

Athens, 2nd of March 2022

To: The Interested Parties of the open award procedure of HRADF in relation to the Request for Proposals dated the 20th of January of 2022 for the conclusion of framework agreements for the provision of advisory services for the preparation and the implementation of priority infrastructure projects referred to the Project Preparation Facility of the Hellenic Republic Asset Development Fund (OJ S: 2022/S 017-041266).

Number of Corrigendum in the EU OJ S: 2022/S 020-049774

Number of Corrigendum in the EU OJ S: 2022/S 026-067198

Number of Corrigendum in the EU OJ S: 2022/S 040-104257

Subject: **Responses to clarification requests submitted by Interested Parties in connection with the Request for Proposals dated the 20th of January of 2022 for the conclusion of framework agreements for the provision of advisory services for the preparation and the implementation of priority infrastructure projects referred to the Project Preparation Facility of the Hellenic Republic Asset Development Fund (OJ S: 2022/S 017-041266).**

On the questions submitted until 01.03.2022 regarding the Request for Proposals dated the 20th of January of 2022 for the conclusion of framework agreements for the provision of advisory services for the preparation and the implementation of priority infrastructure projects referred to the Project Preparation Facility of the Hellenic Republic Asset Development Fund (“the RfP”), HRADF provides the clarifications contained within this document.

In case more requests for clarifications are submitted until the deadline foreseen in the RfP, additional clarifications will be published by HRADF in accordance with clause 5.1 of the RfP, as amended and in force.

These clarifications are published on HRADF’s website (www.hradf.gr) and constitute an integral part of the RfP. The present clarifications made available, as described above, on the Fund's website will be presumed to be unquestionably known to all Interested Parties from the date of their publication.

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#	RfP Reference	QUESTIONS	RESPONSE
1	5.5	<p><i>In article 5.5 “Signature policy” of the above RfP, it is stated that “The Proposals, declarations, including the ESPD, and commitment letters shall be signed by using electronic signatures supported by a qualified certificate, for the purposes of electronic submission of the Proposal.”.</i></p> <p><i>Please clarify whether the requirement for electronic signature, including ESPD, declarations and commitment letters can be covered by the digital certification of the document («Ψηφιακή Βεβαίωση Εγγράφου») through the Gov.gr portal.</i></p>	Confirmed
2.	5.2	<p><i>In article 5.2 “Content of the Proposals” of the above RfP, it is stated that “The Proposals shall be submitted in English or in Greek ...”. Please clarify whether it is acceptable some parts of the proposal to be submitted in Greek (e.g. Dossier A’ documents, like ESPD, participation guarantee, Key Experts CVs, etc.), while some others in English (e.g. Dossier B’ – Technical Proposal).</i></p>	It is possible to submit parts of the proposal in English and other parts in Greek, under the condition that each document should be executed in one language only.
3	4.2.2.1 & 4.2.2.2	<p><i>4.2.2.1 Relevant Experience, Lot1 ... In relation to legal services: Provision of legal services either to the public or the private sector in relation to the procurement process for the award of at least one (1) PPP project and/or a concession agreement, Provision of legal services either to the public or the private sector in relation to the implementation of at least one (1) PPP and/or a concession contract and/or a public contract...</i></p> <p><i>4.2.2.2 Key Experts Team, Lot1, Legal Experts: Position: Legal Experts, Legal Expert in public procurement law, Number of Experts: 1, Qualification requirements for Expert(s): Law Degree; 10 years’ experience in public procurement on PPP’s and/or concession contracts; Good command of Greek and English Language is required.</i></p> <p><i>Concerning the fact that the relevant Experience criteria (4.2.2.1) for Lot1 refers to the provision of legal services in either PPPs and/or public</i></p>	<p><i>It is confirmed. The rightful meaning of the second bullet of the qualifications of Legal Expert in public procurement law of the Key Experts Team of clause 4.2.2.2 is the following:</i></p> <p><i>“10 years’ experience in public procurement or PPPs and/or concession contracts;”</i></p> <p><i>The word “on” instead of “or” in the respective requirement is an evident mistake, as it derives from the systematic interpretation of the RfP clauses.</i></p>

