



HELLENIC REPUBLIC ASSET  
DEVELOPMENT FUND

**Athens, April 28, 2021**

**To:** The Interested Parties in connection to the Tender Process for the concession of port operation services and of the right to use, operate, manage and exploit the Marina of Kalamaria (Aretsou)

**Subject:** **Responses to clarification requests submitted by Interested Parties in connection with the Invitation to submit an Expression of Interest for the concession of port operation services and of the right to use, operate, manage and exploit the Marina of Kalamaria (Aretsou).**

**Re:** The Invitation to submit an Expression of Interest of the 22nd.01.2021 (ΑΔΑΜ: 21PROC008058647 2021-01-27, ΕΕ S 2021/S 018-042914)

The present document is made available in response to the requests for clarifications submitted until 26.04.2021 in connection with the Invitation to submit an Expression of Interest dated 22.01.2021 (“the Invitation”) for the concession of port operation services and of the right to use, operate, manage and exploit the Marina of Kalamaria (Aretsou).

In case of submission of further requests for clarifications within the designated deadline, supplementary responses will be issued according to paragraph 6.4 of the Invitation.

It is stated that, unless otherwise specified herein, capitalized terms used in the responses of the Fund, shall have the same meaning as in the Invitation.

The present responses are posted on the website of the Fund ([www.hradf.gr](http://www.hradf.gr)), are made available to all Interested Parties and consist an integral part of the Invitation. The present responses that are made available, as described above, in the website of the Fund, shall be deemed incontestably known to all Interested Parties from the date of their publication.

#	Invitation Reference	QUESTION	ANSWER
1	Annex A 1.1.3	<p>A Solemn Declaration is required, proving that the company meets the conditions set out in cases (i) to (iii), while in the Declaration Model 1 it is referred (last paragraph) that it "meets the specifications set out in subparagraph 3 of paragraph 1.1 of Annex A", therefore from " (i) up to (xii) "</p> <p>Please, specify whether the Declaration Model 1 will include all the sub-cases of par. 1.1.3 of Annex A., i.e. from "(i) to (xii) and whether these should be mentioned in detail in the Declaration Model 1.</p>	<p>It is clarified, that the Solemn Declaration of paragraph 1.1(3) of the Annex A of the Invitation refers to the conditions that are determined in the cases (i) to (xii) of the said paragraph. The Solemn Declaration according to the Declaration Template 1, is required and is sufficient to be submitted, as quoted in the Expression of Interest.</p>
2	5.2	<p>"Interested Parties must meet and demonstrate compliance with the criteria set out in this paragraph and paragraph 1 of Annex A"</p> <p>Please, specify whether the Declaration 1 of Annex B should be accompanied by certificates for those of the cases of par. 1.1.3 of Annex A, such certificates are issued.</p>	<p>Paragraph 6.3 (Supporting Documents) of the Invitation quotes among others, that the Expression of Interest must be accompanied by the documents referred and identified in the Annex A and Annex E (the "Supporting Documents"). It is therefore required and sufficient to submit the Documents that are explicitly and in detail reported in the Annex A. In case that the Interested Party wishes or favors the submission of further documents and elements, in addition to the Supporting Documents, it is not forbidden to do so.</p>
3	Annex A 1.1	<p>We understand that the Solemn Declaration 1 of Annex B will be signed by the legal representative of the legal entity. According to what is mentioned in par.1.1.3 of Annex A, in the said declaration it should be "stated that by the date the declaration is signed, the Interested Party and the Related Persons meet the conditions ...."</p> <p>However, the above wording is not included in the Declaration Model 1.</p> <p>Please specify whether this statement should be amended.</p>	<p>The Template Declaration 1 of the Annex B quotes "Up until today, our company fulfills the specifications declared in the subparagraph 3 of the paragraph 1.1 of the Annex A". The Solemn Declaration according to the Template Declaration 1 of the Annex B, is required and sufficient to be submitted as set out in the Invitation.</p>

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4	5.4	From the last section of par. 5.4.A it is understood that the Interested Party may be the concessionaire of a relevant marina / tourist boat shelter for the purposes of the Technical Capacity criterion. Please confirm that there is no restriction on the percentage of participation of the legal entity – Interested Party in the shareholding structure of the said concessionaire of the marina /shelter of tourist boats.	<p>It is not confirmed. Please, see the clear wording of the section A of the paragraph 5.4 (Technical Competence Criteria), where, among others, it is explicitly mentioned that</p> <p>“For the purposes of this criterion, the concept “management” means that the interested party is either concessionaire and/ or the operator of the relevant marina/ tourist boat shelter, or has participated with a portion of at least 1/3 of the marina management capital/ touristic boat shelter (which is either a concessionaire, or a company operating under a management contract or a subcontracting contract).”</p>
5	5.5	Please confirm that, in the context of paragraph 5.5., the Third Party, on the technical competence of whom the Interested Party may rely on in Phase B, is not required to have designated relatively in Phase A. In this case, will the supporting documents of the Third Party, that will be submitted in Phase B, in terms of technical adequacy support, be those of Annex A Part 1, 2 and 3 and those which may be included in the invitation of Phase B?	<p>The Technical Competency Criteria must be met during Phase B of the Tender Procedure, according to the clear provision of paragraph 5.4 of the Invitation.</p> <p>Furthermore, please see the clear wording of section C of par. 5.4 (Technical Competence Criteria), where it is explicitly stated that:</p> <p>"C) During the 2nd Phase of the Tender Procedure and in accordance with the relevant terms of the Invitation for Tenders, each Interested Party may rely on resources of third party economic operators for its compliance with the Technical Competence Criteria, as defined in paragraph 5.5 of this Invitation".</p> <p>Finally, the Third Party must submit the Supporting Documents provided in paragraph 5.5 of the Invitation, as provided in particular by the following clear provisions:</p> <p>"Regarding the Technical Capacity, the Candidate and the Third Bodies that provide the relevant capabilities must prove that the Third Party will participate actively, on a case by case basis and according to the provided capacity in the implementation of the object of the Contract. The Invitation to Bids of the 2nd Phase of the Tender Procedure, and in accordance with its relevant terms, will provide an obligation to submit a Responsible Declaration, signed by the legal representative of the Third Party, providing the relevant skills, stating that it is committed to the necessary resources, expertise and technical means at the</p>

