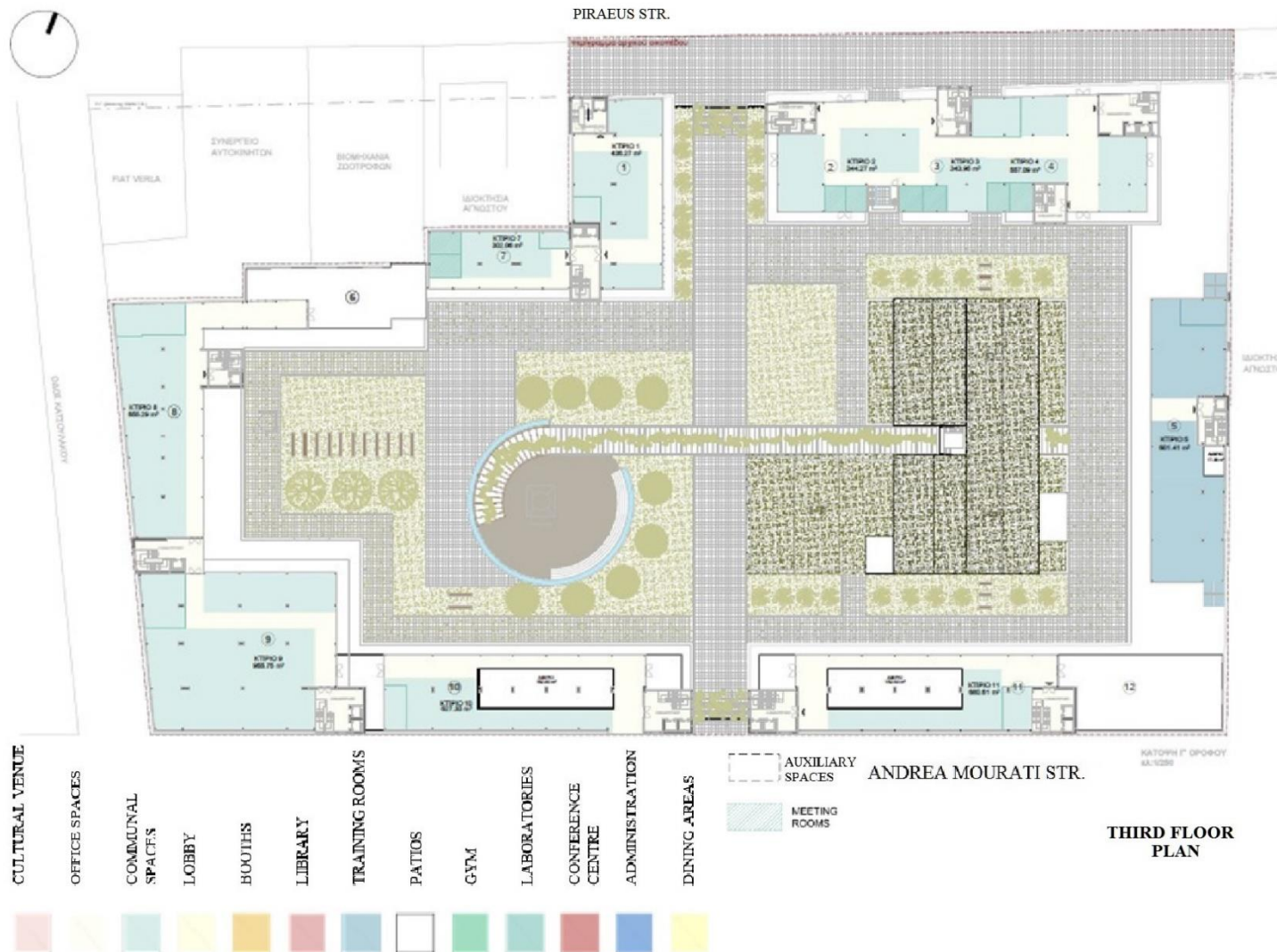
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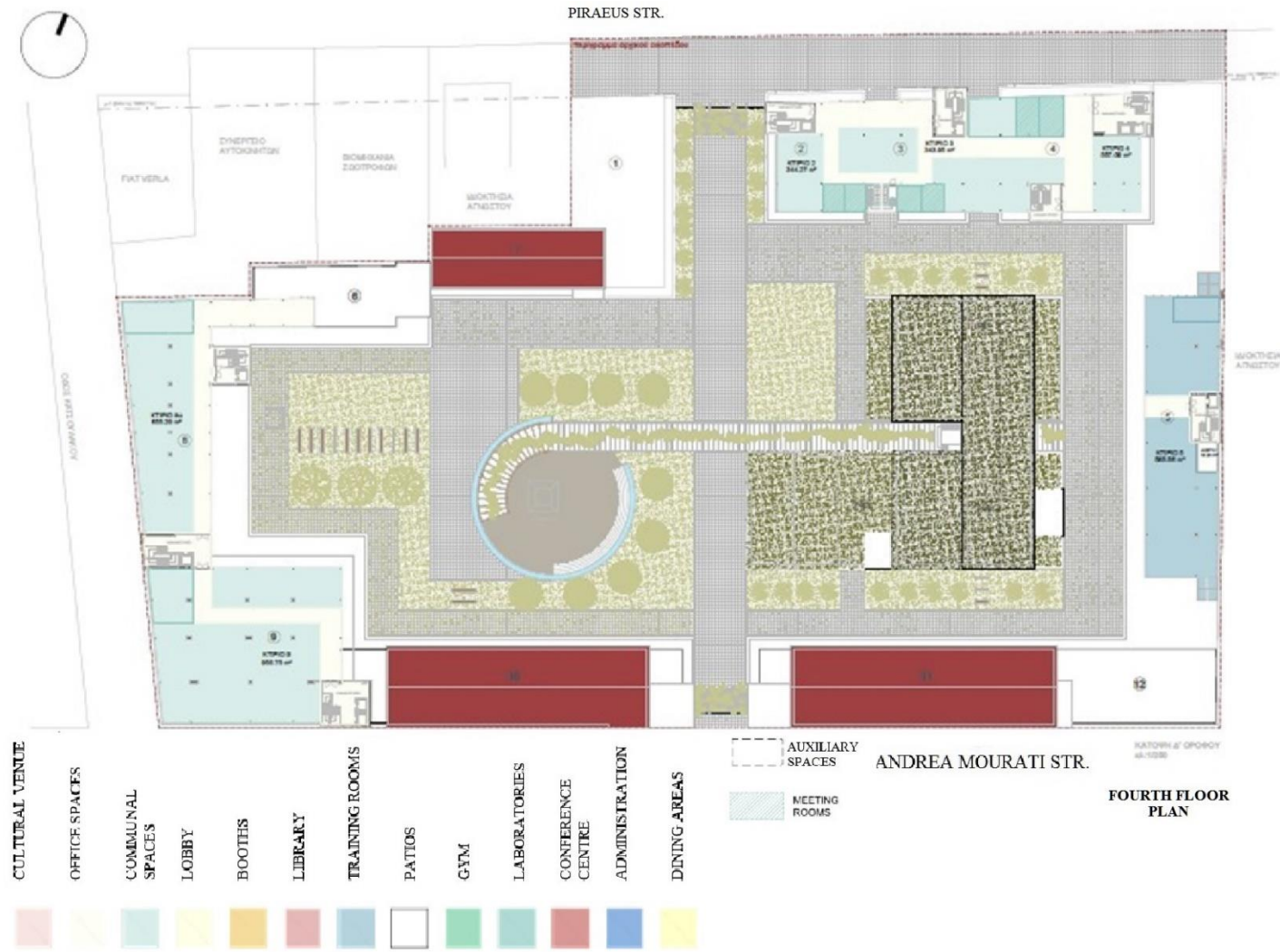