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		<p><i>procurements and/or concession agreements, allowing for more interested parties to submit a proposal, the Key (Legal) Experts Team (4.2.2.2) qualification requirements for Legal Expert in public procurement law refers only to the provision of legal services in public procurement in either PPPs and/or concession contracts excluding the main core requirement of the above legal provision, which is the public procurement criteria and consequently the Position is named “Legal Expert in public procurement”. In accordance to the above, please confirm that the criteria for Legal Expert in public procurement law, matches the criteria for the relevant experience in Lot1 for legal services, in order for an interested party to be able to submit a proposal with relevant experience and qualification requirements for “10 years’ experience in public procurement and/or PPPs and/or concession contracts”.</i></p>	
4	4.2.2.2	<p><i>4.2.2.2 Key Experts Team, Lot1, Legal Experts: Position: Legal Experts, Legal Expert in environmental and/or urban planning/zoning law, Number of Experts: 1, Qualification requirements for Expert(s): Law Degree; 10 years’ experience in environmental law; Good command of Greek and English Language is required</i></p> <p><i>Concerning the fact that the relevant Position criteria (4.2.2.2) for Lot1 Legal Expert in environmental and/or urban planning/zoning law refers to the above mentioned fields of law (environmental and/or urban planning/zoning law) for more interested parties to submit a proposal, the Qualification requirements for Expert(s) for the above Position refers only to “10 years’ experience in environmental law;”.</i></p> <p><i>In accordance to the above, please confirm that the qualification requirements for the abovementioned Legal Expert, matches the criteria as mentioned in the Position, in order for an interested party to be able to submit a proposal with</i></p>	<p>Confirmed.</p> <p>Considering the relation of urban planning/zoning law with environmental law, it is confirmed that experience in urban planning/zoning law is considered, for the purposes of the Rfp as experience included in environmental law.</p>

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		<i>relevant experience and qualification requirements for “10 years’ experience in environmental and/or urban planning/zoning law;”.</i>	
5	5.2	<i>Σύμφωνα με το άρθρο 5.2. της διακήρυξης του διαγωνισμού (RfP) αναφέρεται ότι «The Proposals shall be submitted in English or in Greek...». Παρακαλούμε να επιβεβαιωθεί ότι το σύνολο της προσφοράς μπορεί να υποβληθεί και στις δύο γλώσσες ταυτόχρονα δηλαδή μέρος της στην αγγλική και μέρος της στην ελληνική γλώσσα εφαρμοζόμενη βέβαια σε αυτοτελή έγγραφα. Δηλαδή, για παράδειγμα ένα βιογραφικό σημείωμα ή/και το κείμενο της τεχνικής προσφοράς μπορούν να υποβληθούν σε μία γλώσσα ενώ άλλα βιογραφικά μπορούν να υποβληθούν στην άλλη γλώσσα.</i>	It is possible to submit parts of the proposal in English and other parts in Greek, under the condition that each document should be executed in one language only.
6	6.2	<i>Σύμφωνα με το άρθρο 6.2. της διακήρυξης του διαγωνισμού (RfP) αναφέρεται ότι: «It is noted that the maximum monthly rate for all services and category of experts for RRF projects only, cannot exceed the amount of six thousand and five hundred (6.500,00) euros per RRF project». Παρακαλούμε να διευκρινιστεί αν το όριο των 6.500€ αφορά κάθε μία από τις κατηγορίες των expert ή αφορά το «Blended rate», που ζητείται να υπολογιστεί στο Έντυπο της Οικονομικής Προσφοράς;</i>	The maximum monthly rate refers to every single expert of the project member team appointed for the respective RRF Project and not the blended rate.
7	Annex 7	<i>Σύμφωνα με το υπόδειγμα της οικονομικής προσφοράς αναφέρονται τρεις κατηγορίες expert. •Senior Expert: 15 years experience •Expert: between 10 – 15 years of experience •Junior Expert: up to 10 years of experience. Παρακαλούμε να διευκρινιστεί οι Expert που ζητείται να έχουν 15 έτη εμπειρίας (π.χ. PM expert) ή/και οι expert με 10έτη εμπειρίας π.χ. (Legal expert in public procurement) σε ποια από τις ανωτέρω κατηγορίες θα πρέπει να κοστολογηθούν.</i>	The financial offer concerns the categories of experts that may be requested during the implementation of an Assignment and concern the cost of man – month of all possible experts and do not exclusively concern the Key Experts Team of paragraph 4.2.2.2 which is a requirement for the participation of the

