

**THETA S.A.**

.....  
Prot.No.: XXXXX/XXXX-XXXX-XXXX

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Declaration no. XX/2024

NEPPS no. XXXX

**PUBLIC INTERNATIONAL TENDER  
BY MEANS OF THE COMPETITIVE DIALOGUE PROCEDURE  
ON THE AWARD OF A CONTRACT FOR THE PROVISION OF PUBLIC PASSENGER  
TRANSPORT SERVICES BY BUS IN THE AREA OF RESPONSIBILITY OF THE TRANSPORT  
AUTHORITY OF THESSALONIKI (THETA S.A.)  
THROUGH THE NATIONAL ELECTRONIC PUBLIC PROCUREMENT SYSTEM  
(NEPPS)**

**FIRST PHASE OF THE TENDER  
CALL FOR EXPRESSION OF INTEREST**

Date of dispatch of the relevant contract notice  
to the Publications Office of the European Union: XX.XX.2024  
(Tender no.: XXXXXX)

**Registered in the Central Electronic Register of Public Procurement (KIMDS)**

**Thessaloniki, ..... 2024**

Title:	<b>"Provision of Public Passenger Transport Services by Buses in the area of responsibility of THETA S.A."</b>
Contracting Entity:	TRANSPORT AUTHORITY OF THESSALONIKI S.A. (THETA S.A.)
Declaration No:	XX/2024
Budget:	646.800.800 € (plus VAT 13%) broken down into: 636.000.000€ plus VAT 13% for services, options, fuel clause and fare income, plus an amount of up to €10,800,000 plus 13% VAT for fees from incentives to increase passenger traffic
Funding:	Multiannual funding commitment of the Ministry of Infrastructure and Transport
Closing date for submission of Expression of Interest:	<b>XX-XX-2024 at 14:00</b>
CPV:	60112000-6 - Public road transport services.
Duration	10 years with the possibility of extension for up to 5 additional years
Tender procedure:	The tender will be conducted by means of the Competitive Dialogue procedure under Article 267 of Law 4412/2016.
Award criterion	The criterion for the award of the Contract is the most economically advantageous offer on the basis of quality/price ratio.
Incentives to the Contractor	Financial incentives are foreseen in case of an increase in passenger traffic after the 1 <sup>st</sup> year

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## Article 1. General Information

### 1.1. Contract notice for the provision of public passenger transport services by bus and coach

The Transport Authority of Thessaloniki (THETA S.A.) announces an international electronic tender for the selection of the Financial Operator for the provision of Public Passenger Transport Services by bus in its area of responsibility and invites interested parties to submit an Expression of Interest (Phase A of the tender) through the National System for Electronic Public Procurement (hereinafter referred to as the "NEPPS"), in accordance with the provisions of this Invitation and the Annexes thereto, in order that those selected in the first phase may participate in the subsequent tender procedure. This Invitation was approved by virtue of the 11/14.02.2024 decision of the Board of Directors of THETA S.A.. THETA S.A. sent a Prior Information Notice (PIN) of this contract notice for publication in the eNotices Service of the European Union, through the simap.europa.eu portal, on 27.09.2023

### 1.2. Details of the contracting entity

Contracting Entity	Transport Authority of Thessaloniki (THETA S.A.)
Postal address	Plot 51, Ganas&Ganas Building Complex, Building B1 Thermi
City	Thessaloniki
Postal code	57001
Country	Greece
NUTS code	EL522
Person responsible for information	.....
Phone	+30 2310 483070
Fax	+30 2310 483071
e-mail	....., <a href="mailto:info@oseth.com.gr">info@oseth.com.gr</a>
website	<a href="http://www.oseth.com.gr">www.oseth.com.gr</a>

### **1.3. Transport Authority of Thessaloniki (THETA S.A.)**

Transport Authority of Thessaloniki (THETA S.A.) is a Société Anonyme, established by Law 4482/2017. THETA S.A. has a public service purpose, operates in the public interest and is supervised by the Ministry of Infrastructure and Transport. It aims at the development, coordination and monitoring of public urban transport; urban bus, ground and underground, railed or sea transport services with the aim of transporting and serving the public in the Regional Unity of Thessaloniki via an integrated, high-quality transport system based on the principles of sustainable mobility

The main responsibilities of THETA S.A. are the following:

- The strategic transport planning of Public Urban Transport in the area of responsibility in cooperation with the primary and secondary local government in the Regional Unit of Thessaloniki as well as with other institutional local bodies.
- The regular transport planning of public urban bus transport in cooperation with the transport operators (providers).
- The announcement and awarding of passenger transport projects in accordance with European and National legislation and in particular European Regulation 1370/07 and Law 4412/2016 on Public Procurement in the Transport Sector.
- The supervision of the implementation in terms of quantity and quality of the transport service offered by the providers and the taking of appropriate measures where necessary.
- The processing of data on the operation of transport service providers and the submission of a recommendation to the Minister of Infrastructure and Transport for the determination of the appropriate fare and the financing of their investment and development programs.
- The submission of a proposal for the definition of the fare policy (structure and type), as well as the method and distribution of any compensation payment.
- The design and implementation of multimodal terminals in the Public Transport network together with the relevant stakeholders.
- The electrification of Public Transport, and in particular of the vehicle fleet and depot facilities.
- The promotion of Sustainable Mobility and environmentally friendly means of transport in its area of responsibility.
- The design, study and implementation, in cooperation with other bodies, of intelligent transport systems (telematics), as well as IT systems and applications and new technologies for the provision of high-quality services in terms of transport quality and safety.
- The installation and operation of traffic control systems for the monitoring, optimisation and control of urban transport.
- The installation, operation and exploitation of appropriate electronic fare collection systems, using one or more distribution networks, the monitoring and control of the circulation of each type of fare in urban transport and the control of the corresponding revenues, as well as the distribution of revenues to public transport operators.
- The provision of information on transport to the public and the exploitation of transport data in the operator's area of responsibility.

### **1.4. THETA S.A. Urban Transport Policy and Objectives of this Declaration**

THETA S.A. was established in 2017 to replace the pre-existing Urban Transport Council (SASTH), as the local Public Transport Authority of the Regional Unit of Thessaloniki under the supervision of the Ministry of Infrastructure and Transport with full powers over Public Transport in its area of responsibility. THETA S.A. has the form of a Société Anonyme with the Minister of Finance of the central government as its sole shareholder. THETA S.A. is governed by a nine-member Board of

Directors which includes, in addition to the members appointed by the Central Government, representatives of the Secondary Local Authorities and the Union of Municipalities of the Regional Unit of Thessaloniki as well as representatives of the Professional and Scientific Bodies of the city. THETA S.A. implements the Transport Policy of the supervising Ministry of Infrastructure and Transport and of the local stakeholders expressed through their representatives on the Board of Directors of the organisation. The aim of the establishment of the THETA S.A. was and remains the significant upgrading of the role of Public Transport in the wider Thessaloniki area and the creation of a new upgraded landscape in terms of the public passenger transport services offered with the integration of the Metro System and other means of transport that are expected to be integrated in the future.

THETA S.A., at this stage, is charged with a number of activities aimed at achieving the objectives set out in its five-year strategic plan and its operational plans, which briefly include:

- Restructuring of bus lines in its area of responsibility with the operation of the Metro's main line expected for November 2024 and the extension line to Kalamaria expected for the second quarter of 2025. At this stage there are two transport providers sharing the overall project. One, OASTH, is a state-owned operator in liquidation and in operation, covering mainly the urban areas of Thessaloniki, and the other, KTEL Thessaloniki SA, is private and covers mainly the suburban areas. The contract of the first expires on 31.12.2024, while the contract of the second expires on 31.10.2024.
- Implementation of the Automated Fare Collection System (AFCS) for all passenger transport providers and a new Telematics system for the monitoring of vehicle fleets (AVL) in the area of responsibility of THETA S.A. as well as for public information.
- Partial electrification of the vehicle fleet of the first provider (OASTH) implemented through the supply of electric buses by the Ministry of Infrastructure and Transport. At the same time, one of the depots used by OASTH is being upgraded to accommodate and charge these electric vehicles.
- Preparation of the tender documents for the tendering and award of a contract for the provision of public passenger transport services for ten years for the object currently performed by KTEL Thessaloniki (this tender).
- Completion of the construction of the terminal of N. Elvetia and completion of the design and construction of the terminals of Mikra and New Railway Station of Thessaloniki Metro for the service of its bus lines.
- Designing the appropriate pricing policy and fare structure to create incentives for greater use of public transport.
- Utilisation of a range of technological tools and innovations for the operational modernisation of Public Transport and its transition to new business models such as Mobility as a Service (MaaS), etc.

With this declaration, THETA S.A. aims to significantly upgrade the services offered to citizens both in terms of availability and quality. This tender, together with the recent tender conducted by OASA for the Attica region, is the first of its kind in Greece, in application of the current European legislative framework - Regulation 1370/07 - and comes to fill the gap that will be created after the termination of the existing contract with KTEL Thessaloniki. The services requested will differ to some extent from the current services due to the start of the Metro and the necessary restructuring that will follow. For this reason, the first year of services will be transitional.

One of the objectives of the competition is the exploitation of existing know-how in the European and international arena and, in addition, the exploitation of good practices that can be successfully applied in the case of Thessaloniki. Furthermore, an increase in transport work is sought, as well as the adoption of flexible transport services for remote areas where regular transport is not documented

and is particularly detrimental compared to alternative modes of transport that are justified from a social and economic point of view.

In order to achieve the above objectives, THETA S.A. adopts the introduction of incentives to the Contractor that move in two directions: on the one hand, to reduce the cost of the offered services and on the other hand, to increase the profitability of the Contractor if it improves the quality and increases passenger traffic. To this end, THETA S.A. adopts economic and technical criteria for the evaluation of tenderers based solely on the objective expression of these criteria.

One parameter that is expressed and evaluated objectively in the evaluation of tenders is the age and the fuel used in the contract being tendered. For this reason, young vehicles are evaluated more favourably than older vehicles, while similarly vehicles with a clean environmental footprint - electric or hydrogen - are evaluated more favourably than diesel vehicles.

Finally, another important parameter is the use of appropriate depots that will ensure the proper and regular maintenance of the vehicles as well as their daily fuel/energy supply and cleaning. THETA S.A. does not have its own depots, which makes it necessary for the Candidates to investigate this issue. The scoring of the tenders in this criterion will be determined on the one hand by the area of the depot(s) to be set up by the Contractor and on the other hand by the type of facilities they will have - for example, the possibility of charging electric buses.

It should be noted that final decisions regarding the integrated map of the Public Transport system, within which the present Tender is part of, and in particular the future of OASTH, which is state-owned and in the process of liquidation, are the exclusive responsibility of the Ministry of Infrastructure and Transport and its Minister.

### **1.5. Changes**

Any change, transformation, substitution or succession of the Contracting Entity or of the institutions and services referred to in this Call for Tender shall not affect the progress of the award procedure. In this case, the Contracting Entity will inform the participants in the award procedure accordingly.

### **1.6. Subject of the contract for the provision of public passenger transport services**

The subject of the contract is the provision of (regular and flexible) passenger transport services in the suburban and partly urban network of the wider Thessaloniki area, which is within the area of responsibility of THETA S.A.. The contract will have a duration of 10 years from the date of commencement of the services with the possibility of a time extension of up to five additional years provided that specific conditions to be determined by the Contracting Entity in the second phase of the tender are met. The extension of the contract is the exclusive right of the Contracting Entity, which must activate it no later than 24 months before the expiry of the contract, provided that the relevant funding is secured.

In the present procurement procedure, an option is provided for as follows:

- 1.6.1. During the implementation of the contract, the Contracting Entity reserves the right to increase unilaterally and under the same conditions the public transport project up to 20% of the amount originally specified herein, in accordance with Article 337 par. 1 of the Law 4412/2016 as specified in article 3.1.1 of this document.
- 1.6.2. After the first year of service the Contracting Entity reserves the right to request the Contractor to perform flexible transport services from the third year of service and onwards up to an amount not exceeding 10% of the price of the regular passenger services of the corresponding year for the project of 22.500.000 vehicle kilometers (Article 3 par.3.1.2 of this Agreement).

It is estimated that a fleet of 250 vehicles, including spare vehicles, will be required, which will include different types of vehicles in terms of size and capacity as well as fuel type. The exact number required per vehicle type and in total will be finalised in the second phase of the call for tender.

### **1.7. CPV codes**

The CPV main vocabulary codes of the contract are as follows:

60112000-6: Public Road Transport Services

### **1.8. Financing of the contract**

The cost of the contract is financed by THETA S.A. through a grant from the state budget in accordance with the following decisions:

- No. ΔΠΔΑ/102679/ΟΣΕΘ/9.4.2024 (ΑΔΑΜ[●]),ΑΔΑ:9ΦΡΙ465ΧΘΞ-9ΥΙ for the multiannual commitment/approval of the commitment of the amount of € 646.800.000 for the financial years 2025-2035.

### **1.9. Consultants**

The Contracting Entity, for the purposes of the Tender, will be supported by specialised consultants to assist in legal and technical matters until the completion of the entire tender procedure (Phase A and Phase B of the Tender).

### **1.10. Personal Data**

The Contracting Entity is the controller of the personal data of natural persons, which will be collected in the context of the Tender and the processing of such data is carried out in accordance with the provisions of the National and EU legislation on personal data protection, as applicable, in particular Law 4624/2019 (Government Gazette A 137/29.08.2019) and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation). Such personal data may be communicated to entities to which the Contracting Entity entrusts the execution of a specific project on its behalf, namely the Tender Committee, its Consultants, its staff and other employees in general, provided that confidentiality is respected in each case, within the framework of their legitimate activities, as well as to public bodies and judicial authorities, within the framework of their competences. The purpose of the processing is the evaluation of the Expression of Interest files, the fulfilment of the Contracting Entity's legal obligations, the information of the Candidates on the evaluation of their submitted Expression of Interest file, the conclusion and execution of the Contract as well as the general security and protection of transactions. The above personal data of natural persons who submit an Expression of Interest File as Candidates or as legal representatives of a Candidate legal entity or as representatives of a Candidate association of persons, are processed pursuant to a legal obligation of the Contracting Entity for the designated purposes and retain all their legal rights under the conditions of the applicable legislation. Further information in relation to the processing of personal data is set out in ANNEX 10 hereof.

### **1.11. Personal Protection**

The Contractor of the tendered contract is obliged to employ the staff of its predecessor that provided public passenger transport (KTEL Thessaloniki in cooperation with KTEL Serres and KTEL Halkidiki), respecting at least their existing collective agreements, in accordance with the relevant provisions of EU Directive 2001/23/EC. This obligation will apply for the period laid down by EU and national law.

### **1.12. Call Annexes**

This Call for Expression of Interest contains eleven (11) Annexes which form an integral part of the Call.

The annexes are listed in the Table below.

ANNEX 1	Description of the subject of the Contract
ANNEX 2	Model Letter of Interest
ANNEX 3	Model for Invoking the Economic and Financial Capacity of Third Parties
ANNEX 4	Model for Invoking the Technical and Professional Competence of Third Parties
ANNEX 5	Table of Financial Data of the Candidate / Association of Persons
ANNEX 6	Template of Affidavit of Non-Issuance of Financial Statements
ANNEX 7	Template of Affidavit on the impossibility of issuing Certificates
ANNEX 8	Table of Candidate's Evidence of Experience
ANNEX 9	Table of Contracts using Telematics
ANNEX 10	Processing of Personal Data
ANNEX 11	Instructions for completing the European Single Contract Document (ESCD)
ANNEX 12	Model of Affidavit on non-Russian involvement

## Article 2. Definitions

2.1 For the purposes of this Call for Expression of Interest, the following terms shall have the following meanings:

- 2.1.1. "Contracting Entity". 1.2 of this document.
- 2.1.2. "Respondent": means the person appointed as the contact person on behalf of the Candidate, as referred to in paragraph 9.2.3 herein.
- 2.1.3. "Phase A": is the current phase of the Tender which will be conducted as described in this Invitation and will be completed with the selection of the Pre-selected Economic Operators.
- 2.1.4. "Phase B": this is the phase of the Tender that follows the pre-selection of the Candidate Economic Operators (Phase A) and lasts until the end of the Contractor selection procedure and the award of the Service Contract, and is divided into two stages:
  - a) Stage B.I - Dialogue - and
  - b) Stage B.II - Submission of Binding Tenders - Award
- 2.1.5. "Binding Offer" or "Offer": is the offer, which the Pre-selected Entities will submit to Contracting Entity, in the context of this Tender, during Stage B.II of Phase B of this Tender, in accordance with the terms of the Invitation to Submit **Binding Offers**.
- 2.1.6. "Public": is the Greek State.
- 2.1.7. "Tender": means the procedure for the appointment of the Contractor, which started by means of the Contract **No. .... Publication of the Contract Notice in the Official Journal of the European Union on (date)**, the first phase of which is governed by this call, and the purpose of which is to award the Contract for the provision of public passenger transport services.