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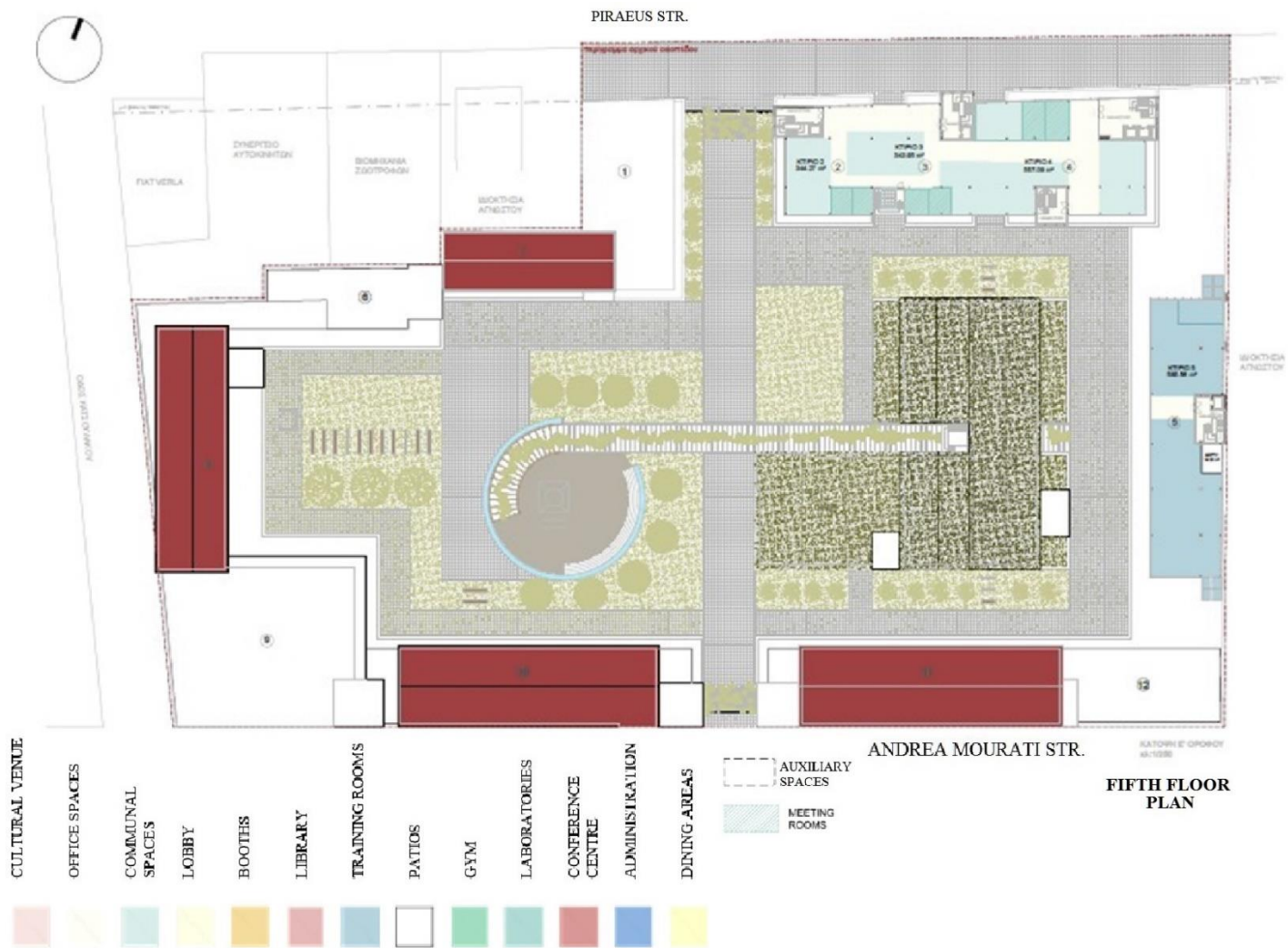