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		<i>Για πλήρη διευκρίνιση προτείνουμε να γίνει αντιστοίχιση όλων των ζητούμενων ειδικών της παρ. 4.2.2.2. στις ανωτέρω τρεις (3) κατηγορίες της Οικονομικής Προσφοράς.</i>	economic operator in the Framework Agreement.
8	4.2.2.2	<i>Regarding the Legal expert in public procurement law please clarify (a) whether he/she has to have 10 years of experience in public procurement including PPP and/concession or it is required that the 10 years of public procurement exclusively in PPP and/or concession and (b) whether such requirement is covered in case the respective experience consists into the provision of legal support to or representation of economic operators participating (or willing to participate) in public tenders in relation to the provision of legal protection during the procurement process and in particular in relation to the submission of a preliminary action or a request for suspension or a request for annulment or an intervention against any of the foregoing.</i>	Regarding question (a) please see answer in question number 3 above. Question b is confirmed.
9	4.2.2.1	<i>Please clarify whether the requirement regarding the “the drafting of a notification of state aid measures or state aid scheme before the European Commission, in relation to at least one (1) project / scheme” is covered in case the proposed state aid expert’s experience consists into the representation of the state aid beneficiary in state aid judicial proceedings against the European Commission before the General Court and the European Court of Justice.</i>	Not confirmed.
10	5.2	<i>Please confirm the duration of the participation letter of guarantee and the latest date of its release.</i>	The participation guarantee must be valid for thirty (30) days after the expiration of the validity period of the Proposals specified herein, failing which the tender will be rejected. The HRADF may, prior to the expiry of the tender, request tenderers to extend, before the expiry of the tender, the validity of the tender and the participation guarantee. Regarding the return of

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			the participation guarantee please see clause 5.2 of the Rfp.
11	-	<i>In the case of an official joint venture between technical, financial and legal entities, who is required to provide the performance letter of guarantee?</i>	The performance letter of guarantee must be issued in favour of the joint venture and cover the responsibilities of all members of the joint venture.
12	5.2	<i>In the case of an official joint venture between technical, financial and legal entities and should each company be required to provide a participation letter of guarantee, can each entity provide a participation letter of guarantee for a portion of the total value (therefore equating to EUR 60,000)?</i>	Confirmed
13	5.2	<i>Please can you confirm that on expiry of the participation letter of guarantee you will issue an instruction to the bank to cancel the participation letter of guarantee.</i>	Regarding the return of the participation guarantee please see clause 5.2 of the Rfp. The HRADF may, prior to the expiry of the tender, request tenderers to extend, before the expiry of the tender, the validity of the tender and the participation guarantee.
14	4.2.4	<i>In the case of a joint venture between technical, financial and legal entities, is each entity required to provide copies of balance sheets and economic outturn (profit & loss) statements? Or just the lead consultant?</i>	According to clause 4.2.4 of the RfP in the case of a consortium/joint venture, the annual turnover of the Interested Party will be considered on a cumulative basis. So if a joint venture cumulatively fulfils the respective criterion each member of the joint venture must submit the means of proof of clause 4.2.4.
15	4.3.2.4	<i>In the case of an international company, will you accept copies of balance sheet and economic outturn from the UK in English?</i>	The balance sheet and economic outturn may be submitted in English language.