- 2.1.8. "Pre-selection Procedure": this is the procedure followed during this Phase A of the Tender.
- 2.1.9. "Dialogue": in the context of the competitive dialogue procedure, means the dialogue to be conducted between the Contracting Entity and the Pre-selected Entities during Stage B.I of Phase B of the Tender, in accordance with the terms of the Invitation to Participate in a Dialogue.
- 2.1.10. "Supporting documents": these are the documents that must be included in the Expression of Interest File, as described in the Call.
- 2.1.11. "Interested party": means any natural or legal person interested in taking part in this Tender.
- 2.1.12. "Group of Persons": means more than one natural or legal person or legal entity submitting a joint Expression of Interest Form, regardless of whether they have a specific legal form (e.g. a joint venture) or not.
- 2.1.13. "Tender Committee" : is the collective advisory body, constituted by the Contracting Entity for the award of the Service Contract and in particular, in this Phase A, for the examination of the Expression of Interest Files and their evaluation, in accordance with what is specifically mentioned in Article 11 of this Agreement.
- 2.1.14. "Date of Submission": is the date and time of posting in the "NEPPS - Supplies and Services" subsystem of each Expression of Interest, in accordance with par. 13.1 of the Call.
- 2.1.15. "Financial Statements": means the consolidated financial statements of the Candidate or, where there is no obligation to prepare consolidated financial statements, the simple (company) financial statements, as published in their full version (i.e. non-condensed), prepared in accordance with International Financial Reporting Standards, or, where there is no obligation to prepare them in accordance with International Financial Reporting Standards, in accordance with the accounting standards required or permitted by the applicable law of the country of registration. Where there is no legal obligation to publish financial statements, in addition to the unpublished financial statements, a relevant Affidavit of Non-Issuance (in accordance with ANNEX 6 hereof) and all the information required under this Call must be submitted. In the case of a foreign Candidate or its member, the Financial Statements should be accompanied by an official translation of the financial statements required by this document, as specified in paragraph 17.2 herein.
- 2.1.16. "Financial Statements for the last five (5) consecutive financial years": means the Financial Statements for the last five (5) consecutive financial years, which have ended prior to the Submission Date. In the event that the Financial Statements for a financial year have not been published, a Responsible Statement setting out the reasons for Non-Issuance and the audited unpublished Financial Statements with all the information required hereunder shall be submitted. In addition, if the last financial year has ended before the Submission Date and the Financial Statements for the last financial year have not been prepared and/or audited by the Submission Date, a Responsibility Statement shall be submitted stating the reasons why it was not possible to prepare and/or audit and the Financial Statements for the five (5) consecutive financial years immediately preceding the last financial year. In the case of companies that have been operating for less than five (5) years, the Financial Statements that exist up to the Submission Date will be provided and the financial information requested herein will be obtained on the basis of these Financial Statements for the years of operation.
- 2.1.17. "Pre-selected": means any Candidate who will have been pre-selected after the completion of this Phase A of the Tender and will be invited by the Contracting Entity to participate further in Phase B of the Tender.

- 2.1.18. "Invitation to Participate in Dialogue": is the invitation to participate in the Dialogue, which the Contracting Entity will address to the Pre-selected Entities in the context of Stage B.I of Phase B of the Tender.
- 2.1.19. "Call for expression of interest" or "Call": means this issue.
- 2.1.20. "Invitation to Submit Tenders": is the invitation to submit Binding Tenders, which the Contracting Entity will address to the Pre-selected Tenderers in the framework of Stage B.II of Phase B of the Tender.
- 2.1.21. "Bidder": means the Pre-selected Entity that has submitted a Binding Offer during Stage B.II of Phase B of the Tender.
- 2.1.22. "Consultants": means the consultants appointed for the Project by the Contracting Entity to assist it in the award process of the Service Contract, including those referred to in paragraph 1.9 hereof.
- 2.1.23. "Fare Collection System": means the automatic, electronic and/or intelligent system that allows the payment of the fare by the passenger using a personalized or non-personalized card of the Contracting Entity, or a credit/debit card, or an electronic purse on a smart phone or tablet.
- 2.1.24. "Affidavit": is the Affidavit of article 8 of Law no. 1599/1986, as its wording has been defined by the Decision of the Minister of Interior, Public Administration and Decentralization No. ΔΙΑΔΠ/ΑΙ/18368 (Government Gazette B' 1276/01.10.2002), which may be drawn up electronically, in accordance with the provisions of Articles 24 and 27 of Law 4727/2020 (Government Gazette A 184). In case the Candidate or the person making the declaration is a foreigner, the Affidavit is also understood as a sworn declaration before a competent judicial or administrative authority or a notary, in accordance with the law of the state of origin/residence of the Candidate or the person making the declaration. In the case of a legal entity, the Affidavit shall be signed by a legal representative of the legal entity or by a legally authorised person and the relevant authorising act (e.g. minutes of the Board of Directors) shall be attached. The Affidavit shall also bear a certificate of the authenticity of the declarant's signature, which is subject to the formalities set out in Article 17.3 of this Regulation.
- 2.1.25. "Candidate": means any economic operator (natural or legal person or association of persons) who submits a File of Expression of Interest

2.2 In this Call for expression of interest, unless otherwise indicated in the text:

- (a) Headings are given only for the purpose of organising the material and do not affect interpretation.
- (b) The definitions contained in this Article 2 or in individual terms of this Agreement shall apply to the whole of this Agreement.
- (c) The use of the singular shall be deemed to include the plural and vice versa, and the use of a gender shall be deemed to include all genders.
- (d) A reference to days shall be deemed to mean calendar days unless it is expressly stated that they are working days.
- (e) The calculation of the time limits set shall be made in accordance with the provisions of the Civil Code (Art.240 - 247 CC) and Regulation (EEC, EURATOM) No.1182/71 of the Council of 3 June 1971 determining the rules applicable to time limits, dates and deadlines.

### Article 3. Estimated value of the Contract for the provision of public passenger transport services

3.1 The estimated Value of the Public Passenger Transport Service Contract is based on the one hand on the projected transport work that the Contractor will perform per year and on the other hand on the passenger traffic as it will be recorded by the Automatic (Electronic) Fare Collection System (AFCS). The minimum work that the Contractor should be able to offer is estimated at 22.500.000 vehicle-kilometers per year. However, the Contracting Entity has the right to request a smaller project, but not more than 20%. In addition, the Contracting Entity is unilaterally granted an option to increase the project as follows:

- 3.1.1. Increase of up to 20% in regular passenger transport work compared to the above-mentioned minimum of 22.5 million vehicle-kilometers, which corresponds to 4.5 million vehicle-kilometers per year.
- 3.1.2. Award of additional transport work for flexible transport services in areas of responsibility of the Contracting Entity where regular public passenger transport is not justified due to low demand. This option may not exceed **10%** of the contractor's contractual fee per year corresponding to the regular passenger transport services, not including any option under Article 3.1.1 above. The award of the flexible services will take place after a minimum of 24 months from the start of the regular services, in order to allow for the necessary adjustment and balancing of the passenger traffic on the one hand and to complete the investigation and study by the Contractor of the necessity and feasibility of the flexible services and their approval by THETA S.A. on the other hand.

3.2 The Contractor's fee per year consists of two parts as follows:

- 3.2.1 The first part is determined by the work carried out in vehicle kilometers each year by the Contractor multiplied by the Unit Cost (UC) per vehicle kilometer which he has offered for the given year, plus the remuneration of any options.
- 3.2.2 The second part shall be determined by multiplying the number of passengers per year on board the Contractor's vehicles operating the services offered by the Contractor by an amount representing the Contractor's fee per passenger.
- 3.2.3 The number of passengers boarded per category will be determined by the Automatic Fare Collection System (AFCS).
- 3.2.4 The amount per passenger has been set at this stage for the purposes of determining the contract budget at €0.40 per person, not including the corresponding VAT. The final amount will be finalised during the second phase of the tender (Article 4 of this tender) by the Contracting Entity. An increase in the number of passengers on board will mean an increase in the Contractor's remuneration and there will therefore be a financial incentive to improve the services offered, including investments by the Contractor in infrastructure or technological equipment which are not an obligation under this contract. For the first year of services, the amount of the Contractor's fee corresponding to the number of passengers carried shall be fixed at €6.000.000 € i.e. 15.000.000 passengers. For the following years, the Contractor's fee will be the sum of €6.000.000 at 2024 prices plus the amount resulting from the product of the additional passengers in relation to those of the first year of service multiplied by the amount per passenger to be determined in the second phase of the tender. In the event of a reduction in the number of passengers in relation to the first year of operation, there will be a corresponding reduction in the Contractor's fee, determined in the same way. Except in the case where the reduction in the number of passengers is not due to the fault of the Contractor's services but is due to external causes (e.g. a pandemic).

- 3.2.5 The amount of the fee corresponding to the second part of this, i.e. the amount determined on the basis of the additional passenger traffic, will be given to the Contractor from a subsidy of the regular budget of THETA S.A. .
- 3.2.6 It is noted that both the vehicle kilometers performed and recorded by the Telematics system and the boarding data recorded by the Automatic Fare Collection System (AFCS) per transport service provider (selected by THETA S.A.) form the basis of the Contractor's compensation and that of the additional remuneration calculations based on passenger traffic and are not disputable. The treatment of specific cases, such as temporary failure of systems, will be the subject of the Dialogue and the relevant conditions will be incorporated in the contract text, and if there are additional relevant conditions, they will be incorporated in the contract text.
- 3.2.7 In case the Contractor, due to increased demand, is objectively obliged to increase the transport work beyond the minimum of paragraph 3.1, he will submit a relevant request to the Contracting Entity with the appropriate justification and the submission of the relevant data. The Contracting Entity will decide on the full or partial approval of the Contractor's request provided that the increase does not exceed 20% of the option in paragraph 3.1.1. The payment for this additional work will be made in the same way and at the same Unit Cost per vehicle-kilometer as for the remaining transport work of the regular services.
- 3.2.8 An increase in the transport work may be requested unilaterally by the Contracting Entity in order to improve the level of services offered. The increase may not exceed 5% of the work of paragraph 3.1 of this Article at any one time, so that the Contractor can respond within a reasonable period of time by finding the necessary additional vehicles and drivers. The Contracting Entity may request an increase of up to 5% after three months have elapsed since the previous increase, i.e. a maximum of 4 times per year. The maximum total increase of the project is determined by the percentage of the option in paragraph 3.1.1. The Contractor is obliged to increase the offered project if these conditions are met. The Contractor's fee for the additional work will be determined in the same way as for the other transport work of the regular services.
- 3.3 The unit cost (UC) per vehicle-kilometer of regular passenger transport has been set at 2.0 €/km at 2024 prices not including the corresponding VAT. This amount is the maximum allowed in 2024 prices. The pre-selected Candidates after the first phase of the tender (see Article 4 of this tender) will specify in their tender for each year the price of the UC per vehicle-kilometer at which they will be compensated. This amount will be adjusted annually on the basis of a percentage of the change in the Consumer Price Index (CPI).
- 3.4 Specifically, the change in the UC per year will be the product of the UC of the previous year multiplied by 75% of the change in the CPI of that year as determined by the official data of the Hellenic Statistical Authority and will apply retroactively from the 1<sup>st</sup> of January of each year. If the total change in the CPI over the ten-year contract period is therefore 20%, the price of the UC in the last year will be increased by 15% ( $20 \times 0.75$ ), i.e.  $2.0 \times 1.15 = \text{€}2.30/\text{km}$ .
- 3.5 In particular, for the change in the cost of fuel or energy in the case of electric buses, a fuel clause is foreseen, which will be calculated in relation to the corresponding reference price of diesel or energy price in force on the day of the signature of the contract. The fuel clause will be calculated separately from the variation of the UC due to the change in the CPI and the method of calculation will be defined in the second phase of the tender.
- 3.6 The price of 2.0 €/km does not apply in the case of the option in paragraph 3.1.2 above, i.e. the additional work of flexible transport services. The cost and consequently the fee for the additional work of these services will be determined following a relevant study to be carried out by the

Contractor following a relevant order by the Contracting Entity. The total cost of the flexible transport services must be lower than the corresponding cost of regular passenger transport in order to justify the activation of this option.

3.7 Any change in the remuneration for this additional flexible passenger transport service due to a change in the CPI will be calculated in accordance with paragraphs 3.3, 3.4 and 3.5 of this Article.

Table 1 shows the estimated value of the contract per year, amounting to 646.800.000€ plus VAT including options and the fuel clause. It does not include changes in the Consumer Price Index-

**Table 1. Estimated contract value per year with option and without VAT 13%**

<b>Year</b>	<b>Estimated value (€) without VAT</b>
Within 2025	50,000,000
2026	61,200,000
2027	65,700,000
2028	65,700,000
2029	65,700,000
2030	65,700,000
2031	65,700,000
2032	65,700,000
2033	65,700,000
2034	65,700,000
Within 2035	10,000,000
<b>Total</b>	<b>646,800,000</b>

## Article 4. Overview of the award procedure

### 4.1. General

- 4.1.1. Throughout the tender, the Contracting Entity will comply with the general principles deriving from the fundamental rules and principles of European Union (EU) law, including the free movement of goods, the right of establishment, the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality and mutual recognition.
- 4.1.2. The Contracting Entity shall offer free, full, immediate and free of charge electronic access to the documents of the Public Passenger Transport Service Contract from the date of publication of the tender notice. The Contract documents are available at the following web addresses:
- (a) In the special, publicly accessible, "electronic competitions" area of the portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr), as well as
  - (b) on the website of the Contracting Entity: <http://www.oseth.com.gr>.
- 4.1.3. The publication of the Contract Notice, in connection with this Call, in the Supplement to the Official Journal of the European Union (Art. 63 Law 4412/2016 and Art. 49 of Directive 2014/24/EU of the European Parliament and of the Council), marks the opening of the Tender for the award of the Public Service Contract for Passenger Transport.
- 4.1.4. The Tender will be conducted in accordance with the provisions of European Regulation 1370/2007, Article 267 of Law 4412/2016 ["Public Procurement of Works, Supplies and Services (adaptation to Directives 2014/24/EU and 2014/25/EU)" - Government Gazette A' 148/08.08.2016].
- 4.1.5. Taking into account the great social and economic importance of public passenger transport in today's reality and the achievement of specific objectives defined by the Strategic Plan of THETA S.A. and the approved Sustainable Urban Mobility Plans of the Thessaloniki region and in order to select the best contractor among the bidders taking into account the technical, legal and financial parameters of the service contract and the possible risks associated with them, the Tender is structured as follows:
- 4.1.6. The award procedure for this contract comprises two phases:
- (a) **Phase A** (pre-selection), governed by this Call, in response to which the Expression of Interest Form should be submitted in accordance with Article 9; and
  - (b) **Phase B** (dialogue and submission of tenders), which is further divided into sub-stages, namely:
    - (i) **Stage B.I**, which is governed by the Invitation to Participate in Dialogue; and
    - (ii) **Stage B.II** governed by the Invitation to Tender, which invites binding offers for the award of the Public Passenger Transport Service Contract.

### 4.2. Phase A (Qualification)

- 4.2.1. In the first phase of the Tender, interested economic operators should express their interest by submitting an Expression of Interest File, in accordance with the provisions of Article 9 of this Call for Tender.
- 4.2.2. The purpose of Phase A is to pre-select those Candidates who meet the Qualitative Selection Criteria set out in Article 7 of this Call, in particular those who meet the Personal Status Criteria (paragraph 7.2 of the Call) and demonstrate that they have, on the one hand, the required Financial and Economic Standing (paragraph 7.3 of the Call) and, on the other hand, the

required Technical and Professional Competence (paragraph 7.4 of the Call ) and the Suitability to pursue a Professional Activity (paragraph 7.5 of the Call ) for participation in the Tender and the award of the Contract.

