



Project: Privatization of National Ports
Tender: 67% participation in the share capital of the Thessaloniki Port Authority SA
Phase: First Phase (pre-qualification phase)
Date: 29 May 2014
Subject: Answers to Requests for Clarifications
Number: 3

Question 1
According to paragraph 9.1.3 the Expression of Interest should include copies of the Interested Party's financial statements for the last three audited (3) financial years. Should the financial statements be apostilled or not? Should financial statements be certified otherwise?
Answer 1
The financial statements do not need to be apostilled or certified.
Question 2
According to paragraph 9.1.1 (ii) the Expression of Interest must contain details of the Interested Party's shareholding/ownership structure including ultimate legal and beneficial owners holding 5% or more of its share capital. Should it be confirmed by extract from the register of shareholders?
Answer 2
No such confirmation is required, but the Interested Party may submit such extract to demonstrate the details of the participation percentages.
Question 3
Should the procedure agent (in Greek "αντίκλητος") have a letter of attorney for acting as a contact person for all communications between the Fund and the Advisers and the Interested Party? Could a copy or extract from the resolution of the appointment of the procedure agent be enough?
Answer 3
The procedure agent does not need to have a letter of attorney to be appointed as such. A simple declaration by the Interested Party identifying the procedure agent would suffice for the purpose of demonstrating the appointment of a procedure agent at this stage of the Process.
Question 4
Can we appoint later a new procedure agent or add another procedure agent to the already appointed procedure agent?



Answer 4

Yes, a new procedure agent can be appointed or added to the procedure agent already appointed.

Question 5

According to 4.2 all Interested Parties have to meet the Financial Eligibility Criterion and the Personal Situation Criteria upon submission of the Expression of Interest and throughout the Process. In addition, all Interested Parties have to meet also the Technical Eligibility Criteria as from the submission of the binding offers and throughout the rest of the Process.

Does it imply that for participation in the first stage of the tender it sufficient to comply with the Financial Eligibility Criterion and the Personal Situation Criteria to proceed to the second stage of the tender and hence the Technical Eligibility Criteria compliance can be demonstrated before submitting a binding offer?

Answer 5

All Interested Parties have to meet the Financial Eligibility Criterion and the Personal Situation Criteria upon submission of the Expression of Interest and throughout the Process. As regards the Technical Eligibility Criteria, all Interested Parties have to meet these as from the submission of the binding offers in the Second Phase and throughout the rest of the Process. Nevertheless, Interested Parties may submit any evidence that attests to the fulfillment of the Technical Eligibility Criteria before any binding offer.

Question 6

We refer to part 9.4 and part 9.8 of the Invitation. We also note the Fund's answer published by the Fund on 16 May (Answer 4). In respect of any original supporting document, our understanding of your Answer 4 is that if a supporting document to be valid in the home jurisdiction of an Interested Party must be certified then it must be so certified. In respect of copies of supporting documents your Answer 4 says that such copies 'may be certified'. Can you clarify whether you require such copies to be certified, or whether a simple copy of such documents will suffice. If you do require such copies to be certified as true copies in the home jurisdiction of an Interested Party (eg by a notary), can you further clarify whether you will require that such certification (eg by a notary) to be further apostilled by the relevant state authorities. If you will require such certification to be apostilled, in the interests of time would the Fund accept certified copies without an apostille on submission by the deadline of 5 June, with further apostilled versions to follow subsequently? Finally, in respect of translations of such documents, we note the right reserved by the Fund in para 9.8 of the Invitation to request "official translations". However, please can you confirm that in the first instance upon submission of the expression of interest a simple translation (into English or Greek) will suffice?

Answer 6

Copies need to be certified in accordance with the rules of either the jurisdiction in which such documents are produced or the Hellenic Republic. If copies are certified as true copies in their home jurisdiction they do not need to be apostilled. We confirm that at this stage non-official translations would suffice.

Question 7

We refer to part 9.6 of the Invitation. We note a requirement for various declarations by an Interested Party (or each Member of a Consortium) to include "confirmation that the signatories [...] have sufficient power, etc". Please confirm that such confirmations may be given by the Interested Party (or the Member of a Consortium) itself in accordance with the



rules applicable to it, rather than by some independent third party such as a notary or legal advisor, etc?

Answer 7

The confirmation that signatories have sufficient power is not necessarily provided by an independent third party or notary or legal advisor.

Question 8

With reference to article 9.1 (viii) of the EOI, we would like to know in more detail what exactly is meant by procedure agent, whether it should be an agent residing in Greece or whereabouts, whether an individual natural person or a legal person, its exact role, the means of its appointment and its relationship with the Party's Representative set forth in article 3.4.

Answer 8

The procedure agent's role is to receive documents addressed to the Interested Party in the context of legal proceedings. The same individual may be appointed to act in the capacity of representative of an Interest Party under Section 3.4 of the IEoI and as procedure agent under Section 9.1.1 (viii) of the IEoI, provided that he/she is required to be appropriately authorized to discharge the duties of both roles. The procedure agent should be residing in Greece.

Question 9

Do all the corporate documents requested need to be apostilled?

Answer 9

Not all corporate documents need to be apostilled. Please also refer to our answer in Question 6 above.

Question 10

Is it sufficient to provide copies of financial statements of the Interested Party for the last three audited (3) financial years in order to comply with the Financial Eligibility Criterion according to part 5 of the Invitation? If not, please advise what additional documents we must provide to confirm our compliance with the Financial Eligibility Criterion?

Answer 10

Interested Parties that issue financial statements may evidence the fulfillment of the Financial Eligibility Criterion by providing financial statements in accordance with Clause 9.1.3 of the Invitation that cover the Minimum Level defined in Clause 5.1.1 of the Invitation.

Capitalized terms have the meaning ascribed to them in the Invitation for the Expression of Interest, unless the context indicates otherwise.