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16	4.2.2.1	<p><i>4.2.2.1 Relevant Experience (in relation to legal services)</i></p> <p><i>Please do confirm the status of the minimum required projects the RfP requires, as submitted, completed or else.</i></p>	The projects referred to in clause 4.2.2.1 of the RfP may be completed or ongoing.
17	4.2.2.1	<p><i>4.2.2.1 Relevant Experience (in relation to legal services)</i></p> <p><i>Please do confirm that legal experts that have submitted state aid schemes notifications in relation to member-states countries or entities (other than Greece) are also eligible (i.e. that the scheme is not obligatory to be related to a Greek State or to a Greek).</i></p>	Confirmed
18	4.2.2.2	<p><i>4.2.2.2 Total number of Head Legal Expert and Legal Experts (in general)</i></p> <p><i>We have copied that paragraph 4.2.2.2 mentions that the Interested parties “...shall propose a core-team comprising of at least the Key Experts...”. So please do confirm that an Interested Party may present two (2) or more, Head Legal Experts or Legal Experts per area of expertise and in total more than 4 experts, in order to further strengthen his team & participation in the RfP.</i></p>	Confirmed since the minimum requirements of clause 4.2.2.2 are fulfilled. Please note that the same person cannot cover multiple Key Expert profiles.
19	4.2.2.2	<p><i>4.2.2.2 Legal Expert in public procurement</i></p> <p><i>In case of multiple Legal Experts (more than the minimum number of 4 requested, in all categories), may an Interested Party mention them in different categories, in case their credentials cover more areas of expertise? For example, in case an Interested Party presents 6 or 7 individual legal experts, can their names be linked in/address more areas of expertise, i.e., an expert mentioned both as (one off the) Head Legal Experts in PPPs, but also as Legal Expert in Public procurement or State Aid, as the case may be?</i></p>	Confirmed since the minimum requirements of clause 4.2.2.2 and 4.3.2.2. are fulfilled. Please note that the same person cannot cover multiple Key Expert profiles.
20	4.2.2.2	<p><i>4.2.2.2 Key Experts Team, companies & individuals</i></p>	According to clause 4.3.2.2 of the RfP regarding the Key Experts Team (as per section 4.2.2.2

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		<p><i>In relation to the RfP and paragraph 4.2.2.2, the RfP requires a minimum experience of predefined years in similar projects & areas of expertise. The said experience should be further detailed in Annex 6 - “Previous Experience Table”.</i></p> <p><i>As outlined in the table provided in Annex 6 the said experience resembles mostly to entities/Law Firms and not legal professionals, since the second column is titled “Name of the Company”, the sixth column “Role of the Company” and the tenth column “Amount invoiced”. It should be stated that this is not relevant in all cases since PPPs Legal Experts are not limited to Law Firms. To the contrary, historically highly experienced legal professionals/individuals have worked in or led PPPs for the Greek State either as independent Lawyers (practicing law individually) or working for Greek State entities or even the Secretariat itself, under a salary (under a regime of salary/“έμμισθης εντολής”). In this respect please do confirm that the Legal Expert mentioned in paragraph 4.2.2.2 can be also an individual Lawyer and furthermore that that table of Annex 6, can be completed accordingly and that column 10 (“amount invoiced”), is not obligatory in case the legal expert was employed by the Greek State and/or Greek State entities.</i></p>	<p>above), for each profile, Interested Parties shall submit CVs, as per Template under Annex 2 and not Annex 6.</p> <p>The Key Experts Team must be consisted by natural persons only.</p> <p>If the questions refers to clause 4.2.2.1, the relevant experience in relation to legal services may be covered by natural persons under the condition that the minimum requirements of clause 4.2.2.1 are fulfilled. In this case the column 10 (“amount invoiced”) may be filled in accordance with the labor or other contract under which the party obtained its experience.</p>
21	4.2.2.2	<p><i>4.2.2.2 Key Experts Team and minimum previous experience in years</i></p> <p><i>Regarding the Head Legal Expert, the RfP requires at least “...20 years’ experience in EU law, infrastructure projects, public procurement, PPPs and concession contracts”. In this respect it should be noted that the PPPs Law was issued in 2005 and the first projects initiated in 2006-7. Please do confirm that the minimum previous experience refers to EU law, while please do define the minimum experience regarding explicitly PPPs (which we assume cannot be more than 15-17 years).</i></p>	<p>The experience of the Head Legal Expert required in the second bullet of the table of clause 4.2.2.2 of the RfP means experience of the Expert in one or more than one of the respective sectors (EU law, infrastructure projects, public procurement, PPPs and concession contracts).</p>
22	5.2	<p><i>5.2. i. (b) Participation letter of guarantee</i></p>	<p>The Participation letter of guarantee is indeed required to be submitted at the tender stage.</p>