4.2.3. The Contracting Entity will examine the Expression of Interest Files submitted and will invite all Candidates who meet the Qualitative Selection Criteria to participate in Phase B of the Tender, as described below.

4.2.4. Expressions of interest that are vague, contradictory, conditional or do not include all the essential requirements of this Call for Expressions of Interest will be rejected as inadmissible.

### **4.3. Phase B (Dialogue and Invitation to Tender)**

Phase B of the Tender comprises two distinct and consecutive stages, namely Stage B.I (Dialogue) and Stage B.II (Submission of Tenders), as more specifically set out below.

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

4.4.1. During Stage B.I of Phase B of the Tender, a letter will be sent by the Contracting Entity to the Pre-selected Tenderers, inviting them to receive the Invitation to Participate in a Dialogue. The Invitation to Participate in a dialogue will specify the conditions under which the dialogue will be conducted, the purpose of which is to assess the operational, financial or legal solutions that the market can offer and to explore and identify the means that can best meet the needs of the Contracting Entity in relation to the scope of the contract.

4.4.2. Indicatively, the Contracting Entity will conduct a dialogue with each of the Pre-Selected Entities on the main operational, financial and legal parameters of the scope of the contract, and may, at the discretion of the Contracting Entity, discuss all or some of the aspects of the Passenger Transport Service Contract.

4.4.3. At this stage, in order for the Pre-selected Entities to submit their comments or to prepare their proposals, the Pre-selected Entities will be provided, at the sole and free discretion of the Contracting Entity, with any information that is useful for describing the needs of the Contracting Entity in relation to the scope of the contract.

4.4.4. During the conduct of the Dialogue, the Pre-selected Entities, at the sole discretion of the Contracting Entity, will be invited, where appropriate, to comment on or propose the basic parameters for the performance of public passenger transport services, in accordance with the requirements set out by the Contracting Entity and/or to submit proposals for the optimal provision of the services they are invited to offer, in accordance with the provisions of the relevant Call for Participation in the Dialogue, and, where appropriate, to present them at meetings with the competent bodies.

4.4.5. Participation in the Dialogue is a necessary condition for the participation of the Pre-Selected Entity in Stage B.II of the Tender (Submission of Tenders), in accordance with the specific provisions of the Call to Tender.

4.4.6. During the Dialogue, the Contracting Entity shall ensure equal treatment of all Pre-Selected Entities by ensuring, inter alia, that the same accurate information is provided to the Pre-Selected Entities. Proposals, solutions and information in general that will come to the knowledge of the Contracting Entity from a Pre-selected Entity and which will be classified as confidential according to article 21 of Law 4412/2016, will not be disclosed to the other Pre-Selected Entities without its consent.

- 4.4.7. The Contracting Entity, having selected the proposals or solutions that best meet its needs, will declare the end of the Dialogue (Stage B.I of the Tender) and will inform the Pre-selected Entities that participated.
- 4.4.8. Stage B.I is completed with the approval by the Contracting Entity of all the terms and conditions of the public passenger transport services contract and the approval of the documents of the Invitation to Tender of the next and final Stage B.II of Phase B of the Tender.

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

- 4.5.1. After the end of Stage B.I, Stage B.II of the Tender starts. In particular, a letter will be sent by the Contracting Entity inviting the Pre-selected Entities to receive the Invitation to Tender, as finalised, on the basis of which Binding Tenders will be submitted. The Invitation to Tender shall set a reasonable time limit for the receipt of tenders, which shall be at least 30 days from the date of delivery.
- 4.5.2. Tenders will consist of a Financial and a Technical Offer.
- 4.5.3. The contents of the Technical Offer will be determined after the conclusion of the Competitive Dialogue and will be provided to the Pre-selected Bidders in the Invitation to Tender Documents.
- 4.5.4. The Financial Offer will be submitted in a predefined form which will also be given to the Pre-selected Tenderers in the Invitation to Tender Documents.
- 4.5.5. Detailed instructions for the completion of the Technical and Financial Offer will be given to the Pre-selected Tenderers in the Invitation to Tender Documents.
- 4.5.6. The evaluation of the tenders will result in the preferred tender based on the best value for money. The value of the Technical Bid will correspond to a minimum of 70% of the evaluation, while the value of the Financial Bid will correspond to a maximum of 30%. The exact apportionment of the percentages will be finalised after the dialogue with the preselected candidates and will be communicated to the tenderers in the documents of the invitation to tender.
- 4.5.7. Provisional Contractor will be the one with the highest overall score, and if it meets all the requirements set out in the Terms and Conditions of the Call for Tenders, he will be declared as the Contractor.
- 4.5.8. The Public Passenger Transport Service Contract will be signed between the Contracting Entity and the Contractor.
- 4.5.9. In case the Provisional Contractor is an Association of Persons, its members will participate in the share capital of the Company or Consortium to be established with the same participation percentages declared in the framework of the Tender.

### **Article 5. Award criteria**

- 5.1 The award criteria of the Public Passenger Transport Service Contract are related to its subject matter and ensure the evaluation of tenders under conditions of effective competition and in a manner that provides an overall economic advantage for the Contracting Entity and the Greek State.
- 5.2 The criterion for the award of the contract is the most economically advantageous tender based on the best value for money, assessed on the basis of criteria linked to the scope of the specific public contract.

- 5.3 With regard to the Technical Offer, the specific and individual award criteria of the Public Passenger Transport Service Contract, the weighting of each of them, their descending order of ranking and the correlation between them will be specified in the Invitation to Participate in the Dialogue (and in particular in the descriptive document attached to it) during Stage B.I of Phase B of the Tender. In the above specific and individual criteria, particular emphasis will be placed on the following:
- (a) Age and fuel of the fleet vehicles to be used by the Contractor. Newer vehicles will be rated more favorably than older vehicles. Similarly, cleaner vehicles (electric, hydrogen, etc.) will be scored more favorably than diesel vehicles.
  - (b) The transition period from the signing of the contract to the date of commencement of the services. The maximum and minimum periods will be determined in the second phase of the tender.
  - (c) The Contractor's proposed Business and Operations Plan, which will include the CVs of the executives who will assume managerial and other responsible positions in the Consortium/Company to be formed/incorporated, the training program, the marketing plan and other elements to be finalized in Phase B.
- 5.4 As far as the Financial Offer is concerned, the only criterion will be the price offered per vehicle-kilometer for each year at 2024 prices for the ten years of the contract. The amounts obtained for each year by multiplying the price of the UC by the minimum vehicle-kilometers will be discounted at 4% for tender evaluation purposes only. The lowest bidder will receive the highest mark in the financial evaluation, while the marks of the other bidders will be determined by the ratio of each bidder's financial offer to the financial offer of the lowest bidder.

## **Article 6. Right to Participate**

### **6.1. Terms and conditions of participation**

- 6.1.1. Natural or legal persons, or associations of natural and/or legal persons, are entitled to participate in the Tender and to submit an Expression of Interest File, provided that they themselves, or, in the 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 third countries which have signed and ratified the Agreement on Government Procurement, to the extent that the contract to be awarded is covered by Annexes 1, 2, 4 and 5 to the Agreement on Government Procurement and the General Notes of the Union-related Appendix 1 to said Agreement on Government Procurement, or in third countries which do not fall within the above cases and which have concluded a bilateral or multilateral agreement with the European Union; and
  - (b) meet the Qualitative Selection Criteria, which consist of the Personal Status Criteria, the Financial and Economic Competence Criteria, the Technical and Professional Competence Criteria and the Suitability to pursue a Professional Activity, in accordance with paragraph 7.5 hereof.
- 6.1.2. Candidates participating in the Tender in the form of an association of persons are not required to acquire a specific legal form for the submission of an Expression of Interest. During the Tender, however, the members of the association of persons shall be jointly and severally liable to the Contracting Entity for their obligations under the terms of this Tender. In the case of a Candidate Association of Persons, the percentage of membership of its members shall be declared in the Expression of Interest Form and shall, in the event of the Candidate being declared a Provisional

Contractor, constitute the binding percentage of each member's participation in the Consortium or company to be formed.

- 6.1.3. The same economic operator may not participate in more than one association of economic operators submitting a tender.

## **6.2. Affiliated Companies**

6.2.1. Where an Affiliate of a Candidate (as defined below) submits a separate Expression of Interest Form (i.e. participates in the Tender as an individual Candidate), or participates as a member of an Association of Persons submitting a separate Expression of Interest Form, then both of the above Candidates have the burden of proving to the Contracting Entity, to its satisfaction, that their submitted Expressions of Interest and subsequently, during the second phase of the Tender, the dialogue proposals and the Binding Offers, although separate, have not been affected by each other. Otherwise, the Contracting Entity may reject both or one of the Candidates at its discretion.

6.2.2. For the purposes of this Call, the term "Affiliated Company" means any company whose annual accounts have been consolidated with the accounts of the Candidate in accordance with the requirements of Law 4308/2014, " Affiliated Company" means any entity in relation to which the Candidate meets any of the following criteria (a) to (e):

(a) They have a majority of the voting rights of the shareholders, partners or members of the other entity (subsidiary entity).

(b) They have the right to appoint or remove a majority of the members of the administrative, management or supervisory body of the other entity (subsidiary entity) and is at the same time a shareholder, partner or member of that entity.

(c) They have the right to exercise a dominant influence over another entity (subsidiary entity) of which it is a shareholder, partner or member, either by virtue of a contract with that entity or by virtue of a provision in the instrument of incorporation.

(d) Is a shareholder, partner or member of the other entity; and either:

(d1) controls alone, by virtue of an agreement with other shareholders, partners or members of that entity (a subsidiary entity), a majority of the voting rights of its shareholders, partners or members; or

(d2) the following conditions apply cumulatively:

(i) A majority of the members of the administrative, management or supervisory bodies of that entity (subsidiary entity) who were in control during the current period, as well as during the preceding period and up to the date of the consolidated financial statements, have been appointed only as a result of the exercise of voting rights of that entity.

(ii) The voting rights held by the Candidate represent at least 20% of the total voting rights in the subsidiary entity.

(iii) No third party has the rights referred to in points (a), (b) or (c) of this paragraph in respect of that entity (subsidiary entity).

(e) They have the power to exercise, or actually exercises, dominant influence or control over the other entity (subsidiary entity).

### **6.3. Changes in the composition of the Pre-selected**

6.3.1. A change in the composition of the Pre-selected shall mean any of the circumstances listed below or a combination thereof:

- (a) the redistribution of the participation quotas 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 to the Association of Persons, or the formation of an Association of Persons by an individual Preselected,
- (d) the replacement of a third party on whose abilities the Preselected relies,

6.3.2. Any change in the composition of the Pre-Selected Entity shall be allowed after the finalization of the results of the Phase A Tender and only under the following conditions, as set out below and, as far as Phase B of the Tender is concerned, may be further specified or completed in the Invitation to Tender:

- (a) The change must be notified to the Contracting Entity in writing no later than one (1) month prior to the expiration of the initial or extended deadline for submission of Binding Offers and will be subject to the prior approval of the Contracting Entity, after consultation with the Tender Committee.
- (b) The Association of Persons will continue to meet all of the Qualification Criteria set out in Article 7 of the Invitation and any new member joining the Association of Persons must meet the Personal Status Criteria set out in paragraph 7.2 of the Invitation.
- (c) In the event of the entry of a new member into the Association of Persons or in the event of the replacement of the third party on whose capabilities the Proposer relies, any relevant notification to the Contracting Entity of a change in composition, as provided for in this Article, shall be accompanied by the supporting documents provided for in this Call in respect of the new member or the new third party.
- (d) No change in the composition of the Pre-selected Entity will be permitted during the last one (1) month prior to the expiration of the initial or extended deadline for submission of Binding Offers, except (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 Contracting Entity, provided that the Proposer continues to meet the Qualitative Selection Criteria set out in Article 7 of the Call.
- (e) The Tender Committee will re-evaluate, in order to express its opinion, whether or not the shortlisted candidate continues to meet in full the Qualitative Selection Criteria set out in Article 7 of the Call. In the event that the above re-evaluation results show that the shortlisted candidate does not meet all the terms and conditions for participation and the Qualitative Selection Criteria set out herein, the shortlisted candidate will be excluded from the competition.
- (f) Conditions (a) to (e) above apply cumulatively. Any breach of the conditions set out above will result in the Pre-Selected Entrant being disqualified from the Tender.

### **6.4. Offshore companies**

Offshore companies or associations of persons or natural persons that are resident, have their registered or effective seat or have an establishment in non-cooperating countries, as defined in article 65 of the Greek Income Tax Code (Law 4172/2013 as amended and in force) and listed in decision 1353/19.09.09.2019 of the Minister and the Deputy Minister of Finance (Government Gazette B' 3558/23.09.2019), do not meet the requirements for participation in the Tender either individually

or as members of an association of persons or as partners or shareholders holding more than 1% of the share capital of an economic entity that is a Tenderer or a member of a Tenderer's association of persons.

### **6.5. Exemption from liability**

The Contracting Entity or any of its advisors, or its representatives, or agents, or employees, or officers, or invitees, shall be exempt from any liability or obligation to pay any costs or expenses incurred by the Association of Entities or any member of the Association of Entities or any Candidate, as the case may be, as a result of its exclusion or the cancellation of the Tender as provided for in Article 15 of the Invitation to Tender. No person, including any Interested Party, shall acquire against the Contracting Entity or its consultants or agents, or employees, or officers, or invitees, any right or claim for damages or other relief of any kind under this Invitation, or from participation in the Tender, for any reason or cause whatsoever, including any error, or misstatement, or misrepresentation, or omission by this Invitation.

### **6.6. Guarantee of participation in the procedure**

For participation in the first phase of the Tender, the Candidates are not required to submit a letter of guarantee. It should be noted that for the participation of the Candidates in the Binding Bid stage, the Candidates will be required to deposit a letter of guarantee in accordance with the specific terms of the above Call for Binding Offers.

## **Article 7. Qualitative selection criteria**

### **7.1. Introduction**

- 7.1.1. This Article sets out the qualitative selection criteria that Candidates must meet ("Qualitative Selection Criteria") which consist of the following: (a) Personal Criteria, as set out in paragraph 7.2 below, (b) Financial and Economic Standing Criteria, as set out in paragraph 7.3 below, (c) Technical and Professional Competence Criteria as set out in paragraph 7.4 below, and (d) Suitability to pursue a Professional Activity as set out in paragraph 7.5 below.
- 7.1.2. Compliance with the Qualitative Selection Criteria is an ongoing requirement, which must be met after the submission and evaluation of the Expression of Interest and throughout the duration of the Tender. Bidders in Phase B will be required to include in their Binding Bid an attestation that they continue to meet the above criteria.

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

- 7.2.1. Candidates must cumulatively meet the Personal Status Criteria described below. In the case of an association of persons, the fulfilment of the Personal Qualification Criteria shall be examined in relation to each member of the association of persons separately. Candidates who do not meet any of the requirements of this Article or who are found to have made false or inaccurate statements in this respect will be disqualified.
- 7.2.2. The Contracting Entity shall exclude Candidates from the Tender, if it becomes aware that there is a final and irrevocable conviction against them (or against a member of them, 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 (EU L 300, 11.11.2008, p.42),
  - (b) corruption as defined in Article 3 of the Convention against Corruption involving officials of the European Communities or officials of Member States of the Union (EU C 195, 25.6.1997, p. 1) and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating

corruption in the private sector (EU L 192, 31.7.2003, p. 54), as well as as defined in the applicable legislation or in the national law of the economic operator,

(c) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (EU C 316, 27.11.1995, p. 48), ratified by Law 2803/2000 (A' 48),

(d) terrorist offences or offences linked to terrorist activities, as defined, respectively, in Articles 3-4 and 5-12 of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (EU L 88/31.03.2017) or instigating or aiding and abetting or attempting to commit a crime, as defined in Article 14 thereof, and the crimes of Articles 187A and 187B of the Criminal Code, as well as the crimes of Articles 32-35 of Law No. 4689/2020 (A'103),

(e) money laundering or terrorist financing, as defined in Article 1 of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC and the crimes of articles 2 and 39 of Law 4557/2018 (A' 139),

(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, 15.4.2011, p. 4198/2013 (A' 215).

Candidates shall also be disqualified where the person against whom a final and irrevocable conviction has been passed as referred to above is a member of the administrative, management or supervisory body of the economic operator concerned or has powers of representation, decision-making or control within that body. In the case of limited liability companies (LLCs), partnerships (GPs, LPs) and private limited liability companies (PCs), the obligation in the previous subparagraph shall apply to managers. In the case of Société Anonymes (SAs), this obligation applies to the Managing Director, as well as to all members of the Board of Directors. In the case of cooperatives, this obligation applies to the members of the board of directors.