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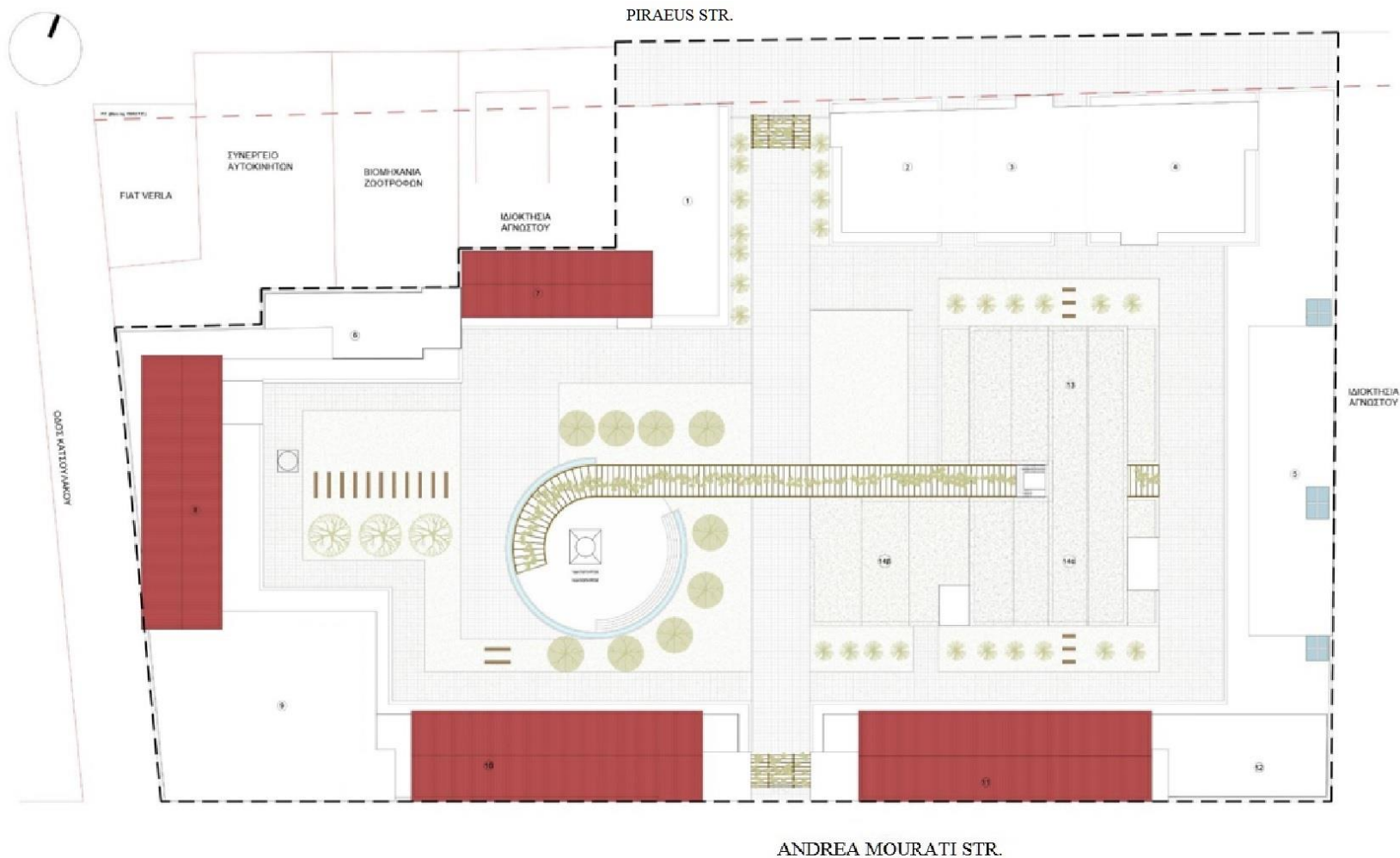




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ROOF TOP VIEW

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As regards the surrounding area landscaping, a main paved axis shall be created inside the campus, which shall connect Piraeus street with Andrea Mourati street and shall be crossed by a vertical axis with a wooden deck and a pergola which shall lead to the centre of the square and to the current water tower.

In that part of the square, an amphitheatre shall be constructed as a rest stop and recreational area for the visitors and the staff.

Deciduous trees shall be expected to be planted to provide that space with shading. Thus, an unlocked sunlight-generated comfortable indoor temperature in that space shall be achieved during the winter. A respective study of the sun movement in the winter and in the summer suggests additional sites for planting in the surrounding space (Image 5 and Image 6).



Image 5: Winter Solstice

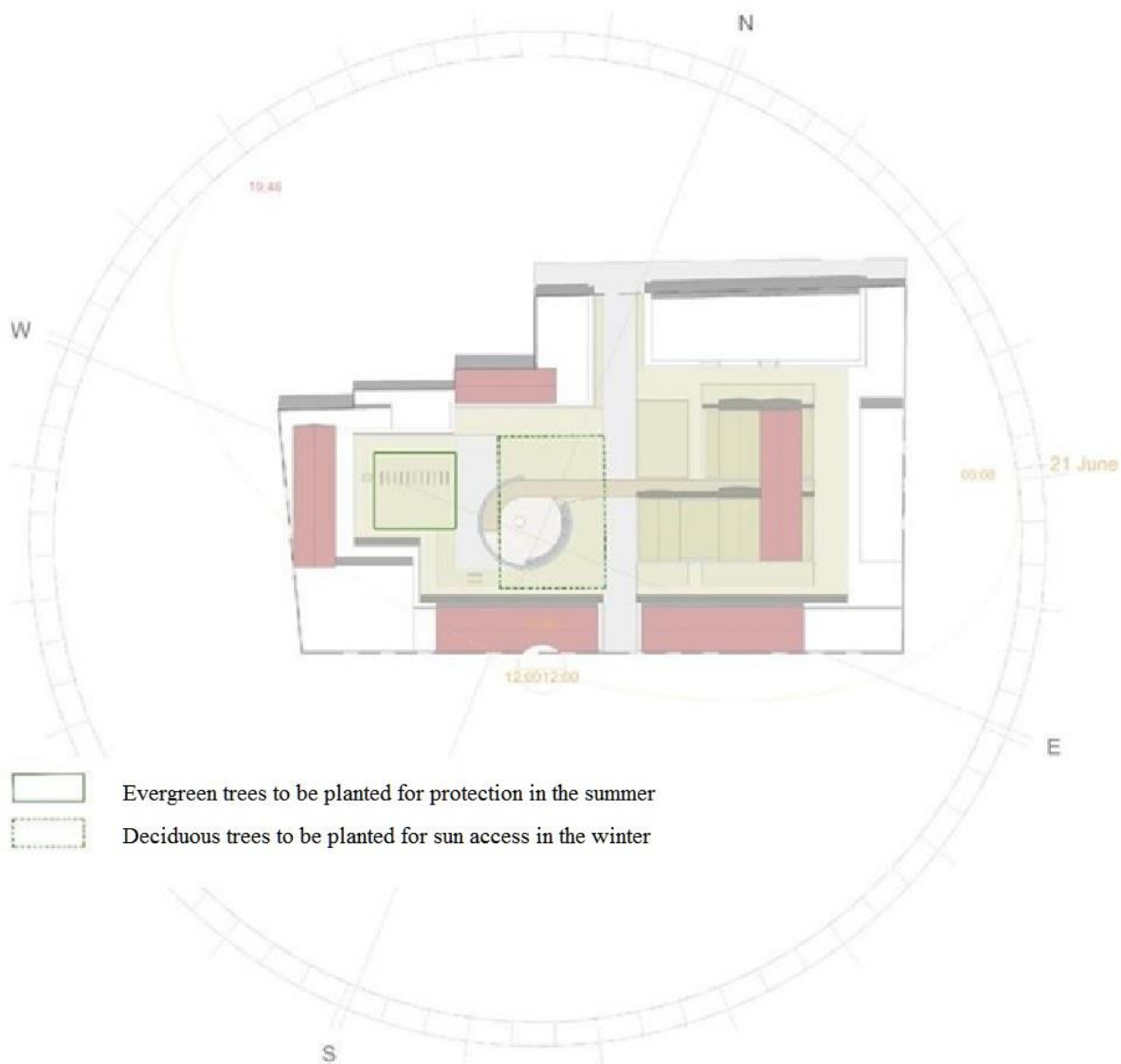


Image 6: Summer Solstice

## Photorealistic Imaging













**ADDENDUM: TOPOGRAPHIC MAPPING OF THE PROPERTY**

*[attached to the Call for Expression of Interest as a separate PDF]*

**2. ANNEX 2****EXPRESSION OF INTEREST LETTER TEMPLATE**  
**(according to paragraph 10.2.1 of the Invitation to Tender)**