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		<i>Please clarify if the Participation letter of guarantee is indeed required to be submitted at the tender stage and should be included in our Offer, considering that according to the provisions of Law 4412/2016, article 72, par.1, 9th subparagraph of case a’, the bidders are not required to submit a Participation letter of guarantee in tender procedures for the conclusion of Framework Agreements.</i>	
23	5.2	<p><i>5.2. i. (c) Declarations confirming the absence of any conflict of interest</i></p> <p><i>Please confirm that the Declarations confirming the absence of any conflict of interest should only be submitted by each Interested Party –and in case of consortia/joint ventures, each member thereof.</i></p> <p><i>Additionally, in case the Interested Party or consortia/joint ventures have subcontractors (on whose capacities they either rely or not rely), please also confirm that the subcontractors (on whose capacities are either being or not being relied) are not required to submit Declarations confirming the absence of any conflict of interest.</i></p>	Confirmed
24	5.2	<p><i>5.2. i. Dossier A’ (Exclusion and Selection Criteria) –Declaration/authorization appointing one of the consortium members as the Lead Member</i></p> <p><i>According to the RfP “Interested Parties that are consortia/joint ventures shall be required to include in Dossier A’ declarations of each of their members appointing one of the consortium member as the Lead Member authorized to submit the Proposal on the consortium’s and its members` behalf, execute the Framework Agreement and act as a single point of contact between the Fund and the relevant Interested Party / Framework Advisor and a process agent throughout the procurement process and during the term of the Framework Agreement.”</i></p> <p><i>Kindly provide us with a suitable template, since the RfP omitted an Annex for this particular declaration, whereas Annexes with templates for the rest of</i></p>	No template shall be provided for this purpose. The respective declarations should follow the wording and fulfil the requirements of the RfP.

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		<i>declarations/commitment letter/ tables etc. required for this tender have been included in the RfP.</i>	
25	5.5	<i>According to Article 5.5 of the RfP “The Proposals, declarations, including the ESPD, and commitment letters shall be signed by using electronic signatures supported by a qualified certificate, for the purposes of electronic submission of the Proposal”. Please confirm that in cases of interested parties (tenderers, experts or other entities on the capacities of which a tenderer relies) who are not obliged to use electronic signatures and/or don’t own one, can alternatively provide electronically signed documentation via gov.gr https://www.gov.gr/ipiresies/polites-kai-kathemerinoteta/psephiaka-eggrapha-gov-gr/psephiake-bebaiose-eggraphou or the authorized representative [in case of consortium/joint venture] can electronically sign or co-sign all respective documentation.</i>	It is confirmed that electronically signed documentation via gov.gr is acceptable.
26	4.2.2.2	<i>You are asking for the following experts</i> <i>PM Expert(s)</i> <ul style="list-style-type: none"> • <i>Number of experts required – 2</i> • <i>University degree in economics, technology, engineering or relevant fields of study – a Master’s degree will be an advantage</i> • <i>15 years’ experience in management of public sector and/or European Commission projects</i> • <i>5 years as project manager or team leader implementing projects related to the strategic planning and/or designing of co-financed projects (EU, NSRF, etc.)</i> • <i>Experience in Greece’s infrastructure sector, especially with PPP projects will be an advantage</i> • <i>Knowledge of English is required, while Greek language skills will be considered an advantage;</i> • <i>Home location in Greece will be an advantage.</i> 	No, it cannot be amended by the Interested Parties. We confirm that that the number of PM experts required in the Key Experts Team of clause 4.2.2.2 is deemed necessary and suitable according to PPF’s needs and the scope and importance of the projects in PPF’s pipeline.