7.2.3. In addition, any Candidate is excluded from participation in the Tender if the Contracting Entity:

(a) is aware that the Candidate (or a member thereof) has defaulted in the payment of taxes or social security contributions and that this has been established by a judicial or administrative decision with final and binding effect, in accordance with the provisions of the country where the Candidate is established or national legislation,

(b) can prove by appropriate means that such Candidate (or a member thereof) has failed to comply with its obligations to pay taxes or social security contributions,

(c) knows or can prove by appropriate means that they have been imposed on the Candidate (or its member) within a period of two (2) years prior to the deadline for submission of the Expression of Interest Form:

(i) three (3) acts imposing fines by the competent control bodies of the Labour Inspectorate for violations of labour legislation that are characterized, according to the ministerial decision 2063/Δ1632/2011 (B' 266), as currently in force, as "high" or "very high" severity, which result cumulatively from three (3) audits carried out, or

(i) two (2) acts of imposition of fines by the competent inspection bodies of the Labour Inspectorate for violations of labour legislation concerning undeclared work, which result from two (2) inspections carried out.

The sanctions under (i) and (ii) must have acquired final and binding effect.

If the Candidate is a Greek citizen or has his/her residence in Greece, his/her obligations regarding social security contributions cover both main and supplementary insurance.

The above para. (b) of this par. 7.2.3 shall cease to apply when the economic operator has fulfilled its obligations either by paying the taxes or social security contributions due, including, where applicable, accrued interest or penalties, or by entering into a binding arrangement for their payment.

7.2.4. A Candidate will be disqualified from participating in the Contest if any of the following conditions are met:

(a) If the Contracting Entity can prove by appropriate means that the Candidate (or one of its members) has failed to comply with the obligations provided for in paragraph 2 of article 18 of Law 4412/2016 (obligations arising from the provisions of environmental, social security and labour legislation, which have been adopted by EU law, national law, collective agreements or international provisions of environmental, social and labour law, which are listed in Annex X of Law 4412/2016).

(b) If the Candidate (or its member) is bankrupt or is the subject of a reorganisation procedure or a special winding-up procedure or is being administered by a liquidator or by a court, or is the subject of an arrangement with creditors or has suspended business activities or is in any analogous situation arising from a similar procedure provided for in national legislation. However, the Contracting Entity may not exclude an economic operator which is in one of the situations referred to in the above case, provided that the Contracting Entity has proved that the economic operator in question is capable of performing the contract, taking into account the applicable provisions and measures for the continuation of its business operations (par.5 article 73 of Law 4412/2016).

(c) If a situation of conflict of interest within the meaning of Article 24 of Law 4412/2016 ["Conflicts of interest (Article 24 of Directive 2014/24/EU)"] cannot be dealt with effectively by other, less intrusive, means.

(d) If a situation of distortion of competition resulting from the prior participation of economic operators in the preparation of the procurement procedure, as defined in Article 48 of Law 4412/2016 ["Prior involvement of candidates or tenderers (Article 41 of Directive 2014/24/EU)", cannot be remedied by other, less intrusive, means.

(e) If the Candidate (or its member) has shown serious or repeated default in the performance of an essential requirement under a previous public contract, a previous contract with a contracting entity or a previous concession contract, resulting in early termination of the previous contract, damages or other similar sanctions.

(f) If the Candidate (or its member) has been found guilty of serious misrepresentation in supplying the information required to establish the absence of grounds for exclusion or the fulfilment of the selection criteria, has concealed such information or is unable to provide the required documents in support of such information. And

(g) if the Candidate (or a member thereof) attempts to improperly influence the decision-making process of the Contracting Entity, obtain confidential information that may give it an unfair advantage in the process of awarding the Service Contract or negligently provide misleading information that may materially affect decisions regarding the exclusion, selection or award of the Contract.

7.2.5. An economic operator shall also be excluded from participation in the procedure for the award of this contract if the conditions for the application of par. 4 of Article 8 of Law No. 3310/20054, as in force - a purely national ground for exclusion. The obligations set out herein apply to Société anonymes submitting a tender individually or as members of an association or participating in the share capital of another legal entity submitting a tender, or to foreign legal entities corresponding to a public limited liability company.

Exempted from this obligation are: a) companies listed on the stock exchanges of member states of the European Union or the Organisation for Economic Co-operation and Development (OECD), b) companies whose voting rights are controlled by one or more investment firms, asset/fund managers or private equity firms, provided that the latter companies control a total of more than seventy-five percent (75%) of the voting rights of the company.

7.2.6. This contract may not be awarded to:

(a) a Russian citizen or a natural or legal person, entity or body established in Russia;

(b) a legal person, entity or body in which more than 50% of the ownership rights are owned directly or indirectly by an entity referred to in point (a) of this paragraph; or

(c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b) of this paragraph, including, where they account for more than 10% of the value of the contract, subcontractors, suppliers or (third party) entities on whose capacities it relies, within the meaning of the public procurement directives."

7.2.7. The Contracting Entity shall exclude an economic operator at any point in time during the Tender procedure, when it is proven that the economic operator is, due to its acts or omissions, either before or during the procedure, in one of the situations of the previous paragraphs 7.2.2 to 7.2.6 of this Article.

7.2.8. If the period of exclusion has not been determined by a final decision, in the cases referred to in paragraph 7.2.2 this period is five (5) years from the date of the conviction by final decision, and in the cases referred to in paragraph 7.2.4 it is three (3) years from the date of the relevant event.

7.2.9. Candidate, which has been imposed, either on him/her (if it is an individual natural or legal person), or on one of its members (if it is an association of persons), through to a joint ministerial decision of article 74 of Law 4412/2016, the penalty of exclusion, is automatically excluded from this Tender.

7.2.10. Any Candidate (or member thereof) who falls under one of the situations referred to in paragraphs 7.2.2 and 7.2.4, other than in case b) above, may provide evidence to demonstrate that the measures taken sufficiently demonstrate its reliability, notwithstanding the existence of the relevant ground for exclusion. If the evidence is considered sufficient, the Candidate in question shall not be excluded from the Tender. To this end, the Candidate (or a member thereof) shall prove that they have paid or committed to pay compensation for any damage caused by the criminal offence or misconduct, that they have clarified the facts and circumstances in a comprehensive manner through active cooperation with the investigating authorities, and that they have taken specific technical, organisational and personnel measures appropriate to avoid further criminal offences or misconduct. The measures taken by the Candidates (or members thereof) shall be assessed in relation to the seriousness and specific circumstances of the criminal offence or misconduct. If the measures are considered inadequate, the Candidate shall be informed of the reasons for the decision. A Candidate who (himself or herself or a member thereof) has been excluded, by final decision, from participation in procedures for the award of a public contract or a works contract, supply of goods or provision of services within the meaning of the provisions of Art. 74 of Law 4412/2016 or a

concession contract, may not make use of the possibility provided under this paragraph during the period of exclusion specified in that decision in the Member State in which the decision is in force.

- 7.2.11. The decision of the Contracting Entity to determine the adequacy or otherwise of the corrective measures, as referred to in the previous paragraph, shall be issued after the Committee referred to in 9 of Article 73 of Law 4412/2016, which is issued within a period of thirty (30) days from the receipt of the Contracting Entity's draft decision by said Committee, accompanied by all relevant information. Upon expiry of the above deadline, the Contracting Entity shall exclude the Candidate in question from the Tender. The decision of the Contracting Entity, as well as the decision by which appeals against it are accepted, shall be communicated to the Single Public Procurement Authority (HSPPA).
- 7.2.12. In the event that the Candidate (or a member of a Candidate Association of Persons) relies on the Financial and Economic Standing or the Technical and Professional Competence of a third party for the fulfilment of the Financial and Economic Standing or Technical and Professional Competence Criteria, respectively, in accordance with Article 8 hereof, the Personal Status Criteria, as defined above, must also be fulfilled in the person of such third party.

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

- 7.3.1. Each Candidate must demonstrate during the first phase of the Tender that they have the financial and economic standing and capacity to ensure the financing of the implementation of the scope of the Service Contract ("Financial and Economic Standing Criteria"). In this context, Candidates must demonstrate in the Expression of Interest File the following in this paragraph 7.3 below.
- 7.3.2. In case the Candidate is a natural person, they must prove that they have direct personal ownership and possession of available, marketable and free of encumbrances financial instruments (the "Net Personal Property"), with a total market value exceeding the amount of thirty million euros (€30,000,000). For the determination of the Net Personal Property, the following shall be taken into account, without limitation:
- (a) cash deposits in banks or other financial institutions legally operating in EU, EEA or OECD member states; and/or
  - (b) marketable and transferable securities.
- 7.3.3. In case the Candidate is a legal entity (with the exception of paragraph 7.3.4 below), it must demonstrate that it meets the following requirements:
- The average annual turnover (passenger transport services), as evidenced by the Financial Statements for the years 2019-2020-2021-2022-2023, must exceed thirty million euros (>30.000.000.000 €) in 2023 prices.
- 7.3.4. In the case of a Candidate or its member, which is a fund, they must be proven to meet the following requirement:
- The sum of invested and available for investment capital, including undisbursed committed capital (the "Total Capital"), in the last audited financial year prior to the date of publication of this Call, exceeds the amount of thirty million euros (€30,000,000) at 2023 prices.
- 7.3.5. For the purposes of 7.3.3 and 7.3.4,
- (a) no reliance will be accepted for a financial year ending before 1 January 2019; and
  - (b) the relevant results shall be extracted from the Financial Statements of the last five financial years (as defined in paragraph 2.1.15) of the audited economic operator.

(c) By way of exception, as regards the fund referred to in par. 7.3.4, if the relevant information is not available from the relevant financial statements, it may be certified by a certificate or report of a statutory auditor.

- 7.3.6. If the Candidate is an association of persons, the above criteria are met if the weighted total, calculated as the sum of the average annual turnover of all the members of the association of persons (or if the member of the association of persons is a natural person, the Personal Net Worth, or if the member of a Persons' Association is a fund, the Total Funds), weighted for each member of the Persons' Association in proportion to its participation in the Persons' Association (expressed as a decimal number), exceeds EUR thirty (30) million at 2023 prices.
- 7.3.7. In the case of an association of persons, at least one member of the association must meet the five-year experience requirement and provide financial statements for at least five years with a cumulative average turnover (passenger transport services) of eighteen million euros (€18,000,000) at 2023 prices or at least 60% of the required total amount of 30,000,000 euros (€30,000,000).
- 7.3.8. In case the Candidate (or a legal entity that is a member of it) has merged with any company from 1 January 2019 onwards, the aforementioned Financial and Economic Fitness Criteria may also be satisfied on the basis of pro-forma financial statements, prepared on the assumption that the merger or acquisition took place on 1 January 2019.
- 7.3.9. The figures of any nature that refer to past years and are used for the purposes of monitoring the fulfilment of the Financial and Economic Soundness criteria are updated to the year 2023 using the corresponding values of the Consumer Price Index given by Hellenic Statistical Authority.

#### **7.4. Technical and professional competence criteria**

Each Candidate or, in the case of an Association of Persons, the person holding at least 50% +1 must independently meet and demonstrate its compliance with the technical and professional competence criteria set out in this paragraph 7.4, which are cumulative:

- (a) Specialised experience in the provision of urban and/or long-distance public passenger transport services by bus for at least five years during the last ten years including the year 2023.
- (b) Specific experience in the operation and/or use of Intelligent Transport Systems (Telematics - ITS) and in particular in monitoring and managing a fleet of passenger transport vehicles and in providing real-time information to the travelling public in the provision of the passenger transport services referred to in subparagraph (a) above for at least 3 years.
- (c) Special experience in the operation and/or use of an Electronic Fare Collection System in the provision of the public passenger transport services of subsection (a) above for at least 3 years.
- (d) To have signed at least one contract for the provision of regular public passenger transport services regarding urban or long distance services using telematics for the monitoring and management of a fleet of at least 100 buses and the provision of real-time information to the travelling public during the last five years.

#### **7.5. Suitability to pursue a Professional Activity**

- 7.5.1. Economic operators participating in the procedure for the award of this contract must be engaged in a commercial activity related to the subject of the contract.
- 7.5.2. Economic operators established in a Member State of the European Union are required to be registered in one of the professional or trade registers kept in their Member State of

establishment or to satisfy any other requirement set out in Annex XI of Appendix A of Law 4412/2016. Where economic operators are required to hold a specific authorisation or to be members of a specific organisation in order to be able to provide the service concerned in their country of origin, the Contracting Entity may require them to prove that they hold such authorisation or that they are members of such organisation or may require them to make a sworn statement before a notary public concerning the exercise of the profession in question.

- 7.5.3. In the case of economic operators established in a Member State of the European Economic Area (EEA) or in third countries which have acceded to the GPA, or in third countries not falling under the previous case and which have concluded bilateral or multilateral agreements with the EU in the field of public procurement procedures, they must be registered in the relevant professional or trade registers.
- 7.5.4. Economic operators established in Greece are required to be registered in the relevant commercial register.
- 7.5.5. In the case of an association of economic operators, the suitability to pursue a professional activity must be covered by all members of the association.

#### **7.6. Quality assurance standards and environmental management standards**

- 7.6.1. The Candidate or, in the case of an association of persons, the members of the association of persons who will become Contractors must possess or obtain the following certificates from accredited bodies before the start of the services:
  - i. ISO 9001:2015 "Quality Management System",
  - ii. ISO 45001:2018 "Health & Safety Management System Occupational Health and Safety at Work (OHSMS)",
  - iii. EN ISO 14001:2015 "Environmental Management System",
  - iv. EN 13816:2002 "Transport - Logistics and Services - Mass Public Transport - Definition of Quality of Service, Objectives and Measurements",
  - v. ISO 39001: 2012 "Road Safety Management Standard".
  - vi. ISO 27001: Information Security Management System (ISMS)
- 7.6.2. The relevant accreditations should be made in the name of the Contractor or in case of Association of Persons in the name of the Consortium or the company to be established.
- 7.6.3. The Contracting Entity shall recognise equivalent certificates issued by bodies accredited by equivalent Accreditation Bodies established in other Member States. It shall also accept other evidence of equivalent quality assurance measures where the economic operator concerned has not been able to obtain such certificates within the relevant time limits for reasons beyond its control, provided that the economic operator demonstrates that the proposed quality assurance measures meet the required quality assurance standards.

#### **Article 8. Involvement of resources of third-party economic operators - Subcontracting**

- 8.1 Candidate economic operators shall, as regards the criteria of financial and economic standing referred to in par. 7.3 and the criteria relating to technical and professional capacity referred to in paragraph 7.4 of this Call, may rely on the capacities of other entities ('the Third Party'), irrespective of the legal nature of its links with them. Under the same conditions, an association of persons may rely on the capacities of the participants in the association or of other entities.