To:  
General Secretariat for Research & Technology  
Ministry of Development & Investments  
14-18, Mesogion avenue, P.C. 11527, Athens

Dear Sir/Dear Madam,

*[If natural entity, the following should be declared in the Expression of Interest Letter:]*

1. I, [●] (name & surname), of [●] (father's full name) and of [●] (mother's full name), holder of the [●] (country) passport or identity card number [●], issued by the [●] (issuing authority), on [●] (passport or identity card issue date), [●] (country) citizen, born [●] (place of birth, city, country) on [●] (date of birth), resident of [●] (country, city, street, post code) («the Tenderer»), declare that I am interested in participating in the Tender for the awarding of a Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP» and I submit herewith An Expression of Interest, in accordance with the requirements of the Invitation to Tender issued by the General Secretariat for Research and Technology of the Ministry of Development and Investments.

*[If legal entity, the following should be declared in the Expression of Interest Letter:]*

1. I, [●] (full name), acting in the capacity of the legal representative of the legal entity [●] (full trade name), (or duly authorised to this end by the legal entity under the name [●]), with registered seat at [●] (address, country), declare that the above legal entity («the Tenderer») is interested in participating in the Tender for the awarding of a Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP» and I submit herewith An Expression of Interest, in accordance with the requirements of the Invitation to Tender issued by the General Secretariat for Research and Technology of the Ministry of Development and Investments.

*If Association of entities, the following should be declared in the Expression of Interest Letter:*

1. We, [●] (names in full), acting in the capacity of legal representatives of the legal entities under the names [●] (full names), (or as duly authorised to this end by the legal entities under the names [●]), with their registered seats at [●] (address, country), declare that the above legal entities are interested in participating jointly in the Tender for the awarding of a Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP» and, having established an association of entities for this purpose («the Tenderer»), submit herewith An Expression of Interest, in accordance with the requirements of the Invitation to Tender issued by the General Secretariat for Research and Technology of the Ministry of Development and Investments.

Or

I, [●] (name in full), acting in the capacity of the joint representative, duly authorised to this end, of the legal entities mentioned below, declare that the above legal entities are interested in participating jointly in the Tender for the awarding of a Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP» and, having established an association of entities for this purpose («the Tenderer»), submit herewith An Expression of Interest, in accordance with the requirements of the Invitation to Tender issued by the General Secretariat for Research and Technology of the Ministry of Development and Investments. The legal entities below have established an association of entities as follows:

i) Members of the association of entities:

a) [●] (trade name), established according to the law [●], with statutory seat in [●] (country, city, street, post code), which holds [●] % (holdings in the association).

b) [●] (trade name), established according to the law [●], with statutory seat in [●] (country, city, street, post code), which holds [●] % (holdings in the association).

c) [●]

Total: hundred percent (100%)

ii) All foregoing entities (members of an association of entities) agree on becoming jointly and severally liable towards the Contracting Authority for complying with the requirements of the Invitation to Tender and of the Tender.

*(To be filled out if Third Operators' resources are called on)*

2. For the needs of the Tender and the execution of the Partnership Contract, I/we declare that the financial operators below shall provide the Tenderer or a member thereof with competence and resources, related to the ones required in the Invitation, as follows:

<i>Resources Recipient (Tenderer or member thereof)</i>	<i>Third Operator Name</i>	<i>Type of Competence (with reference to the requirement of the Invitation)</i>

3. For the needs of the Tender and the execution of the Partnership Contract to be awarded, I/we declare that the financial operator(s) below shall be appointed as the Project's Constructor:

	NAME	PARTICIPATION RATE
CONSTRUCTOR	.....	.....
	.....	.....
	.....	.....
	.....	.....
TOTAL		100

4. For the needs of the Tender and the execution of the Partnership Contract to be awarded, I/we declare that the financial operator(s) below shall be appointed as the Project's Designer:

	NAME	PARTICIPATION RATE
DESIGNER	.....	.....
	.....	.....
	.....	.....
	.....	.....
TOTAL		100

5. For the needs of the Tender and the execution of the Partnership Contract to be awarded, I/we declare that the financial operator(s) below shall be appointed as the Project's Innovation Operator:

	NAME	PARTICIPATION RATE
INNOVATION OPERATOR	.....	.....
	.....	.....
	.....	.....
	.....	.....
TOTAL		100

6. Our Expression of Interest shall be accompanied by all the components and supporting documents needed for participating in the Tender, according to the requirements of the Invitation, which was issued by the Contracting Authorities in December 2020.

7. If the aforesaid Tenderer is appointed Temporary Contractor and is called to sign the Partnership Contract in order to execute the Project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP», he/she shall commit to financing the Project using borrowed and/or own funds, the amount of which shall fulfill all the requirements of the Project.

I/we, appoint Mr./Ms. [●] (full name), resident of [●] (full address), contact number [●] (fixed telephony line), telefax number [●] and e-mail address [●], as a representative and agent of contact (Representative), whom the Contracting Authority and the Consultants thereof may contact in the context of the Tender.

The terms used here with the first letter in capital have the meaning as given in the Contracting Authority's Invitation to Express Interest issued in December 2020 (ADAM [★]).