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		<p><i>Technical Expert(s)</i></p> <ul style="list-style-type: none"> • <i>Number of experts required – 1</i> • <i>University degree in technology, engineering or relevant fields of study – a Master’s degree will be an advantage</i> • <i>15 years’ experience as technical advisor in PPP and/or concession projects for the public and private sector</i> • <i>Knowledge of English is required, while Greek language skills will be considered an asset;</i> • <i>Home location in Greece will be an advantage.</i> <p><i>We believe that two PM experts with the above requirements is excessive for projects of that size. A senior and a deputy/support is a more realistic approach that will make the individual project costs more affordable for the public sector.</i></p> <p><i>With regards to the Technical expert requirements we agree as this is a very critical role for any PPP project.</i></p> <p><i>Please advise if the above scope can be amended by the bidders in their proposals.</i></p>	
27	5.2	<p><i>According to par. 5.2 Content of the Proposals “The Proposals shall be submitted in English or in Greek...” As far as means of proof are concerned, we would like you to clarify to us whether they should be generated into the English language or into Greek provided that the Advisor is a Greek company.</i></p>	<p>It is possible to submit parts of the proposal in English and other parts in Greek, under the condition that each document should be executed in one language only.</p>
28	5.2 Annex 4	<p><i>According to Annex 4 Essential content of guarantees template of letter of guarantee, the Advisor shall issue a letter of guarantee for participation into the Request for Proposal. Kindly advise whether the letter of guarantee for participation is allowed to be into English or Greek.</i></p>	<p>The letter of guarantee can be issued in English or Greek language under the condition that it is formulated in accordance with Annex 4.</p>

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29	5.5	<p><i>According to par. 5.5 Signature policy, “The Proposals, declarations, including the ESPD, and commitment letters shall be signed by using electronic signatures supported by a qualified certificate, for the purposes of electronic submission of the Proposal”.</i></p> <p><i>Kindly advise if electronic signature is also applicable regarding ANNEX-2, CV Template as far as each key expert profile is concerned. In case a key expert does not own an electronic signature token, kindly advise whether a handwritten signature is allowed to be placed on Annex 2 cv profile.</i></p>	<p>Electronic signature of clause 5.5 is also applicable regarding Annex 2, so, a handwritten signature is not allowed.</p> <p>It is acceptable for the CVs to be signed according to clause 5.5, by the related key expert or alternatively by the authorized representative of the Interested Party.</p>
30	4.2.2.1	<p><i>According to par. 4.2.2 Technical and professional capacity, point 4.2.2.1 Relevant Experience and as far as Lot 2 is concerned “At least four (4) projects relating to performing audit services in accordance with national legislation for public or private institutions in Greece”. To our understanding, the abovementioned criterion concerns statutory audits for financial statements for public or private entities (such as societies anonymes or other legal forms for public and private entities) performed in accordance to national legislations such as L.4548/18, L.4172/14 and other relevant laws.</i></p> <p><i>Kindly advise if our understanding is correct and provide clarification as for the type of audit services that should be included into Annex Previous Experience Table (if not only statutory audits).</i></p>	Confirmed.
31	4.2.2.1	<i>In relation to par. 4.2.2.1 of the RfP, please clarify whether ongoing projects are acceptable and under which (or any) conditions (e.g. provision of a certificate of performance).</i>	Ongoing projects are acceptable.
32	4.2.2.1	<i>Specifically regarding the “provision of legal services, including the drafting of a notification of state aid measures or state aid scheme before the European Commission, in relation to at least one (1) project / scheme” please clarify whether</i>	The drafting and delivery to the public or private client of a notification of state aid measures or state aid scheme before the European Commission, in relation to at least one (1)

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		<i>it is necessary that the notification be submitted before the European Commission, or if the drafting and delivery to the public or private client is acceptable.</i>	project / scheme is acceptable regardless its submission to the European Commission.
33	5.5	<i>Please clarify whether the CVs should be signed by the related key expert or the authorized representative of the Interested Party.</i>	It is acceptable for the CVs to be signed according to clause 5.5, by the related key expert or alternatively by the authorized representative of the Interested Party.