- 8.2 The names of these Third Parties shall be given in the letter of expression of interest, in accordance with the model set out in ANNEX 2 of the Call.
- 8.3 In this case, the Candidates must prove to the Contracting Entity that they will have at their disposal the necessary resources and means from the Third Party providing the relevant capacities (Financial and Economic Standing or Technical and Professional Capacity), throughout the duration of the Service Contract, by presenting a relevant commitment from said Third Party, in accordance with paras. 8.5 and 8.6 hereof.
- 8.4 Third Parties may be natural or legal persons, or associations of persons, provided that they are themselves, or in the case of an association of persons, their members:
- (a) are established as provided for in par. 6.1.1 (a) of this Call, and
  - (b) meet the Personal Status Criteria (as defined in paragraph 7.2 of this Call).
- 8.5 With regard to Financial and Economic Standing, the Candidate and the Third Parties providing the relevant capacities shall be jointly responsible for the performance of the Public Service Contract for Public Passenger Transport, each of them being jointly and severally liable to the Contracting Entity. The Expression of Interest File shall include an Affidavit, signed by the legal representative of the Third Party providing the relevant capacities, in which it undertakes to place all the necessary resources at the disposal of the Candidate throughout the tender procedure and, in the event that it is selected as Provisional Contractor, for the entire duration of the Contract (as specifically provided for therein) and that it will be liable to the Contracting Entity in the event that the conditions described in this paragraph are not met (ANNEX 3, Third Party Financial and Economic Standing Invocation), which shall in any case be considered sufficient proof.
- 8.6 With regard to Technical and Professional Competence, the Candidate and the Third Parties providing the relevant competences must demonstrate that the Third Party will be actively involved, where appropriate and depending on the capacity provided (specific experience in the execution of a public passenger transport project using intelligent transport systems for fleet monitoring and public information and intelligent fare collection), in the implementation of the scope of the Contract. The Expression of Interest File shall include an Affidavit, signed by the legal representative of the Third Party providing the relevant capacities, stating that it commits itself to putting all the necessary resources, know-how and means at the disposal of the Candidate for the implementation of the entire scope of the Contract (and not in parts), through the conclusion of the relevant contract, and that it will be liable to the Contracting Entity in the event that the conditions described in this paragraph are not met (ANNEX 4, Invocation of Technical and/or Professional Competence of Third Parties), which shall in any case be considered as sufficient proof.
- 8.7 Furthermore, the Third Party should submit all the documents provided for in par. 9.4 (Sub-Folder B - Supporting Documents for the Documentation of Personal Status Criteria) and, where applicable, the relevant documents from those provided for in paragraph 9.4. 9.5 (Subsection C - Supporting documents to substantiate the financial and economic standing) or in paragraph 9.5 (Subsection C - Supporting documents for the financial and economic standing) or in paragraph 9.5 (Subsection C - Supporting documents to substantiate the financial and economic standing). 9.6 (Subsection D - Documentation of technical and professional competence criteria). The "Third Party Entity" must participate in the same manner after the signing of the contract and commencement of services with that given in the Contractor's bid.
- 8.8 The issues relating to the assignment by the Contractor of part of the scope of the contract to a Subcontractor, are the subject of Phase B of the Tender.

## Article 9. Content of the Expression of Interest

### 9.1. General

9.1.1. The Expression of Interest File will consist of five (5) separate Sub-Folders, which will contain the documents described below and will be marked accordingly:

(a) Sub-Folder A shall include the Letter of Interest, in accordance with paragraph 9.2 below, and the legal documents, in accordance with paragraph 9.3 below.

(b) Sub-Folder B will contain the information/documents required in paragraph 9.4 to demonstrate the Candidate's compliance with the Personal Status Criteria.

(c) Sub-Folder C will contain the information/documents required under paragraph 9.5 to demonstrate the Candidate's compliance with the Financial and Economic Standing Criteria.

(d) Sub-Folder D will contain the information/documents required under paragraph 9.6 to demonstrate the Candidate's compliance with the Technical and Professional Competence Criteria.

(e) Sub-Folder E will contain the information/documents required under paragraph 9.7 to demonstrate the Candidate's compliance with the Criteria for Suitability to pursue a Professional Activity.

9.1.2. In relation to the Supporting Documents provided for in this Article 9 of the Call, the following applies:

(a) Supporting documents must be submitted either in original documents or in legally certified copies, as appropriate and in accordance with the more specific provisions of the Call. The Supporting Documents shall be submitted in accordance with the provisions of Law No. **4250/2014 (A'94)** In particular, the Supporting Documents which are private documents may be accepted in a simple photocopy, provided that they are accompanied by an Affidavit certifying their accuracy.

(b) Where templates are provided as to the form and content of the Supporting Documents in the Annexes to the Call, these templates must be followed in their essential content.

(c) If any of the Supporting Documents is not issued in the country where the Candidate (or, in the case of an association of persons, its member) is established or located, the latter is required to submit an Affidavit of Non-Issuance (in accordance with the model set out in ANNEX 6 of the Call). In the same declaration, the Candidate (or, in the case of an association of persons, its member) must also certify the facts that would be the subject of the non-issuance of the certificate, in accordance with the requirements of the Call.

(d) All documents required or provided for under this Article shall either show the amounts of money in EURO (€) or be accompanied by annexes in which the amounts shown in monetary units other than EURO (€) shall be shown in EURO (€) together with an indication of the exchange rate applied. Please note that the Candidate must convert the required amounts into EUR and present the exchange rate used for the conversion into EUR, which should be the exchange rate of the last working day of each financial year for the cases referred to in paragraph 7.3.3 and 7.3.4, while for the case of paragraph 7.3.2 it should be the exchange rate of the date on which the relevant Documentary evidence of financial and economic standing has been issued.

(e) All Supporting Documents must have been issued and (where applicable) validated within the last three (3) months prior to the Submission Date, unless they are documents or certificates from other bodies or authorities attesting to earlier facts or circumstances (such as certificates of performance of works, contracts, etc.) or unless otherwise provided for in this Call.

- (f) In the case of an association of persons, the Supporting Documents referred to in the following paragraphs shall be submitted in full for each member of the association.
- (g) All affidavits submitted with the Expression of Interest File are acceptable if they are drawn up to three (3) months before their submission to the Contracting Entity. All the affidavits submitted with the Expression of Interest File are also admissible if they are drawn up after the publication of a summary of this Call in the Supplement to the Official Journal of the EU, unless otherwise specified herein.
- (h) Each Annex submitted pursuant to this Invitation constitutes an Affidavit, with the consequences of Law 1599/1986, as evidence of the matters referred to therein.
- (i) The submission of the Supporting Documents is mandatory and failure to submit them will disqualify the Candidate from the Tender. The same shall apply if it is established that the Candidate or a member of an association of persons has made a false or inaccurate statement in relation to the Supporting Documents.
- 9.1.3. All foreign public documents submitted will bear the 'Apostille' in accordance with the Hague Convention of 5 October 1961, ratified by Law 1497/1984, in order to certify their authenticity, and will be accompanied by an official translation in Greek. It is clarified that this wording concerning the above-mentioned annotation applies to those documents which are considered as public documents according to Article 1 of the above-mentioned Treaty and in particular: (i) documents originating from an authority or public official of a judicial organ of the State, (ii) administrative documents, (iii) notarial documents and (iv) official certificates, such as registration certificates, endorsements for a definite date and signature certifications made on a private document.
- 9.1.4. Foreign public documents originating from (i) States Parties to the Hague Convention of 5 October 1961, but excluded from the scope of that Convention or (ii) from states which have not acceded to the Hague Convention must be endorsed by either the Greek consular authority in the state of origin or by the consular authority of that state in Greece, with the signature of the diplomatic official of the foreign consular body being certified by the Certification Department of the Translation Service of the Ministry of Foreign Affairs. In the case of documents of states for which Greece has expressed objections to their accession to the Hague Convention, the validation is carried out only by the relevant Greek consular authority in the state in question.
- 9.1.5. When submitting the Expression of Interest, Candidates shall submit the European Single Contract Document (ESCD), which has been posted in .xml and .pdf format on the NEPPS portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) and constitutes an integral part of this document, in accordance with the provisions of Article 79 par. 1 of Law 4412/2016. ESCD is an updated Affidavit, with the consequences of Law 1599/1986 (A'75), and constitutes a preliminary proof to replace the certificates issued by public authorities or third parties, confirming that the economic operator concerned fulfils the following conditions:
- (a) none of the grounds for exclusion set out in paragraph 7.2 hereof apply,
  - (b) meets the relevant Quality Selection Criteria established in accordance with paragraphs 7.3, 7.4 and 7.5 hereof, as applicable.
  - (c) submit an accompanying Affidavit to the ESCD (in accordance with Annex 12 hereto) on non-Russian involvement
- 9.1.6. At the time of submission of the ESCD, preliminary proof of the grounds for non-exclusion referred to in paragraph 7.2 of this Article may be furnished, by the signature of the representative of the economic operator concerned, for all natural persons who are members of its administrative, managerial or supervisory body or who have powers of representation,

decision-making or control over it. For the purposes of this Regulation, the representative of an economic operator shall be its legal representative, as indicated in its current articles of association or its instrument of representation at the time of submission of the Request for Expression of Interest, or the natural person duly authorised to represent the economic operator.

9.1.7. Furthermore,

(a) In case of submission of an Expression of Interest File by an association of persons, the European Single Contract Document (ESCD) shall be submitted separately by each member of the association.

(b) In case the Candidate declares in the European Single Contract Document (ESCD) its intention to subcontract, it shall submit together with its own ESCD and the ESCD of the subcontractor.

(c) In case the Candidate relies on the capacities of one or more economic operators, the Candidate shall submit together with its own ESCD the ESCD of each economic operator on whose capacities it relies.

(d) Detailed instructions for the completion and submission of the ESCD are given in ANNEX 11 of this Call.

## **9.2. Sub-Folder A (Section I) - Letter of Interest**

9.2.1. The Letter of Interest must have the minimum content of the model set out in ANNEX 2 of the call and be signed (where applicable) as follows:

(a) In the case of an individual Candidate, by the Candidate (natural person) or the Candidate's legal representative (legal person) who either has general power of representation or has been specifically authorised to sign it by the competent body.

(b) In the case of an association of persons,

- i. by all members of the Association of Persons, natural or legal persons, as the latter are represented by their legal representative, who either has general power of representation or has been specifically authorised to sign by the competent body,
- ii. otherwise by the designated common representative of all members of the Association of Persons, who shall have been duly authorised for this purpose by all members of the Association of Persons, in accordance with the provisions of par. 9.3.3 (h).

9.2.2. The abovementioned Letter of Interest shall be accompanied by a list of the attached supporting documents, as distributed in Sub-Folders A to E, in accordance with this Article.

9.2.3. Each Candidate is required to appoint a person as a Respondent, with whom the Contracting Entity (through its representatives or advisors) may communicate for the purposes of the Tender. The full name and contact details of the Respondent must be mentioned in the Letter of Interest, including the postal address, landline telephone number, fax number and e-mail address of the Respondent. An Affidavit of acceptance of appointment by the person appointed as the Respondent will be attached.

## **9.3. Sub-Folder A (Section II) - Legal documents**

9.3.1. Subfolder A also contains the legal documents and the relevant authorisations of the Candidate, which document the authority to sign the Letter of Interest on behalf of the Candidate. The legal documents referred to above are specified below.

9.3.2. In case of an individual Candidate legal entity, minutes of a meeting of the Candidate's Board of Directors, in the case of a Société Anonyme, or minutes of the Administrators, in the case of a

LLC or a PC or a PG or a LP, or any other legal document according to the law or the statutes of the Candidate legal entity, according to which:

- (a) The submission of the Candidate's Expression of Interest in the Tender, in accordance with the terms of this Call for Expression of Interest, is hereby approved.
- (b) The Candidate accepts all responsibilities and obligations for any matter relating to the expression of interest in the Competition.
- (c) It is declared that the Candidate has read and unreservedly accepts the terms of this Call for Expression of Interest.
- (d) A declaration that the Candidate is eligible to submit an Expression of Interest and that there are no corporate, competitive or other legal restrictions that prevent the Candidate from submitting the Expression of Interest File.
- (e) A declaration that the participation of the Candidate in the Tender takes place at the sole responsibility and expense of the Candidate and that no right of indemnification by the Contracting Authority or its consultants arises from the Candidate's participation in the Tender as such.
- (f) A declaration that all information, statements and supporting documents or other accompanying documents submitted with the Expression of Interest are true and accurate and that no information relating to the Tender and the Candidate has been withheld.
- (g) The Candidate undertakes to establish, in the event of being appointed as an Provisional Contractor, a Public Passenger Transport Service Company.
- (h) The appointment of a representative for the Tender ("the Tender Representative and Tender Coordinator") and his/her alternate, with authority to sign in a manner binding on the Tenderer all Tender documents, including the Affidavits required hereunder, and to take such other actions as are specified herein,
- (i) A specific natural person is appointed as the Respondent, who resides within the boundaries of the Regional Unit of Thessaloniki (with full contact details (full name, address, telephone number, fax number, etc.).

In the case of a Candidate foreign legal entity, a decision of the governing body, according to the law or its articles of association, or any other legal document containing the information mentioned above, under items (a) to (i), shall be submitted.

9.3.3. In the case of a legal person participating in an Association of Persons, the minutes of a Resolution of the Board of Directors, in the case of a Société Anonyme, or a Resolution of the Administrators, in the case of a LLC or a PC or a PG or a LP, or any other legal document according to the law or the Articles of Association, for each member of the association, by which:

- (a) The submission of an Expression of Interest File as a member of the Candidate in the Competition, in accordance with the terms of this Call for Expression of Interest, is hereby approved.
- (b) The membership percentage of the member in the Candidate shall be determined and the membership percentages of the other members of the Candidate shall be accepted.
- (c) The member accepts all responsibilities and obligations for any matter relating to the expression of interest in the Contest, jointly, severally and jointly and severally with the other members of the Candidate.

(d) A declaration that the member has read and unconditionally accepts the terms of this Call for Expression of Interest, being jointly and severally bound with the other members of the Candidate.

(e) A declaration that the member is eligible, as a member of the Candidate, to submit an Expression of Interest and that there are no corporate, competitive or other legal restrictions that prevent the Candidate from submitting the Expression of Interest File.

(f) A declaration that the participation of the member in the Tender is at the sole risk and expense of the member and that no right of indemnification by the Contracting Entity or its advisors arises from the member's participation in the Tender as such.

(g) A declaration that all information, statements and supporting documents or other accompanying documents submitted with the Expression of Interest are true and accurate and that no information relating to the Tender, the Member and the Candidate has been withheld.

(h) A declaration that the member undertakes to form the Consortium or Company jointly with the other members of the Candidate, in case of its being declared as a Provisional Contractor, and that the percentage of each founding shareholder of the Consortium or Company will be the same as the percentage of its declared participation as a member of the Candidate.

(i) The appointment of a representative of the Candidate common to all members ("the Joint Representative and Candidate Coordinator") and an alternate representative, with authority to sign in a manner binding on the Candidate (Association of Persons) all Affidavits, including the Responsible Statements required herein, and to take such other actions as are specified herein.

(j) A specific natural person is appointed as the Candidate's Respondent, who resides within the boundaries of the Regional Unit of Thessaloniki (and who may be the same person as the above common Candidate's Representative), with full contact details (full name, address, telephone number, fax number, etc.).

In the case of foreign legal entities, members of the Candidate, a decision of the governing body of the Candidate, according to the law or its articles of association, or any other legal document according to the law or the articles of association, containing the information mentioned above, under items (a) to (j), shall be presented.

9.3.4. Where the Candidate Association of Persons has adopted the form of a consortium or another legal form, the relevant instrument of incorporation of the consortium or documents proving that another legal form has been adopted.

9.3.5. In the case of a natural person:

(a) In case the Candidate is an individual natural person, an Affidavit, including the information required in accordance with paragraph 9.3.1 (a) to (i).

(b) In the case where a natural person is a member of the Candidate, an Affidavit, including the information required in accordance with paragraph 9.3.3 (a) to (j).

9.3.6. In addition, in the case of a legal person, the following shall be submitted:

(a) A recent commercial register certificate or other equivalent document, issued within the last thirty (30) working days prior to its submission to the Contracting Entity, 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 on the date of issue of the certificate.

(b) The Articles of Association and/or the Memorandum and Articles of Association of the legal entity, in codified form and/or in combination with any other documents that may be required, as in force no earlier than the last thirty (30) working days prior to its submission to the Contracting Entity.

(c) Documents evidencing the appointment of management and the power of representation of one or more persons (e.g., Chief Executive Officers, Executive Directors, Managers, Co-Managers, etc.), as applicable, issued within the thirty (30) business days prior to submission to the Contracting Entity.

9.3.7. Finally, the Candidate shall submit a declaration of consent to the processing of personal data, in accordance with the model set out in ANNEX 10.

9.3.8. The documents referred to in par. 9.3.6 (if it is a legal person, whether acting independently or participating in an association of persons) and in par. 9.3.7 (in all cases) shall also be submitted by any third-party economic operators whose capacities are relied upon by the Candidate as specified in Article 8 of the Call. The documents referred to above are included in File A (Section II).

#### **9.4. Sub-folder B -Documentation of personal status**

In order to prove compliance with the Personal Status Criteria of paragraph. 7.2 of the Call, any third party entity that may provide its capacities, in accordance with Article 8 of this Call, shall submit the European Single Contract Document (ESCD), in accordance with Article 79 par. 1 of Law 4412/2016, which is an updated Affidavit, with the consequences of the Law 1599/1986 (A'75), signed in accordance with par. 9.1.6 and article 79A of Law 4412/2016, as a preliminary proof to replace the certificates issued by public authorities or third parties, confirming that for this economic operator none of the grounds for exclusion of par. 7.2 of this Call.