Place, Date

SIGNATURE(S)



**3. ANNEX 3****COMPLYING WITH THE PERSONAL STATUS CRITERIA  
AND OTHER REQUIREMENTS OF THE INVITATION  
(according to paragraph 10.4.1 και 10.4.2 of the Invitation)**

*(To be signed by each member of the administration, management or supervising operator of the Tenderer (and if an Association of Entities, by each member thereof) or by each person empowered to represent, make decisions or have control therein)\**

*(To be signed in a standard Formal Declaration by virtue of Law 1599/1986 form)*

**FORMAL DECLARATION BY VIRTUE OF LAW 1599/1986**

To  
General Secretariat for Research &  
Technology  
Ministry of Development & Investments  
14 – 18, Mesogion avenue, PC 11527, Athens

I/we, [●] (name & surname) of [●] (father's full name) and [●] (mother's full name), holder of the passport/identity card number [●] issued by [●] (issuing authority), on [●] (date of issue), [●] citizen, born in [●] (place of birth – country and city) [●] on [●] (date of birth), resident of [●] (country - city - street – post code), [and if the undersigned is the legal representative of the company], acting as [legal representative]\*\* of the company under the name [●], being aware of the sanctions stipulated in the provisions of par.6 article 22 law 1599/1986, declare hereby as regards the submission on behalf of [●] (name of the party concerned) an Expression of Interest in the Tender for the awarding of the Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP», according to the Invitation, that:

(i) So far, the legal entity [represented by me/us]\*\* and I/we personally fulfill the Personal Status Criteria according to article 8.2 of the Invitation and the legal entity fulfills the requirements of the paragraph 1.1 and is not an offshore company or a legal entity with registered office in a non-cooperative states pursuant to paragraph 7.4 of the Invitation.

- (ii) The legal entity represented by me/us has taken full knowledge of the Invitation and unconditionally accepts the requirements of the Tender.
- (iii) The legal entity represented by me/us is entitled to submit an Expression of Interest and there are no competition-related corporate or other legal restrictions that would prevent this Expression of Interest Dossier from being submitted.
- (iv) The legal entity represented by me/us participates in the Tender at its exclusive risk and cost and said participation does not establish per se any right to damages from the Contracting Authority, the agents in general and the consultants thereof.
- (v) All the instruments, records, declarations, information and Supporting Documents submitted with the Expression of Interest Dossier are true and accurate and no information related to the Tender has not been concealed.
- (vi) I have been notified of my personal data processing within this Tender and I declare my unconditional consent with my personal data processing for all the purposes mentioned in this Formal Declaration and in the Expression of Interest Dossier of the Tenderer.

The terms used here with the first letter in capital have the meaning as given in the Contracting Authority's Invitation to Express Interest issued in December 2020 (ADAM [●]).

Place, Date

SIGNATURE(S)

*\* Submitted either once by all the persons for whom a requirement of fulfillment of criterion described in article 8.2 hereof concurs or several times depending upon the number of the persons for whom said requirement concurs.*

*\*\* Filled in depending on the capacity of the signatory.*

**4. ANNEX 4****CALL ON THIRD OPERATORS RESOURCES  
(according to paragraphs 9.6 and 9.7 of the Invitation)**TEMPLATE 1CALL ON THE FINANCIAL AND ECONOMIC COMPETENCE OF THIRD PARTIES

*(Signed in a standard Formal Declaration by virtue of Law 1599/1986 form)*

**FORMAL DECLARATION BY VIRTUE OF LAW 1599/1986**

To  
General Secretariat for Research &  
Technology  
Ministry of Development & Investments  
14 – 18, Mesogion ave., PC 11527, Athens

I, [●] (full name) of [●] (father's full name) [●] and of [●] (mother's full name) [●], holder of the passport/identity card number [●] issued by [●] (issuing authority) on [●] (date of issue), [●] citizen, born in [●] (place of birth – country and city) on [●] (date of birth), resident [●] (country -city - street – post code), [and if the undersigned is legal representative of the company], acting as the legal representative of the company [●] [if the legal representatives of the company are more than one, the details of all the signatory representatives should be filled in], being aware of the sanctions stipulated in the provisions of par.6 article 22 law 1599/1986, declare hereby as regards the submission on behalf of [●] (name of the entity concerned) of the Expression of Interest Dossier for the Tender for the awarding of the Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP», according to the Invitation, that:

(i) The company [●] (name of the company that shall provide the entity concerned/member of the Association of Entities with financial and economic resources), which I/we represent, commits to have all the necessary resources available to [●] (name of the entity concerned/member of the Association of Entities) throughout the Tender and, if appointed Contractor, to the private partner throughout the Partnership Contract term (as especially provided therein).

(ii)The company [●] (name of the company that shall provide the entity concerned/member of the Association of Entities with financial and economic resources), represented by me/us, shall be jointly with the above entity concerned and severally liable towards the Contracting Authority should the requirements described in Article 9 of the above Invitation are not fulfilled.

(iii)The company [●](name of the company that shall provide the entity concerned/member of the Association of Entities with financial and economic resources), represented by me/us, shall neither provide in the same period of time the same resources and competence to any other financial operator nor may it use such resources for itself in order to participate in the Tender.

(iv) The company [●](name of the company that shall provide the entity concerned/member of the Association of Entities with financial and economic resources), represented by me/us, commits to promptly notifying the Contracting Authority, in case of loss or radical limitation of the above resources and.

The terms used here with the first letter in capital have the meaning as given in the Contracting Authority's Invitation to Express Interest issued in December 2020 (ADAM [●]).

Place, Date

SIGNATURE(S)

TEMPLATE 2CALL ON THE TECHNICAL AND PROFESSIONAL COMPETENCE OF THIRD PARTIES

*(Signed in a standard Formal Declaration by virtue of Law 1599/1986 form)*

## FORMAL DECLARATION BY VIRTUE OF LAW 1599/1986

To  
General Secretariat for Research &  
Technology  
Ministry of Development & Investments  
14 – 18, Mesogion ave., PC 11527, Athens

I, [●] (full name) of [●] (father's full name) [●] and of [●] (mother's full name) [●], holder of the [●] passport/identity card number [●] issued by [●] (issuing authority) on [●] (date of issue), [●] citizen, born in [●] (place of birth – city and country) on [●] (date of birth), resident [●] (country - city - street – post code), [and if the signatory below is legal representative of a company], acting as the legal representative of the company under the name [●] *[if the legal representatives of the company are more than one, the details of all the signatory legal representatives of the company should be filled in]*, being aware of the sanctions stipulated in the provisions of par.6 article 22 law 1599/1986, declare hereby as regards the submission on behalf of [●] (name of the entity concerned) of the Expression of Interest Dossier for the Tender for the awarding of the Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP», according to the Invitation, that:

The company [●] (name of the company that shall provide the entity concerned/member of the Association of Entities with the technical and professional competence), represented by me/us, shall commit actively, on a case by case basis and depending upon the competence provided, to implementing the Project, and in particular it commits to make all the necessary technical resources (whether material or human) and the necessary know-how available to [●] (name of the entity concerned/member of the Association of Entities), throughout the Tender and, if appointed as Contractor, to the private partner throughout the Partnership Contract (as especially provided for therein), by concluding the proper contract, as specified in the Invitation.