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			<p>disposal of the Pre-selected for the implementation of the object of the Contract, through the conclusion of a relevant contract, and that it will be liable to the Fund in case the conditions described in this paragraph are not met, which will be considered in any case a sufficient means of proof.</p> <p>Furthermore, the Third Party must submit the Supporting Documents referred to in Annex A, Part 1 and 2 and, depending on the situation, the documents appropriate to those set out in Annex A, Part 2 (ECONOMIC AND FINANCIAL CRITERIA) Part 3 (TECHNICAL CAPACITY CRITERIA). "</p>
6	5.5	Regarding the option provided in paragraph 5.5., please confirm that a Third Party may also be an affiliated company of the Interested Party.	It is confirmed.
7	6.3	In the context of paragraph 6.3, should the financial statements of the Interested Party, in case they are composed in English, be translated into Greek or can they be considered corporate forms with technical content, which can be submitted in English?	The financial statements are not considered "Informational and technical brochures and other publications - corporate or non-corporate - with special technical content" according to paragraph 6.3 of the Invitation. Therefore, the submitted financial statements of the Interested Party, which have been prepared in any language other than Greek, must be accompanied by an official translation in Greek, be legally validated and, if necessary, be marked by the Hague Treaty (Apostille), according to law 1497/1984, and as specifically defined in par. 6.3 of the Invitation. It is clarified, however, that the submission of partial translation of the financial statements is sufficient, in the parts concerning the fulfillment of the criteria of financial adequacy of the Stakeholder.
8	Annex B Declaration Template 7	<p>Please confirm that, in declaration template 7 in connection to the compliance with the economic standing criteria of paragraph 5.3 of the Invitation, the second footnote's mention of "private equity funds" refers to the "private equity firms" of paragraph 5.3 of the Invitation. If not, please clarify.</p> <p>It is noted, in any case, that this conclusion can be derived through the English translation of the Invitation.</p>	It is confirmed.

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9	6.3	<p>Given that in paragraph 6.3 of the Invitation it is mentioned that “the Expression of Interest shall be accompanied by the supporting documents outlined and specified in Annex A and Annex E”, while in paragraph 1.1.(3) of Annex A (page 41) of the Invitation it is mentioned that “the Preferred Investor shall be invited by the Fund before the date of signing of the Contract, to submit the supporting documents evidencing compliance with the provisions on transparency, referred to in Annex E of this Invitation”, please clarify whether the documents mentioned in Annex E of the Invitation should be submitted in the present Phase A of the process along with the submission of the Expression of Interest.</p>	<p>It is clarified that the Supporting Documents of Annex E are submitted both along with the Expression of Interest according to paragraph 6.3 of the Invitation and before the signing of the Contract.</p>
10	Annex A 1.1.1 & 1.1.2	<p>Θα ήθελα αν γίνεται να μου πείτε τι ακριβώς πρέπει να σας αποστέλλουμε για το ΠΑΡΑΡΤΗΜΑ Α – ΔΙΚΑΙΟΛΟΓΗΤΙΚΑ ΤΗΣ ΕΚΔΗΛΩΣΗΣ ΕΝΔΙΑΦΕΡΟΝΤΟΣ ΚΡΙΤΗΡΙΑ ΠΡΟΣΩΠΙΚΗΣ ΚΑΤΑΣΤΑΣΗΣ ΝΟΜΙΚΑ ΠΡΟΣΩΠΑ (1.1.1 &amp; 1.1.2) (ΚΑΤΑΣΤΑΣΤΙΚΟ, ΤΑΧΙΣ, ΓΕΜΗ, ΦΕΚ). Ακόμα θα μας ζητηθεί και εγγυητική καλής εκτέλεσης γιατί δεν το αναφέρετε.</p> <p>I would like if possible to be told what exactly should we send you concerning ANNEX A – SUPPORTING DOCUMENTS OF THE EXPRESSION OF INTEREST PERSONAL SITUATION CRITERIA LEGAL PERSONS (1.1.1 &amp; 1.1.2) (ARTICLES OF ASSOCIATION, TAXIS, GEMI, FEK). Furthermore, should a letter of performance guarantee be required as it is not mentioned.</p>	<p>The required Supporting Documents are described with clarity in Annex A and E of the Invitation. In the current Phase of the Tendering Process, no letter of performance guarantee is required.</p>

■ END OF THE DOCUMENT