#### **9.5. Sub-folder C - Financial and Economic Standing Assessment**

9.5.1. In order to demonstrate compliance with the Financial and Economic Standing Criteria set out in paragraph 7.3 of the Call, the documents and information listed below shall be submitted, in addition to the ESCD.

9.5.2. Each Candidate that is a legal entity and, in the case of a Candidate Association of Persons, its members that are legal entities, must submit with Subfolder C of the Expression of Interest File copies of the Financial Statements for the last five financial years (as defined in paragraph 2.1.15 hereof).

9.5.3. Each Candidate that is an investment fund and, in the case of a Candidate Association of Persons, each member of such an association that is an investment fund, in order to prove the requirements of par. 7.3.4, may submit a certificate or report of an auditor in accordance with letter (c) of par. 7.3.5.

9.5.4. In case the Candidate is a natural person or a Candidate Association of Persons that includes a natural person, Subfolder C of the Expression of Interest File will include certificates from banks or other credit institutions legally operating in an EU or EEA or OECD country, dated no later than three (3) months prior to the Submission Date, regarding the amount of cash deposits of the Candidate / each of its members who is a natural person and/or a certificate, also dated no later than three (3) months prior to the Submission Date, from a bank, investment service provider or member of a stock exchange, custodian legally operating in a Member State of the EU or the EEA or the OECD, as to the market value of the liquid and transferable securities of the Candidate.

9.5.5. The Candidate must also submit a table, drawn up in accordance with ANNEX 5 of this Call. The accuracy of the data in the table will be checked on the basis of the Financial Statements of the last five years and/or the bank statements, etc. submitted as described above. The financial figures in the financial statements will be updated to 2023 prices according to the Consumer Price Index of HSA for each previous year.

9.5.6. If the Candidate invokes the resources of a third party in accordance with Article 8 of this Call, the Candidate must also submit in Subfolder C the Supporting Documents for the third party as described in 9.5.2 or 9.5.3 or 9.5.4 above, depending on whether the third party is a legal entity, an investment fund or a natural person, respectively, as well as the table in 9.5.5.

#### **9.6. Sub-folder D - Assessment of Technical and Professional Competence**

9.6.1. In order to demonstrate compliance with the Criteria of Technical and Professional Competence set out in paras. 7.4.2, 7.4.3 and 7.4.4 of the Call, the documents and information listed below shall be submitted, in addition to the ESCD.

9.6.2. In order to prove the criterion of paragraph 7.4.2. (a), the Candidate or, in the case of a Candidate Association of Persons, its members, shall submit:

(a) a table, drawn up in accordance with ANNEX 8 of the Call

(b) Certificates or attestations issued or endorsed by the competent authority (e.g. Contracting Authority or Contracting Entity, Developer, Employer) in respect of the passenger transport contracts to be included in the Table in case (a) of this paragraph, indicating and certifying the successful and proper performance of the services, the nature of such services provided by the Candidate, the period of performance of such services with specification of the starting and ending dates, the nature of the contract concerned, as well as the degree and manner of participation of the Candidate in the performance of each contract (e.g. percentage of participation in a consortium, participation in the share capital of a transport services company). If it is not possible to provide the required certificate from the competent authority in accordance with the above, it will be sufficient to submit an additional Affidavit, stating the reasons why it is not possible to provide the above documents and also certifying the successful and proper provision of the services, as well as all the above-mentioned information.

(c) A legally certified copy of the contract(s) referred to in this paragraph, otherwise extracts thereof, but showing the information required in accordance with the above and, if this is not possible, a declaration by the Candidate stating the reasons why the contract(s) and extracts thereof cannot be provided.

9.6.3. In order to prove the criterion of paragraph 7.4. (b) and (c), the Candidate or, in the case of a Candidate Association of Persons, its members, shall submit:

(a) A table drawn up in accordance with ANNEX 9 of the Call.

(b) Certificates or attestations issued or endorsed by the competent authority (e.g. Contracting Authority or Contracting Entity, developer, etc.) in respect of the contracts to be included in the Table in case (a) of this paragraph, indicating and certifying the specific experience in the operation and/or use of Intelligent Transport Systems (Telematics - ITS) and in particular in the monitoring and management of passenger transport fleet and real-time passenger information and the use of the Electronic Fare Collection System (AFCS) of paragraph 7.4 (a) for at least 3 years. If it is impossible to provide, in accordance with the above, the required certificates from a Contracting Authority or Contracting Entity, or an employer in the case of subcontracting, it will be sufficient to submit an additional Affidavit, stating the reasons why it is not possible to provide the above documents and also confirming that they have been undertaken and/or completed, successful, timely and proper execution of contracts for the operation and/or use of Intelligent Transport Systems (Telematics - ITS) for the monitoring and management of a fleet of at least 100 passenger transport vehicles and the real-time information of the passenger public during the provision of passenger transport services, as well as all the above mentioned elements.

(c) A legally certified copy of the contract(s) referred to in this paragraph, otherwise extracts thereof, but showing the information required in accordance with the above and, if this is not

possible either, a declaration by the Candidate giving the information required in accordance with the above and stating the reasons why it is not possible to provide the contract(s) and extracts thereof.

#### **9.7. Sub-folder E - Documentation of suitability to pursue a professional activity.**

- 9.7.1. To prove compliance with the Criteria of Suitability to pursue the Professional Activity of par. 7.5.1 of the Call, in addition to the ESCD, the documents and information listed below shall be submitted.
- 9.7.2. To prove the criterion of paragraph 7.5.1, the Candidate or, in the case of an association of persons, its members, must submit:
- (a) a certificate/confirmation from the relevant professional or trade register of the country of its establishment, certifying both its registration and its specific profession, issued within the last thirty (30) working days prior to its submission to the Contracting Entity.

#### **Article 10. Means of proof**

- 10.1 In order to prove that the grounds for exclusion referred to in paragraph 7.2 hereof, the Provisional Contractor will be invited, in accordance with the terms of the Invitation to Tender, to provide supporting documents, in accordance with the provisions of Law 4412/2016 and as they will be determined in particular by the Invitation to Tender.
- 10.2 The Contracting Entity may request from the Candidates, at any time during the Tender, to submit, within a reasonable time limit set by the Contracting Entity, all or some of the supporting documents to prove the non-existence of the grounds for exclusion referred to in par. 7.2, where this is necessary for the proper conduct of the procedure. The Candidate may, within the time limit set by the Contracting Entity as set out above, submit a request via the System to the Contracting Entity for an extension of the deadline for submission, accompanied by supporting documents proving that they have requested the issuance of the supporting documents. In this case, the Contracting Entity shall extend the time limit for the submission of supporting documents for the time required for the competent authorities to issue the supporting documents.

#### **Article 11. Tender Committee**

- 11.1 By decision of the Contracting Entity, the Tender Committee for the award of the Public Passenger Transport Services Contract is established and in particular, in this Phase A, for the examination of the Expression of Interest Files and their evaluation, in accordance with the provisions of Article 221 of Law 4412/2016, without prejudice to paragraph 7 of Article 1 of Law 4412/2016.
- 11.2 The Tender Committee is responsible for the opening and evaluation of the Candidates' Expression of Interest Files in accordance with the provisions of this Call. The Tender Committee shall draw up its minutes, which it shall forward to the Contracting Entity.
- 11.3 The Contracting Entity and the Tender Committee may be assisted in their work in the examination and evaluation of the Candidates' Expression of Interest Files by appropriate, where necessary, consultants of the Contracting Entity.

## Article 12. Provision of information and clarification

- 12.1 The Contracting Entity considers that the information contained in this Call is sufficient for the submission of the Expression of Interest and the supporting documents. However, in the event that Interested Parties have any questions regarding the Tender or this Invitation, they have the right to make detailed requests for clarification through the "Contact" functionality of NEPPS, no later than fifteen (15) days before the Submission Date of the Expression of Interest Form in accordance with Article 13.1 of this Invitation.
- 12.2 The Contracting Entity shall extend the deadline for submission of the Expression of Interest File, so that all interested economic operators may obtain all the information necessary for the preparation of tenders, when, for any reason, additional information, although requested by the economic operator in due time, has not been provided at the latest six (6) days before the Submission Date.
- 12.3 Any information that becomes available as described above will be presumed to be irrefutably known to all interested parties from the date of its publication.

## Article 13. Submission of the Expression of Interest File

### 13.1. Date of submission

- 13.1.1 The Expression of Interest File must be submitted in accordance with the requirements herein by **XXX, XXX XXX XXX, at 14:00 hr** (local time).
- 13.1.2 Any Expression of Interest submitted after the date and time specified above will not be accepted. Any delay due to fortuitous events or force majeure will not be recognised as justification for late submission of the Expression of Interest. It is emphasised that the risk of late submission of the Expression of Interest is borne by the Candidate.

### 13.2. Submission via NEPPS

- 13.2.1 Candidates must submit their Expression of Interest Files electronically, through the NEPPS portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr), by the Submission Date, in an electronic envelope of the subsystem "*NEPPS - Procurement & Services*".
- 13.2.2 To participate in the Tender, Candidates are required to have a digital signature, issued by a certified digital signature authority and to register in the electronic system (NEPPS - Internet portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr)) following the registration procedure of article 5 par. 1.2 to 1.4 of the Joint Ministerial Decision No. 117384/26.10.2017 (Government Gazette B' 3821) *<<Regulations on technical issues relating to the award of Public Contracts for works, studies, and the provision of technical and other related scientific services using the individual tools and procedures of the National Electronic Public Procurement System (NEPPS)>>*.
- 13.2.3 The Association of Persons shall submit a joint Expression of Interest File, which must be digitally signed either by all members of the Association of Persons or by a Joint Representative and Coordinator of the Association, duly authorised in accordance with paragraph 9.3 hereof.
- 13.2.4 Foreign Candidates, and in the case of an association of persons, their foreign members, are not obliged to sign the Supporting Documents using an advanced electronic signature, but may authenticate them in any other appropriate way, provided that in their country of origin the use of advanced digital signature is not mandatory in public procurement procedures. In such cases, the Expression of Interest File shall be accompanied by an Affidavit stating that the country of origin does not provide for the use of an advanced digital signature or that the country of origin does not require the use of an advanced digital signature for participation in public procurement procedures and signed up to ten (10) days before the Submission Date.

Where reference is made in this Call to digital signature of documents and supporting documents, this paragraph shall apply.

- 13.2.5 The electronic Expression of Interest File contains five (5) separate electronic Sub-Folders, which will contain the documents described in Article 9 of this Call.
- 13.2.6 The Interested Party shall indicate, using the relevant field of the subsystem, when drafting the Expression of Interest, those data that are confidential, in accordance with the provisions of Article 21 of Law 4412/2016. In this case, the Interested Party shall submit in the relevant Subfolder a relevant justification in the form of a digitally signed pdf file, expressly mentioning all relevant legal provisions or administrative acts that impose the confidentiality of the specific information, as an attachment to its electronic file.
- 13.2.7 In the case of submitting data using a compressed electronic file format (e.g. electronic file in ZIP format), those which the Interested Party wishes to designate as confidential, as mentioned above, should be submitted as separate electronic files in Portable Document Format (PDF) or as a separate electronic file in a compressed electronic file format that includes them.
- 13.2.8 The User - Interested Party submits the above Subfolders through the NEPPS subsystem, as described below. In particular, the information and supporting documents included in the Expression of Interest File and submitted by the economic operator electronically in Portable Document Format (PDF) file format and, if drawn up/produced by the economic operator, shall bear an approved advanced electronic signature or an advanced electronic signature using approved certificates.

## **Article 14. Evaluation procedure**

### **14.1. Electronic opening of the Expression of Interest Files**

- 14.1.1 After the Submission Date, as defined in par. 13.1 herein, and before the electronic opening, the Contracting Entity shall notify the Candidates of the relevant list of Candidates, as generated by the subsystem.
- 14.1.2 The electronic opening of the files will take place on (...dd/mm/e ..), at (...hh:!) (Greek time).
- 14.1.3 If, for reasons of force majeure or for technical reasons, the opening cannot take place on the appointed day or if no Expression of Interest Files have been submitted by that day, the opening and the Submission Date shall be postponed to any other day, by decision of the Contracting Entity. This decision is communicated to the Candidates, through the "Contact" functionality, at least five (5) working days before the new date and is posted on the OJEU, on the KIMDS and on the website of the Contracting Entity, as well as on the special, publicly accessible, area "electronic tenders" of the portal [www.promitheus.gov.gr](http://www.promitheus.gov.gr) of NEPPS. If it is not possible to open the Expression of Interest Files on this new date or if no Expression of Interest Files are submitted, a new date may be set, subject to the provisions of the previous two subparagraphs.

### **14.2. Clarifications**

- 14.2.1 The Tender Committee, at its discretion and in compliance with the principle of equal treatment and transparency, reserves the right to invite the Candidates, by written invitation sent electronically through the "Contact" functionality of the "NEPPS - Supplies and Services" subsystem, to complete or clarify the supporting documents submitted. The invitation shall also set a reasonable deadline, which may not be less than seven (7) days from the date of notification of the invitation. Any clarification or completion submitted by a Candidate without having been requested by the Tender Committee shall not be taken into account. Economic

operators are required to clarify or complete the supporting documents they have submitted if they are to be excluded from the procedure because of inaccuracies or formal deficiencies in the supporting documents and documents submitted.

- 14.2.2 For the avoidance of doubt, the clarifications or additions provided for in the above paragraph 14.2.1 may only concern ambiguities and may not result in the subsequent replacement or submission of documents for the first time in compliance with the terms of the Call, but only in the clarification or addition, even with new documents, of documents and supporting documents that have already been submitted, in accordance with the provisions of Law 4412/2016.
- 14.2.3 It is noted that any individual, fragmentary and insignificant deviations from the provisions of this Call for Expression of Interest, in the Committee 's judgment, regarding the content of Sub-Folders A, B, C, D and E, will not constitute grounds for exclusion and the Tender Committee reserves the right to invite the Candidates, within the deadline of par. 14.2.1 to remedy the relevant discrepancy.
- 14.2.4 All notifications of the documents of the Tender Committee and the Awarding/Contracting Authority relating to this Tender are made through the "Communication" functionality of the "NEPPS - Supplies and Services" subsystem.

### **14.3. Monitoring and Evaluation**

- 14.3.1 For the purposes of the evaluation, the Tender Committee will examine, in closed meetings, the contents of the Candidates' Expression of Interest Files, and will draw up an evaluation report, which will be forwarded to the Contracting Entity for its decision.
- 14.3.2 Specifically, the Tender Committee, on the same day of the electronic opening, as defined in paragraph 14.1 of this document, checks the contents of each Candidate's Expression of Interest File, in the chronological order of the submission of the Expression of Interest Files. If this check cannot be completed on the same day because of the large number of Expression of Interest Files, the procedure shall be continued at subsequent meetings.
- 14.3.3 The procedure described shall be recorded in the minutes of the Tender Committee or an annex thereto, signed by the Chairman and its members.
- 14.3.4 The Tender Committee completes the drafting of the relevant minutes with the result of the procedure, in which it recommends the qualification of the Candidates who meet the Qualitative Selection Criteria and the terms of this document, to the next Phase B of the Tender (or the cancellation of the procedure), and submits to the Contracting Entity the relevant electronic file, as "internal", through the "Communication" functionality of the subsystem, for approval.
- 14.3.5 The Contracting Entity then notifies the decision to approve the minutes to all Candidates and provides access to the data submitted by the other Candidates. An appeal against this decision may be filed before a court of law, as provided for in Article 18 of this Call.
- 14.3.6 With the announcement of the Pre-selected Candidates, as described above, the present Phase A of the Tender is completed.

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

- 15.1 The Contracting Entity reserves the right to repeat, postpone, or modify the Tender, including the right to modify the timetables of any Tender Phase or the deadline for submission of the Expression of Interest Files or any other deadline related to the Tender, at its sole discretion,

without any liability to the Interested Parties, Candidates, Pre-Selected Persons, Tenderers and/or third parties.