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ, ΥΠΟΥΡΓΕΙΟ ΕΞΩΤΕΡΙΚΩΝ  
ΜΕΤΑΦΡΑΣΤΙΚΗ ΥΠΗΡΕΣΙΑ  
REPUBLIQUE HELLENIQUE, MINISTERE DES AFFAIRES ETRANGERES  
SERVICE DE TRADUCTION  
HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS  
TRANSLATION SERVICE

(iii) The company [●] (name of the company that shall provide the entity concerned/member of the Association of Entities with the technical and professional competence), represented by me/us, shall neither provide in the same period of time the same resources and competence to any other financial operator nor may it use such resources for itself to participate in the Tender.

(iv) The company [●] (name of the company that shall provide the entity concerned/member of the Association of Entities with the technical and professional competence), represented by me/us, commits to promptly notifying the Contracting Authority, in case of loss or radical limitation of the above resources and competence.

The terms used here with the first letter in capital have the meaning as given in the Contracting Authority's Invitation to Express Interest issued in December 2020 (ADAM [●]).

Place, Date

SIGNATURE(S)

**5. ANNEX 5****NO PUBLICATION OF FINANCIAL STATEMENTS  
(according to paragraph 2.1 (29) of the Invitation)**

*(Signed in a standard Formal Declaration by virtue of Law 1599/1986 form)*

**FORMAL DECLARATION BY VIRTUE OF LAW 1599/1986**

To  
General Secretariat for Research &  
Technology  
Ministry of Development & Investments  
14 – 18, Mesogion ave., PC 11527, Athens

I, [●] (full name) of [●] (father's full name) [●] and of [●] (mother's full name) [●], holder of the [●] passport/identity card number [●] issued by [●] (issuing authority) on [●] (date of issue), [●] citizen, born in [●] (place of birth – city and country) on [●] (date of birth), resident [●] (country - city - street – post code), [and if the signatory below is legal representative of a company], acting as the legal representative of the company under the name [●] *[if the legal representatives of the company are more than one, the details of all the signatory legal representatives of the company should be filled in]*, being aware of the sanctions stipulated in the provisions of par.6 article 22 law 1599/1986, declare hereby as regards the submission on behalf of [●] (name of the entity concerned) of the Expression of Interest Dossier for the Tender for the awarding of the Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP», according to the Invitation, that:

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

Place, Date

SIGNATURE(S)

## 6. ANNEX 6

**FINANCIAL DETAILS OF THE TENDERER**  
**(according to paragraph 10.5.5 of the Invitation)**

**I. If Tenderer submits an expression of interest as a single entity, the table below should be filled out:**

NAME	PARTICIPATION RATE	OWN FUNDS (for legal entity)		NET PERSONAL ASSETS (for natural entity)	TOTAL FUNDS (for fund)
		v*	X1	Y	Z
[Tenderer's name]	100%	v-1	X2		
		v-2	X3		
			<i>X [Tenderer's Average Own Funds of a three-years term] – AVG. X1, X2, X3</i>	[Amount for year v) (Y)	[Amount for year v) (Z)



DO NOT FILL OUT THE SHADED CELLS – CELLS X1, X2, X3 OR Y, Z AND DERIVATIVES SHALL BE FILLED OUT ON A CASE BY CASE BASIS

\* where v is the most recent accounting period

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

[place, date - signature]

**II. If Tenderer submits an expression of interest as an Association of Entities, the table below should be filled out\*\*:**

FINANCIAL DETAILS OF THE MEMBERS OF A TENDERER ASSOCIATION OF ENTITIES				
-/A	NAME	PARTICIPATION RATE	YEAR	OWN FUNDS or NET PERSONAL ASSETS or TOTAL FUNDS
1	[Name of the Member of the Tenderer]	[participation rate to the Tenderer]	v*	X1
			v* - 1	X2
			v* - 2	X3
	AVERAGE OWN FUND OF MEMBER 1			X = M.O. X1, X2, X3
2	[Name of the Member of the Tenderer]	[participation rate to the Tenderer]	v*	Y
			NET PERSONAL PROPERTY OF MEMBER 2	
3	[Name of the Member of the Tenderer]	[participation rate to the Tenderer]	v*	Z
			TOTAL FUNDS OF MEMBER 3	
...	[Name of the Member of the Tenderer]	[participation rate to the Tenderer]	[LAYOUT DEPENDING ON WHETHER THE MEMBER IS A LEGAL ENTITY (AS IN MEMBER 1), A NATURAL ENTITY (ΟΠΩΣ ΤΟ ΜΕΛΟΣ 2) OR A FUND (AS IN MEMBER 3)]	

WEIGHTED ECONOMIC DETAILS OF THE TENDERER	
NAME	OWN FUNDS
	Weighted Average of the Members of the Tenderer X, Y, Z etc. on the basis of the rate of participation in the Association of Entities

\* where v is the most recent accounting period

\*\* where it involves an association of various entities, the table shall be filled out accordingly. If the various entities consist of associations of entities, the table shall primarily be filled out with regard to them and with the table regarding the Tenderer shall be filled out with the details which result therefrom.

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

[place, date - signature]

## 7. ANNEX 7

<b>LOAN CONTRACT TABLE</b> <b>(according to paragraph 10.7.2 of the Invitation)</b>						
NAME OF COMPANY-MEMBER OF THE TENDERER	TITLE OF BUILDING PROJECT / ROJECT CONCESSION / PPP CONTRACT	PARTICIPATION RATE OF COMPANY-MEMBER OF THE TENDERER IN THE BORROWER	CREDIT OR FINANCIAL INSTITUTE	AMOUNT OF LOAN (€)	LOAN RATIO BASED ON PARTICIPATION RATE	DATE OF EXECUTION OF CONTRACT
					TOTAL	

## Notes:

(1) Enter the contracts, which (a) have been executed within the last fifteen years, (b) aim at financing the building project construction contract, as described in paragraph 8.4.1 case b of the Invitation, or project concession contract or PPP contract and (c) the amount of loan of each contract shall run into not less than five million euros (€ 5,000,000).

(2) The amounts shall be expressed in Euro. If the Tenderer keeps Financial Statements in a currency other than Euro, the Tenderer should convert the required amounts into Euro and quote the rate of exchange used in the conversion procedure, which should be the rate of exchange of the last day of each accounting year. The Financial Statements shall prevail over the above table.