- 15.2 The Contracting Entity, by a specially grounded decision, after the opinion of the Tender Committee, cancels the Tender:
- (a) if the procedure is inconclusive, either because of the absence of an expression of interest or of a tender or because all tenders or applications are rejected or all tenderers or participants are excluded; or
  - (b) in the event that none of the tenderers appear for the signature of the Service Contract.
- 15.3 Suspension of the Tender procedure may take place by a specially grounded decision of the Contracting Entity, following the opinion of the Tender Committee in the following cases:
- (a) due to an irregularity in the award procedure, if the irregularity affects the result of the Tender,
  - (b) if the economic and technical parameters related to the award procedure have changed substantially and the performance of the contract scope is no longer in the interest of the Contracting Entity,
  - (c) if, due to force majeure, normal performance of the Contract is not possible,
  - (d) if the selected tender is found to be unsatisfactory or not economically advantageous,
  - (e) if the validity of the tenders expires, where applicable, and the required extensions are not granted by the Tenderers
  - (f) if competition has been insufficient or there are serious indications that there has been collusion between the Shortlisted or the Tenderers to the detriment of effective competition;
  - (g) for other overriding reasons of public interest, such as public health or environmental protection.
- 15.4 If errors or omissions are found at any stage of the procedure, the Contracting Entity may, upon recommendation of the Tender Committee, partially cancel the procedure or reformulate its result accordingly or decide to repeat the procedure from the point where the error or omission occurred.
- 15.5 In all the above cases, the opinion of the Tender Committee or the deviation of the Contracting Entity's decision from the opinion of the Tender Committee shall be justified.
- 15.6 Subject to the provisions of Law 4412/2016, if the Tender is cancelled, aborted or repeated for any reason and for any cause, in accordance with the provisions hereof, the Interested Parties, Candidates, Shortlisted Candidates or Tenderers shall not be entitled to any compensation.
- 15.7 The Interested Parties, Candidates, Pre-selected Candidates and Tenderers shall bear all the costs of their participation in the phases of the Tender, without the Contracting Entity bearing any responsibility in this respect.
- 15.8 The participation of only one Candidate in the Tender does not constitute an obstacle to the award of the result of the Tender.

## **Article 16. Publicity**

- 16.1 Prior Information Notice (PIN) of this contract notice was sent, via the [simap.ted.europa.eu](http://simap.ted.europa.eu) portal, for publication in the e-Notices Service of the European Union on 27.09.2023.
- 16.2 The contract notice, i.e. the relevant standard form "Contract Notice", was sent, via the [simap.ted.europa.eu](http://simap.ted.europa.eu) portal, for publication in the Publications Office of the European Union on XXXXXX
- 16.3 The contract notice referred to in the preceding paragraph and this invitation to tender

(a) They are registered in the NEPPS "Supplies and Services" under the system serial number XX ([www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal of the NEPPS)

(b) published in the KIMDS; and

(c) posted on the "Diavgeia" program ([diavgeia.gov.gr](http://diavgeia.gov.gr)).

16.4 This Invitation is also published on the website of the Contracting Entity (<http://www.oseth.com.gr>).

16.5 A summary of this notice may be sent for publication in the Greek press, in accordance with article 66 of Law 4412/2016.

16.6 In the event of any difference between the terms of this Call for Expressions of Interest (including the Annexes) and the terms of the Summary of the Call for Expressions of Interest as published above, the terms of this Call for Expressions of Interest shall prevail.

## Article 17. Language of the Tender - Documents

17.1 The official language of the Tender and the Service Contract with its Annexes is Greek and all documents of the Contracting Entity shall be in Greek.

17.2 All documents included in the Expression of Interest File submitted by Candidates will be in Greek or accompanied by an official translation in Greek. The public documents to be submitted will include electronic documents, drafted in accordance with the legislation in force (Law 4727/2020 and the JMD NEPPS - PUBLIC WORKS). For the purposes of this document, an official translation is considered to be one made either by the translation service of the Ministry of Foreign Affairs, or by the competent Consulate, or by a lawyer, in accordance with Article 454 of the Code of Civil Procedure and Article 36(2)(c) and (d) of the Code of Lawyers (Law 4194/2013). The prevailing wording is always the Greek one. Also, clear photocopies of documents issued by foreign authorities and certified by a lawyer, are always accepted, in accordance with the provisions of par. 2 (b) of article 11 of Law 2690/1999 "Code of Administrative Procedure", as replaced by article 1 paragraph 2 of Law 4250/2014. The scope of this provision includes documents submitted by Candidates during the second phase.

17.3 All public documents and supporting documents relating to foreign persons submitted by the Candidates in this procedure shall be legally certified either by the competent authority of the relevant state of the Candidate or of its Members, in case of an association of persons, and with the affixing of an "Apostille" in accordance with the Hague Convention of 5.10.1961, ratified by Law 1497/84 (A188) or bear a validation issued by the relevant Greek consular authority to certify their authenticity and shall be accompanied by an official translation in Greek.

Foreign public documents originating: **(i)** from States party to the Hague Convention of 5 October 1961, but excluded from the scope of that Convention or **(ii)** from States which have not acceded to the Hague Convention must be endorsed by the Greek consular authority in the State of origin. In particular, for documents of States for which Greece has expressed objections to their accession to the Hague Convention, validation shall be carried out only by the relevant Greek consular authority in the State concerned.

It is clarified that this wording applies to those documents and supporting documents which are considered to be public documents within the meaning of Article 1 of the aforementioned Treaty, namely: (i) documents originating from an authority or public official of a judicial organ of the State; (ii) administrative documents; (iii) notarial documents; and (iv) official certificates, such as registration certificates, endorsements for a definite date and signature certifications affixed to a private document.

Foreign public documents are exempted from the requirement of validation (Apostille or Consular Validation) when they are covered by bilateral or multilateral agreements concluded by Greece [indicatively "Convention on Legal Cooperation between Greece and Cyprus - 05.03.1984" (ratifying Law 1548/1985, "Convention on the exemption from the requirement of authentication of certain acts and documents - 15.09.1977" (ratifying Law 4231/2014)]. EU Regulation 2016/1191 on simplifying requirements for the submission of certain public documents in the EU, such as, inter alia, a clear criminal record, provided that the public documents relating to this fact are issued to a citizen of the EU by the authorities of the Member State of his/her nationality.

- 17.4 Information and technical brochures and other forms - corporate or not - with specific technical content of the Candidates, i.e. forms with purely technical characteristics, such as numbers, yields in international units, mathematical formulas and drawings, which can be read in any language and their translation is not necessary, may be submitted in another language without being accompanied by a translation in Greek.
- 17.5 Any pre-litigation appeals, in accordance with Article 18 hereof, shall be submitted in Greek.
- 17.6 The written and oral communication between the Contracting Entity, the Tender Committees and the Interested Parties, the Candidates, the Pre-Selected Candidates, the Tenderers, the Provisional Contractor and the company or Consortium to be established by the Contractor, shall be in Greek. The obligation of all the above to facilitate the communication of their foreign employees with the Contracting Entity, as well as with the Tender Committees by appointing and providing interpreters at their own responsibility and expense.

## **Article 18. Preliminary Appeal - Judicial protection**

- 18.1 In accordance with the provisions of Book IV of Law No. 4412/2016, any interested party, who has or had an interest in being awarded the specific contract and has or had suffered or may suffer damage from an enforceable act or omission of the Contracting Entity in breach of the legislation of the European Union or domestic legislation, is entitled to bring a preliminary appeal before the Authority for the Examination of Preliminary Appeals ("AEPP") against the relevant act or omission of the Contracting Entity, specifying in particular the legal and factual grounds on which its request is based.
- 18.2 In the case of an appeal against an act of the Contracting Entity, the time limit for filing a preliminary appeal is:
  - (a) ten (10) days from the notification of the contested act to the economic operator concerned if the act was notified by electronic means or by fax; or
  - (b) fifteen (15) days from the notification of the contested act to him if other means of communication were used, otherwise
  - (c) ten (10) days from the full, actual or constructive knowledge of the act that is prejudicial to the interests of the economic operator concerned. In particular, in the case of an appeal against a contract notice, full knowledge of the notice shall be presumed after fifteen (15) days from its publication in the KIMDS.
- 18.3 In the case of omission, the time limit for the exercise of the preliminary appeal is fifteen (15) days from the day after the contested omission was committed.
- 18.4 The preliminary appeal, based on the provisions of PD 39/2017, is submitted electronically, based on the standard form and through the "Contact" functionality of the subsystem to the Contracting Entity, selecting, where applicable, the indication "Preliminary Appeal" and

attaching the relevant document in accordance with par. 3 of Article 8 of the JMD 117384/26.10.2017.

- 18.5 For the admissibility of the exercise of the preliminary appeal, the Candidate must pay a fee to the State, in accordance with the specific provisions of Article 363 of Law 4412/2016, which shall be refunded to the Candidate in the event of full or partial acceptance of the appeal or in the event that prior to the adoption of the decision of AEPP on the appeal, the Contracting Entity revokes the contested act or takes the action due.
- 18.6 The time limit for the exercise of the preliminary appeal and its exercise prevent the conclusion of the contract on penalty of nullity, in accordance with the provisions of article 364 of Law 4412/2016, subject to the provisions of par. 2 of article 364 of Law 4412/2016. Otherwise, the exercise of the preliminary appeal does not impede the progress of the tender procedure, unless interim measures of protection are requested pursuant to Article 366 of Law 4412/2016.
- 18.7 The Contracting Entity, through the "Communication" functionality: a) notifies the preliminary appeal to any interested third party in accordance with the provisions of par. 1 (a) of article 365 of Law 4412/2016 and of par. 1 (a) of Article 9 of P.D. 39/2017 and (b) notifies, provides access to all the elements of the tender procedure and transmits to the Authority for the Examination of Preliminary Appeals (AEPP) the documents provided for in Par. 1 (b) of Article 365 of Law 4412/2016, in accordance with Art. 9 of PD 39/2017.
- 18.8 The AEPP shall decide on the merits of the factual and legal claims of the appeal and the claims of the Contracting Entity and, in case of intervention, the claims of the intervener and shall accept (in whole or in part) or reject the appeal by its decision, which shall be issued within an exclusive period of twenty (20) days from the day of examination of the appeal.
- 18.9 The filing of a preliminary appeal is a prerequisite for the unified exercise of the remedies of the application for suspension and the application for annulment under Article 372 of Law 4412/2016 as amended by Article 138 of Law 4782/2021, against the enforceable acts or omissions of the Contracting Entity.
- 18.10 Anyone who has a legitimate interest may request in a single pleading the suspension of the enforcement of the decision of AEPP and its annulment before the competent court. The Contracting Entity shall also have the right to exercise the same remedies if AEPP accepts the preliminary appeal. All acts or omissions of the Contracting Entity relevant to the aforementioned decision shall be deemed to be in conformity with the decision of AEPP with the remedies of the application for suspension and the application for annulment, provided that they have been issued or carried out respectively until the discussion of the application for suspension or the first discussion of the application for annulment.
- 18.11 An application for suspension may be made at the same time as an application for annulment. The above-mentioned single legal aid shall be filed before the competent court within ten (10) days of the notification or full knowledge of the decision on the preliminary appeal and shall be heard no later than thirty (30) days after its lodging. The application for suspension shall be accompanied by the prescribed fee, in accordance with the specific provisions of Article 372 par. 4 of Law 4412/2016.
- 18.12 An application for suspension shall preclude the conclusion of the contract, unless the competent court decides otherwise in the interim order.

## **Article 19. Legislation in force**

- 19.1 The Tender will be conducted in accordance with the following provisions in particular, as in force on the date of dispatch of the Contract Notice in the Official Journal of the European Union:

- 19.1.1 Law 4412/2016 "Public Procurement of Works, Supplies and Services (adaptation to Directives 2014/24/EU and 2014/25/EU)" (Government Gazette A' 147), as amended and in force,
- 19.1.2 European Regulation 1370/07 on public passenger transport by rail and road
- 19.1.3 Community Directive 2001/23/EC on the protection of workers
- 19.1.4 Law 3882/2010 "National Spatial Information Infrastructure - Harmonization with Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 and other provisions. Amendment of Law 1647/1986 "Organization of Cadastral Surveys and Cartography of Greece (OKXE) and other relevant provisions" (Government Gazette A' 141),
- 19.1.5 P.D. 774/1980 (Government Gazette A' 189/1980) "On the codification into a single text of the provisions in force concerning the Court of Audit under the title 'Organization of the Court of Audit'", in particular Article 19 thereof, as amended and in force, after the changes introduced by Article 25 of Law 3614/2007 (Government Gazette A' 267),
- 19.1.6 Law 4270/2014 (Government Gazette A' 143) "Principles of financial management and supervision (incorporation of Directive 2011/85/EU) - public accounting and other provisions", as in force,
- 19.1.7 Law 4250/2014 "Administrative Simplifications - Repeals, Mergers of Legal Entities and Services of the Public Sector - Amendment of Provisions of P.D. 318/1992 (A61) and other regulations" (Government Gazette A' 74) and in particular article 1 thereof,
- 19.1.8 Law 4129/2013 (Government Gazette A' 52) "Ratification of the Code of Laws for the Court of Audit",
- 19.1.9 Article 26 of Law 4024/2011 (Government Gazette A 226) "Composition of collective bodies of the administration and appointment of their members by lot",
- 19.1.10 Law 4013/2011 (Government Gazette A' 204) "Establishment of the Single Independent Public Procurement Agency and the Central Electronic Register of Public Procurement",
- 19.1.11 Law 3861/2010 (Government Gazette A' 112) "Enhancing transparency through the mandatory posting of laws and acts of governmental, administrative and self-governing bodies on the internet "Transparency Program" and other provisions",
- 19.1.12 Law 3548/2007 (Government Gazette A' 68) "Registration of publications of public bodies in the prefectural and local press and other provisions",
- 19.1.13 Law 3469/2006 (Government Gazette A 131) "National Printing House, Government Gazette and other provisions",
- 19.1.14 Law 2690/1999 (Government Gazette A' 45) "The Code of Administrative Procedure and other provisions" as in force,
- 19.1.15 P.D. 28/2015 (Government Gazette A' 34) "Codification of provisions on access to public documents and data",
- 19.1.16 Joint Ministerial Decision No. ΠΙ 2380/2012 (Government Gazette B' 3400) "Regulation of the specific issues of operation and management of the Central Electronic Register of Public Procurement of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks",
- 19.1.17 Ministerial Decision 57654/2017 (Government Gazette B' 1781) "Regulation of specific issues of operation and management of the Central Electronic Register of Public Procurement (KIMDS) of the Ministry of Economy and Development",
- 19.1.18 P.D. 80/2016 "Undertaking of commitments by authorising officers" (Government Gazette A' 145),
- 19.1.19 Decision No. 1191/14-3-2017 (Government Gazette B' 969) "Determination of the time, method of calculation of the withholding procedure and refund of the 0.06% retention in favour of the Authority for the Examination of Preliminary Appeals (A.E.P.P.)",

- 19.1.20 Decree 39/2017 (Government Gazette A' 64) "Regulation for the examination of Preliminary Objections before the Preliminary Objections Examination Body",
- 19.1.21 Joint Ministerial Decision 117384/26-10-2017 (3821 B') "Regulating technical issues relating to the award of Public Contracts for works, studies, and the provision of technical and other related scientific services using the individual tools and procedures of the National Electronic Public Procurement System (NEPPS)",
- 19.1.22 Ministerial Decision 56902/215/19-05-2017 (V' 1924) "Technical details and operating procedures of the National System for Electronic Public Procurement (NEPPS)",
- 19.1.23 Law 3310/2005 "Measures to ensure transparency and prevent circumvention during the public procurement procedure" (Government Gazette A' 30), as amended by Law No. 3414/2005 (Government Gazette A' 279), for the cross-checking of the contractor's data with the data of the E.S.R., P.D. 82/1996 (Government Gazette A' 66) 'Nomination of the shares of Greek joint stock companies participating in the procedures for the award of works or supplies by the State or legal entities of the wider public sector', the joint decision of the Ministers of Development and State No 20977 /2007 (Government Gazette B' 1673) on the 'Supporting documents for the maintenance of the registers of Law 3310/2005, as amended by Law 3414/2005', as well as the decision under item 1353/19.09.2019 of the Minister and the Deputy Minister of Finance 'Determination of non-cooperative states for the tax year 2019 under the enabling provision of para. 4 and the criteria of paragraph 13133, which are set out in paragraph 1313.3 of this article. 3 in conjunction with par. 1, 2, 4 and 5 of Article 65 of Law No. 4172/2013' (Government Gazette B' 3558/23.09.2019)
- 19.1.24 Law 2859/2000 (A' 248) "Ratification of the Code of Value Added Tax",
- 19.1.25 P.D. 123/2017 (A'151) "Organization of the Ministry of Infrastructure and Transport",
- 19.1.26 Decision 2585/1.7.2020 of the Minister of Infrastructure and Transport "Appointment of the Appointing Authority and the Authorising Officer. Delegation of the power to sign "By order of the Minister" to the Secretary General of Infrastructure of the Ministry of Infrastructure and Transport pursuant to Article 13 par. 6 and 37 par. 2 and 3 of Law 4622/2019 (A' 133)' (B 3089/24.7.2020).
- 19.2 In addition, the regulatory acts issued in implementation of the above provisions, as well as other provisions expressly mentioned or derived from the provisions set out in the contract documents of this contract, as well as all the provisions of insurance, labour, environmental and tax law and, in general, any provision (Law, PD, MD) and interpretative circular governing the award and execution of the Contract, shall apply, even if not expressly mentioned.