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

..... (place), ..... ( date)

[Signature(s)]

## 8. ANNEX 8

**COMPLETED BUILDING PROJECTS TABLE**  
(according to paragraph 10.6.3 (β) and 0 of the Invitation)

Name of Tenderer or member thereof:

<b>Project title</b>	<b>Type of project (Uses)</b>	<b>Size of project (sq.m.)</b>	<b>Development period</b>	<b>Commercial utilisation period</b>	<b>Tenderer's Rate of Participation in the share capital or in the Association of Entities, which has been awarded the commercial utilisation /development and commercial utilisation (%)</b>	<b>Employer</b>	<b>Employer's contact details</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)</b>	<b>(8)</b>

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

..... (place), ..... ( date)

[Signature(s)]

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ, ΥΠΟΥΡΓΕΙΟ ΕΞΩΤΕΡΙΚΩΝ  
ΜΕΤΑΦΡΑΣΤΙΚΗ ΥΠΗΡΕΣΙΑ  
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HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS  
TRANSLATION SERVICE

## 9. ANNEX 8A

**ELIGIBLE BUILDING INFRASTRUCTURE PROJECTS TABLE**

(according to paragraph 10.6.4 case 0 of the Invitation)

Name of the financial operator declared as Constructor or member thereof:

Project title	Type of project technical features)	Construction works performance period	Size of the project (sq.m.)	Constructor's Rate of Participation in the declared project	Weighted conventional value of the project as per Constructor's rate of participation in the declared project (€)	Employer	Employer's contact details
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

..... (place), ..... ( date)

[Signature(s)]

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ, ΥΠΟΥΡΓΕΙΟ ΕΞΩΤΕΡΙΚΩΝ  
ΜΕΤΑΦΡΑΣΤΙΚΗ ΥΠΗΡΕΣΙΑ  
REPUBLIQUE HELLENIQUE, MINISTERE DES AFFAIRES ETRANGERES  
SERVICE DE TRADUCTION  
HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS  
TRANSLATION SERVICE

## 10. ANNEX 8B

**CONSTRUCTION EXPERIENCE AND COMPETENCE DETAILS IN THE LAST THREE ACCOUNTING PERIODS**

(according to the contents of paragraph 10.6.4 case 0 of the Invitation to Express Interest)

S/N	NAME	RATE OF PARTICIPATION IN THE CONSTRUCTOR	YEAR	TURNOVER IN THE FIELD OF CONSTRUCTIONS	TURNOVER IN THE FIELD OF BUILDING WORKS	TURNOVER IN THE FIELD OF ELECTRICAL-MECHANICAL WORKS
1	[name of the member of the Constructor (namely, of the Tenderer himself or, if it involves a Tenderer-Association, of the member thereof or associates declared as the Constructor's Participants)]	[rate of participation in the Constructor to whom the construction of the subject-matter of the Project shall be awarded]	v*			
			v* -1			
			v* - 2			
				OVERALL TURNOVER IN THE FIELD OF CONSTRUCTIONS	OVERALL TURNOVER IN THE FIELD OF BUILDING WORKS	OVERALL TURNOVER IN THE FIELD OF ELECTRICAL-MECHANICAL WORKS
...	[name of the member of the Constructor (namely, of the Tenderer himself or, if it involves a Tenderer-Association	[rate of participation in the Constructor to whom the	v*			



S/N	NAME	RATE OF PARTICIPATION IN THE CONSTRUCTOR	YEAR	TURNOVER IN THE FIELD OF CONSTRUCTIONS	TURNOVER IN THE FIELD OF BUILDING WORKS	TURNOVER IN THE FIELD OF ELECTRICAL-MECHANICAL WORKS
	of the member thereof or associates declared as the Constructor's Participants)]	construction of the subject matter of the Project shall be awarded]	v* -1			
			v* - 2			
				OVERALL TURNOVER IN THE FIELD OF CONSTRUCTIONS	OVERALL TURNOVER IN THE FIELD OF BUILDING WORLS	OVERALL TURNOVER IN THE FIELD OF ELECTRICAL- MECHANICAL WORKS
	[name of the Constructor]	100%		WEIGHTED OVERALL TURNOVER IN THE FIELD OF HYDRAULIC WORKS	WEIGHTED OVERALL TURNOVER IN THE FIELD OF BUILDING WORKS	WEIGHTED OVERALL TURNOVER IN THE FIELD OF ELECTRICAL- MECHANICAL WORKS

\*where v is the most recent accounting period (see par. 2.1 (29), «Financial Statements of the Last Three Accounting Periods»).

**Notes:**

*The amounts shall be expressed in Euro. If the Tenderer keeps Financial Statements in a currency other than Euro, the Tenderer should convert the required amounts into Euro and quote the rate of exchange used in the conversion procedure, which should be the rate of exchange of the last day of each accounting year. The Financial Statements shall prevail over the above table.*

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

..... (place), ..... (date)

[Signature(s)]

**11. ANNEX 9**

**INNOVATION OPERATOR'S EXPERTISE CONFIRMATION TABLE**  
**(according to par. 10.6.6 case (α) and 10.7.4 of the Invitation)**

**Name of the financial operator declared as Innovation Operator:**

S/N	Start-up and/or Spin-off Name	Start-up and/or Spin-off Support Period
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
...		

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

..... (place), ..... ( date) [Signature(s)]

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ, ΥΠΟΥΡΓΕΙΟ ΕΞΩΤΕΡΙΚΩΝ  
ΜΕΤΑΦΡΑΣΤΙΚΗ ΥΠΗΡΕΣΙΑ  
REPUBLIQUE HELLENIQUE, MINISTERE DES AFFAIRES ETRANGERES  
SERVICE DE TRADUCTION  
HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS  
TRANSLATION SERVICE

**12. ANNEX 10****DECLARATION ON FAILURE TO ISSUE SUPPORTING DOCUMENTS  
(according to paragraph 10.1.2 case 0 of the Invitation)****FORMAL DECLARATION BY VIRTUE OF LAW 1599/1986***(Signed in a standard Formal Declaration by virtue of Law 1599/1986 form)*

To  
 General Secretariat for Research & Technology  
 Ministry of Development & Investments  
 14 – 18, Mesogion ave., PC 11527, Athens

I, [●] (full name) of [●] (father's full name) [●] and [●] (mother's full name) [●], holder [●] of the passport/identity card number [●] issued by [●] (issuing authority) on [●] (date of issue), [●] citizen, born on [●] (place of birth – country and city) on [●] (date of birth), resident of [●] (country - city - street – post code), [and if the signatory below is legal representative of a company], acting as the legal representative of the company under the name [●] *[if the legal representatives of the company are more than one, the details of all the signatory legal representatives of the company should be filled in]*, being aware of the sanctions stipulated in the provisions of par.6 article 22 law 1599/1986, declare hereby as regards the submission on behalf of [●] (name of the entity concerned) of the Expression of Interest Dossier for the Tender for the awarding of the Partnership Contract on the project «CREATING AN INNOVATION CENTRE IN ATHENS THROUGH PPP», according to the Invitation, that:

the [★] (description of the document required based on paragraph ... of the Invitation) may not be issued in [★], country of establishment, and/or in [★], country in which our company is currently established, on the above grounds: [★] (refer to the grounds that make the issue not possible).

Following that, we certify and solemnly declare: [★] (The company should confirm by this Declaration ta facts that would have been certified, had the certificate existed, as required in the Invitation)

.....(place), .....(date)

[Signature(s)]

**13. ANNEX 11**

**TABLE ESTABLISHING THE SUB-CRITERION C2  
OF PARAGRAPH 16.4.4 IN THE INVITATION**

S/N	Start-up and/or Spin-off Name	Total private funds raised from international funding sources
1		
2		
3		
---		
		(fill out the total)

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

..... (place), ..... ( date)

[Signature(s)]

## 14. ANNEX 12

**TENDERER'S TYPICAL SELF-SCORING TABLES**

(according to par. 16.6 of the Invitation to Express Interest)

**13-A. TYPICAL SELF-SCORING PER CRITERION**

[In each criterion, a Tenderer should fill out only the column with the header «Tenderer» using a point that the Tenderer considers appropriate for the Tenderer]

	<i>Tenderer's Funds</i>	<i>Points</i>	<i>Tenderer</i>
<b>A.1.</b>	€10.000.000 < Tenderer's Funds ≤ €20.000.000	5	Point [•]
	€20.000.000 < Tenderer's Funds	10	

	<i>Borrowed Funds</i>	<i>Points</i>	<i>Tenderer</i>
<b>A.2.</b>	Borrowed Funds ≤ €10.000.000	0	Point [•]
	€10.000.000 < Borrowed Funds ≤ €20.000.000	5	
	€20.000.000 < Borrowed Funds ≤ €30.000.000	7.5	
	€30.000.000 < Borrowed Funds	10	

	<b>Experience in commercial utilisation or development &amp; commercial utilisation of a building project</b>	<i>Points</i>	<i>Tenderer</i>
<b>B.</b>	Experience in the commercial utilisation or development and commercial utilisation either (i) at least of one (1) completed building project equivalent in use with the building project of this Tender, namely Innovation Centre of a total built surface larger than five thousand (5,000) s.qm. or at least of one (1) completed building project of a Mall or Business Centre, Research Centre, Business Incubator, as these utilisations are set out in case 10.5 and 11 respectively of par. II article 1 presidential decree 59/2018 (A' 114), of a total built surface larger than five thousand (5,000) sq.m., over the past fifteen years as of the Date of Publication, or (ii) more than one completed building projects equivalent in use with the building project of this Tender, namely Innovation Centres of total built surface larger than ten thousand (10,000) sq.m. or more than one completed building projects of Malls or Business Centres, Research Centres, Business Incubators as these utilisations are set out in case 10.5 and 11 respectively of par. II article 1 presidential decree 59/2018 (A' 114), of a total built surface larger than five thousand (5,000) sq.m., over the past fifteen years as of the Date of Publication.	5	Point [•]
	Experience in the commercial utilisation or development and commercial utilisation either (i) at least of one (1) completed building project equivalent in use with the building project of this Tender, namely Innovation Centre of a total built surface larger than ten thousand (10,000) s.qm. or at least of one (1) completed building project of a Mall or Business Centre, Research Centre, Business Incubator, as these utilisations are set out in case 10.5 and 11 respectively of par. II article 1 presidential decree 59/2018 (A' 114), of a total built surface larger than ten thousand (10,000) sq.m., over the past fifteen years as of the Date of Publication, or (ii) more than one completed building projects equivalent in use with the building project of this Tender, namely Innovation Centres of total built surface larger than fifteen thousand (15,000) sq.m. or more than one completed building projects of Malls or Business Centres, Research Centres, Business Incubators as these utilisations are set out in case 10.5 and 11 respectively of par. II article 1 presidential decree 59/2018 (A' 114), of a total built surface larger than fifteen thousand (15,000) sq.m., over the past fifteen years as of the Date of Publication.	15	

	<i>Expertise in the development and support of Start-ups/Spin-offs</i>	<i>Points</i>	<i>Tenderer</i>
<b>C.1</b>	The Innovation Operator has rendered the services of criterion C.1 to one (1) and to not more than thirty (30) Start-ups and/or Spin-offs	0	Point [•]
	The Innovation Operator has rendered the services of criterion C.1 to thirty-one (31) and to not more than sixty (60) Start-ups and/or Spin-offs	10	
	The Innovation Operator has rendered the services of criterion C.1 to sixty-one (61) and to not more than a hundred (100) Start-ups and/or Spin-offs	15	
	The Innovation Operator has rendered the services of criterion C.1 to more than a hundred and one (101) Start-ups and/or Spin-offs		



	<i>Expertise in raising investment funds to Start-ups / Spin-offs</i>	<i>Points</i>	<i>Tenderer</i>
<b>C.2</b>	The Innovation Operator should have raised funds (investment, loan, subsidies), from international funding sources, for Start-ups and/or Spin-offs, up to an aggregate of € 1,000,000	0	Point [•]
	The Innovation Operator should have raised funds (investment, loan, subsidies), from international funding sources, for Start-ups and/or Spin-offs, up to an aggregate varying from € 1,000,001 to € 3,000,000	10	
	The Innovation Operator should have raised funds (investment, loan, subsidies), from international funding sources, for Start-ups and/or Spin-offs, up to an aggregate varying from € 3,000,001 to € 5,000,000	15	
	The Innovation Operator should have raised funds (investment, loan, subsidies), from international funding sources, for Start-ups and/or Spin-offs, up to an aggregate of more than € 5,000,001	20	

**12-B. TYPICAL SELF-SCORING SUMMARY TABLE**

[Fill out only the column with the header «Point» using a point that the Tenderer considers appropriate for the Tenderer, and at the bottom, in the line «Total Points», the total points set]

<b>Criterion</b>	<b>Description</b>	<b>Point</b>
A1	Tenderer's Funds	[•]
A2	Borrowed Funds	[•]
B	Experience in commercial utilisation or development and commercial utilisation of a building project	[•]
C1	Expertise in the development and support of Start-ups / Spin-offs	[•]
C2	Expertise in raising investment funds for Start-ups / Spin-offs	[•]
TOTAL SCORE		[•]/75

On my own responsibility and being aware of the sanctions prescribed in the provisions of par.6 article 22 law 1599/1986, I solemnly declare that the foregoing details in the above table are true and accurate. This Annex is a formal declaration and incurs the effects of the law 1599/1986 in witness of the contents referred to herein.

..... (place), ..... ( date)

[Signature(s)]