## **Article 20. General Provisions**

- 20.1 Submission of an Expression of Interest implies full and unconditional acceptance of all the terms and conditions of the Call.
- 20.2 The information contained in this Call for Expressions of Interest and its Annexes has been compiled in good faith in order to assist Interested Parties to form their own opinion on the Tender and the passenger transport services, but should not be considered to be complete and has not been independently verified by the Contracting Entity or its consultants. No representation of fact, warranty or undertaking, express or implied, is or shall be given in relation to the accuracy, adequacy or completeness of this document. In any case, the Interested Parties shall carry out themselves, at their own sole risk, an investigation and analysis of the factual and legal elements relating to the subject matter of the Passenger Transport Service Contract to be awarded, with the assistance of their own financial, technical and legal advisers.
- 20.3 No person shall acquire against the Contracting Entity, its employees, officers or consultants and its invitees in general any right or claim for compensation (whether in respect of the costs of

submitting the Expression of Interest Form) or any other claim for damages against the Contracting Entity as a result of receipt of this Invitation or participation in the Tender for any reason or cause whatsoever. Exclusion from or unsuccessful participation in the Tender shall not constitute a basis for any claim for damages against the Contracting Entity and/or the aforementioned persons. Each Interested Party is responsible for the costs and expenses it incurs in responding to the Invitation and for the preparation and submission of the Expression of Interest File. Neither the Contracting Entity nor its employees, officers, consultants, advisors and general invitees shall be liable for any costs or expenses incurred or other losses suffered by the Interested Party or any other recipient of this Invitation in connection with the Tender.

- 20.4 The Public Service Contract for Public Passenger Transport to be awarded is not subdivided into sections.
- 20.5 This Call for Expression of Interest does not in any way constitute a proposal for the award of a contract.
- 20.6 It is noted that the award process outlined in the Challenge may be modified as required by law while emergency measures are in place to protect public health due to the pandemic that has emerged.

## ANNEX 1

# DESCRIPTION OF THE SUBJECT OF THE CONTRACT

### Introduction

The present contract concerns the provision of passenger transport services by bus in a part of the Regional Unit of Thessaloniki which falls under the responsibility of TRANSPORT AUTHORITY OF THESSALONIKI S.A. (THETA S.A.). The bus routes put out to tender cover mainly peri-urban areas and partly urban areas under the responsibility of THETA S.A..

The contract will have a duration of 10 years from the date of commencement of the services with the possibility of extension for up to five additional years, provided that specific conditions to be defined by the Contracting Entity in the second phase of the tender are met. The extension of the contract is the exclusive right of the Contracting Entity, which must activate it no later than 24 months before the expiry of the contract. The minimum work that the Contractor must be able to carry out is 22 500 000 vehicle-kilometers per year.

At the present stage, the area of responsibility of THETA S.A. is served by two transport operators: the Organisation of Urban Transportation of Thessaloniki (OASTH), which implements transport services mainly in urban areas, and KTEL Thessaloniki S.A., which implements transport services mainly in suburban areas. The current total annual planned transport work is currently in the order of 41,2 million vehicle-kilometers, of which 22 million vehicle-kilometers are for OASTH and the remaining 19,2 million vehicle-kilometers for KTEL Thessaloniki S.A.

In this Tender, an option is provided for as follows:

1. During the implementation of the contract, the Contracting Entity reserves the right to increase unilaterally and under the same conditions the transport project up to a maximum of 20% (maximum), in accordance with Article 337 par. 1 of the Law 4412/2016 (as in force), as specified in Article 3.1.1.1 of this contract.
2. After the first year of services, the Contracting Entity reserves the right to request the Contractor to perform "flexible transport services" up to an amount not exceeding 10% of the price of the regular passenger services of the respective year, as calculated for the 22.500.000 vehicle-kilometers project (Article 3 par.3.1.2 of the present).

The estimated number of vehicles is at least 250, including spare vehicles, which may include different types of vehicles in terms of size and capacity. The exact number per vehicle type and in total will be finalised in the second phase of the call for tender.

### Brief History

Public transport services in the Thessaloniki area were provided by OASTH since 1957 and thereafter through successive direct awards of contracts by the Greek State (1957, 1978, 2001). OASTH was established as a special purpose company with the exclusive purpose of providing passenger transport services in the Thessaloniki area. In 2001, by Law 2898/2001, the Thessaloniki Public Transport Authority (ThePTA) was established under the supervision of the Ministry of Infrastructure and Transport, with the aim of planning the public transport services of Thessaloniki on the one hand and monitoring and supervising OASTH on the other. At the same time, the last contract between OASTH and the Greek State was ratified by the same law, while with some amendments in 2010 the area of responsibility of THETA S.A. and OASTH services was extended to the greater part of the Regional Unity of Thessaloniki. Until 2014, OASTH had 622 vehicles and operated about 550 vehicles daily. The work carried out amounted to approximately 45 million vehicle-kilometers per year and the number of boardings approached 170 million at times. With the passing of Law 4482/2017 as amended and in

force, THETA S.A. was established in place of ThePTA and OASTH became the property of the Greek State, which continued (and continues) to operate under liquidation. The end of the liquidation process was originally set for December 2019, but to date OASTH continues to operate, albeit with reduced capacity. OASTH cannot recruit permanent staff, which is constantly being reduced due to departures and retirements, but only temporary staff to cover immediate needs, while at the same time it cannot renew its fleet.

As a result of the above, the role of OASTH in the provision of passenger transport services in the Thessaloniki region is diminishing, with the result that in the last three years THETA S.A. , with the approval of the competent Ministry, has been entrusting part of its work to KTEL Thessaloniki - in partnership with three other KTEL bus companies (today). In order to meet its needs in terms of vehicles, OASTH has leased buses from the open market, while it also uses about 25 vehicles out of a total of 49 second-hand vehicles that were eventually made available to it by the Municipality of Thessaloniki through a utility loan. Nevertheless, OASTH cannot operate more than 250-270 vehicles per day, compared to the approximately 370 (as it should), according to the approved schedule.

KTEL operates around 170-180 vehicles per day and in the last quarter an additional 20-25 buses are being operated to cover the needs of 4 new lines and to densify some of the existing ones.

In addition to the above, it should be noted that within approximately 7 months from the date of the final drafting of the present document, i.e. in December 2024, the commercial operation of the Thessaloniki Metro main line will begin, which will replace several bus lines currently provided by OASTH. In another 6-8 months from the end of November 2024, the operation of the Metro extension to Kalamaria is expected to begin operating. The operator of the Metro will be the special purpose company THEMA composed of the Italian ATM (Milan) and the French EGIS.

### **The Automated Fare Collection System (AFCS) and the Telematics System of THETA S.A.**

During the current period and until November 2024, a contract for the design, installation, commissioning and training of a number of subsystems is being implemented by the consortium of the companies TERNA ENERGY - INDIGITAL - AMCO, with THETA S.A. as the main contractor. These include Automatic Fare Collection System (AFCS) and Telematics System for the monitoring of all public transport vehicle fleets and passenger information.

The AFCS will allow for the consolidation of fares for all existing and future means of transport, with the aim of facilitating passengers and creating incentives for greater use of public transport, such as, for example, the existence of a maximum amount to be paid per day, week and month per category of traveler, etc.

The contractor Consortium of the AFCS and the Telematics system will install all the equipment in the vehicles of all providers as well as in the field (smart stops) and other network points such as terminals, etc. Possible detachment of equipment from vehicles (On Board Units - OBUs) and their relocation to other vehicles will be borne by the vehicle owner or the operators of the transport project in case the vehicles are leased or assigned to the contractor.

The requirements and specifications for the installation of all relevant equipment related to this tender will be communicated to the pre-selected bidders during the second phase of the tender.

### **Presentation of Bus Lines served by KTEL Thessaloniki S.A.**

The routes planned to be served by KTEL Thessaloniki for the year 2024 are listed in Tables 1.1 and 1.2 for the winter and summer season respectively, with the number and name of each line and the number of routes per line.

It should be noted that due to the integration of the Metro into the Thessaloniki Public Transport system, some of the lines in these tables are expected to change to some extent and consequently the relevant figures will also be differentiated. However, any differences are not expected to be greater than  $\pm 10\%$ .

It is also pointed out that the Contractor has the right to request changes in the timetables and in the schedules of the lines as well as in the lines themselves, at the end of the 1 year of service provision, when it is expected that there will be a balancing in passenger movements due to the integration of the Metro (basic line and extension) and the first restructuring of the bus lines.

**Table 1.1:** Winter season lines

WINTER PERIOD		INDICATIVE NUMBER OF ROUTES					
		WEEKDAYS		SAT		SUN & Holidays	
		To	Ret	To	Ret	To	Ret
1	T.S. EFKARPIA-SKLAVENITIS-HOS. PAPAGEORGIYOU-KTEL	37	37	29	27	29	27
9	NEW RAILWAY STATION - LAHANAGORA	48	0	42	0	42	0
36	VOULGARI - INNOVATION ZONE	71	24	50	0	50	0
40	NEW RAILWAY STATION - KALOCHORI	67	67	55	55	44	44
42	ELEFThERIO - CEMETERIES	9	9	11	11	11	11
43	LOCAL EVOSMOS	37	24	16	0	16	0
45	KTEL MACEDONIA-KTEL CHALKIDIKI-COSMOS	53	56	16	16	16	16
51	SINDOS-NEW RAILWAY STATION	72	71	61	61	50	50
53	LOCAL SINDOS	28	0	28	0	28	0
54	NEW RAILWAY STATION - IONIA	81	81	61	61	50	49
55	STAVROUPOLI - OREOKASTRO	72	27	33	6	33	6
56	NEW RAILWAY STATION - OREOKASTRO	80	81	63	63	63	64
57	ARISTOTELOUS-ASVESTOCHORI-HORTIATIS JUNCTION	92	95	80	82	65	66
58	VENIZELOS-PANORAMA- HORTIATIS JUNCTION	92	94	80	82	63	64
59	LOCAL PEFKA	20	0	20	0	20	0
60	SETTLEMENT N.751 - SETTLEMENT MACEDONIA	31	4	31	4	31	4
61	HORTIATIS - HORTIATIS JUNCTION	76	78	55	54	53	52
64	NEW RAILWAY STATION -FILYRO	56	56	38	38	38	38
66	HARILAOU - THERMI	76	76	60	60	60	60
67	IKEA - TRIADI	48	47	48	47	48	47
68	IKEA – INTERN. UNIVERSITY - KERAMOURGEIA	14	0	14	0	14	0
69	IKEA - EPANOMI	55	55	55	55	55	55
76	IKEA - ANGELOCHORI	20	20	11	11	11	11
77	NEA MICHANIONA - EPANOMI	12	12	12	12	12	12
79	IKEA - AIRPORT	28	28	28	28	28	28
80	THESSALONIKI - MALGARA	37	39	37	39	29	32
81	THESSALONIKI - KUFALIA	45	46	39	39	39	39
82	THESSALONIKI - KALLITHEA	24	8	24	8	24	8
83	LAGADAS-THESSALONIKI	72	79	65	66	48	49
84	THESSALONIKI - MELISSOCHORI	30	30	20	20	20	20
87	THESSALONIKI - VASILIKA	42	49	42	49	32	38
88	THESSALONIKI - MESIMERI	28	20	29	19	29	19
85	THESSALONIKI-EVANGELISTRIA	25	28	17	20	17	20
86	THESSALONIKI - LAGADIKIA	30	31	23	24	23	24
89	THESSALONIKI - XIROCHORI - AKROPOTAMOS	36	36	29	31	27	29
90	KUFALIA – MALGARA	13	13	11	11	11	11
91	LOCAL LAGADAS	78	50	74	47	71	47
92	KUFALIA -ATHYRA-RACHONA	43	0	33	0	33	0
<b>Total</b>		<b>1778</b>	<b>1471</b>	<b>1440</b>	<b>1146</b>	<b>1333</b>	<b>1040</b>
		<b>3249</b>		<b>2586</b>		<b>2373</b>	

**Table 1.2:** Summer season lines

SUMMER PERIOD		INDICATIVE NUMBER OF ROUTES					
		WEKKDAYS		SAT		SUN & Holidays	
		To	Ret	To	Ret	To	Ret
1	T.S. EFKARPIA-SKLAVENITIS-HOS. PAPAGEORGIU-KTEL	37	37	29	27	29	27
9	NEW RAILWAY STATION - LAHANAGORA	37	0	28	0	14	0
36	VOULGARI - INNOVATION ZONE	71	24	50	0	50	0
40	NEW RAILWAY STATION - KALOCHORI	56	56	47	47	46	46
42	ELEFThERIO - CEMETERIES	9	9	11	11	11	11
43	LOCAL EVOSMOS	37	24	16	0	16	0
45	KTEL MACEDONIA-KTEL CHALKIDIKI-COSMOS	69	72	48	48	48	48
51	SINDOS-NEW RAILWAY STATION	51	50	44	44	33	34
53	LOCAL SINDOS	28	0	28	0	28	0
54	NEW RAILWAY STATION - IONIA	61	61	44	44	35	34
55	STAVROUPOLI - OREOKASTRO	49	26	33	6	33	6
56	NEW RAILWAY STATION - OREOKASTRO	62	64	45	49	45	49
57	ARISTOTELOUS-ASVESTOCHORI-HORTIATIS JUNCTION	74	76	61	62	61	62
58	VENIZELOS-PANORAMA- HORTIATIS JUNCTION	66	69	56	58	48	50
59	LOCAL PEFKA	22	0	20	0	20	0
60	SETTLEMENT N.751 - SETTLEMENT MACEDONIA	16	3	16	3	16	3
61	HORTIATIS - HORTIATIS JUNCTION	53	53	52	52	51	52
64	NEW RAILWAY STATION -FILYRO	38	38	30	30	30	30
66	HARILAOU - THERMI	60	60	60	60	60	60
67	IKEA - TRIADI	48	47	48	47	48	47
68	IKEA – INTERN. UNIVERSITY - KERAMOURGEIA	8	0	8	0	8	0
69	IKEA - EPANOMI	71	71	71	71	71	71
70	IKEA - ANGELOCHORI	12	12	12	12	12	12
71	NEA MICHANIONA - EPANOMI	11	11	16	16	16	16
76	IKEA - AIRPORT	11	11	11	11	11	11
77	THESSALONIKI - MALGARA	41	41	41	41	41	41
79	THESSALONIKI - KUFALIA	32	32	32	32	32	32
80	THESSALONIKI - KALLITHEA	29	32	29	32	29	32
81	LAGADAS-THESSALONIKI	39	39	39	39	39	39
82	THESSALONIKI - MELISSOCHORI	24	8	24	8	24	8
83	THESSALONIKI - VASILIKA	64	65	48	48	48	48
84	THESSALONIKI - MESIMERI	30	30	20	20	20	20
85	THESSALONIKI-EVANGELISTRIA	17	20	17	20	17	20
86	THESSALONIKI - LAGADIKIA	23	24	23	24	23	24
87	THESSALONIKI - XIROCHORI - AKROPOTAMOS	41	47	31	37	31	37
88	KUFALIA – MALGARA	28	20	29	19	29	19
89	LOCAL LAGADAS	29	31	29	31	27	29
90	KUFALIA -ATHYRA-RACHONA	11	11	11	11	11	11
91	SETTLEMENT N.751 - SETTLEMENT MACEDONIA	63	28	58	28	58	28
92	HORTIATIS - HORTIATIS JUNCTION	33	0	33	0	33	0
<b>Total</b>		<b>1561</b>	<b>1302</b>	<b>1348</b>	<b>1088</b>	<b>1302</b>	<b>1057</b>
		<b>2863</b>		<b>2436</b>		<b>2359</b>	