

SECTION I

INSTRUCTIONS TO BIDDERS

INQUIRY No: 728/17/DDP

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1. BACKGROUND

Hellenic Gas Transmission System Operator (DESFA S.A.) was established in March 31, 2007, after the completion of the legal unbundling of the transmission and trading activities of the Public Gas Corporation (DEPA) S.A., in accordance with Law 3428/2005 for the liberalization of the Greek natural gas market.

The establishment of a National Natural Gas System (NNGS) constitutes one of the most important infrastructure projects in contemporary Greece. It is an energy project that is comparable in magnitude only to that of the electrification of the country.

The NNGS includes the main high pressure gas transmission pipeline from the Greek-Bulgarian borders to Attica, with a total length of 512 km, high pressure branches linking the various regions of the country with a total length of 954 km, the liquefied natural gas Terminal on the island of Revythoussa, as well as additional facilities and infrastructure that service the entire Gas Transmission System.

DESFA:

- Operates, maintains, manages and develops the NNGS and its interconnection points;
- Studies and implements, following the approval of the statutory bodies (RAE - i.e. Regulatory Authority for Energy), the pricing policy and the process of transmitting natural gas on behalf of the system's shippers, who in turn make it available to the consumers; and
- Provides no discriminatory access to the NNGS for every Shipper wishing to develop commercial activities or direct procurement of natural gas for its own use, ensuring complete transparency, reliability and respect for the rules of competition.

The mission of DESFA is to establish a comprehensive, technically superior and cost-effective NNGS so that it:

- Meets the needs of natural gas users safely, adequately and reliably;
- Upgrades the participation of natural gas in the energy balance of Greece; and
- Allows the optimization of the competitive advantages of natural gas in public infrastructure, business activities and everyday life.

DESFA should provide natural gas transmission and LNG services to interested parties on an equal and non-discriminatory basis, according to the provisions of the Network Code as applicable from time to time (currently RAE Decision 239/2017 – Hellenic Government Gazette 1549/B/05.05.2017), concluding respective contracts with persons or legal entities (Shippers) that meet the respective prerequisites. Invoicing is carried out according to RAE's Decisions 339/2016 (Hellenic Government Gazette 3181/B/04.10.2016) and 352/2016 (Hellenic Government Gazette 3513/B/01.11.2016).

These contracts are based on the standard Transmission and/or LNG Contract prepared by DESFA and approved by the Greek Regulatory Authority for Energy – RAE – as applicable from time to time (currently RAE Decision 257/2017 – Hellenic Government Gazette 1443/B/27.04.2017). In these documents all the procedures, contents, terms and conditions for exercising the right to access the NNGS are determined.

Additionally, DESFA bears full responsibility for the Operational Gas Offsetting in the Hellenic Natural Gas Transmission System (NGTS) i.e. the offsetting of the Natural Gas Quantity consumed for the operation of the NGTS equipment and the Natural Gas Quantity lost in a natural way from the NGTS, over a specific time period. In order to fulfil its above mentioned obligation, DESFA S.A., as a reasonable and prudent Operator, takes every action deemed necessary for the minimization of the Operational Gas.

2. INTRODUCTION

HELLENIC GAS TRANSMISSION SYSTEM OPERATOR (DESFA) S.A., hereinafter referred to as BUYER, invites eligible Bidders to submit a Bid for the

«Supply of Natural Gas Quantity required for the Operational Gas Offsetting in the Hellenic Natural Gas Transmission System during the Year 2018»,

hereinafter referred to as the SUPPLY, as analytically described below.

The successful Bidder will be entered into a Contract Agreement with the BUYER regarding the SUPPLY, for the period of SUPPLY **starting the Day 01.01.2018 and ending the Day 31.12.2018** (hereinafter "Supply Period").

Bidders shall be economic operators, as per Article 37 of the European Directive 2014/25/EU (hereinafter referred to as "Directive") who are Suppliers or Traders of Natural Gas or Groups or Joint Ventures or Consortia (as per Article 37 of the Directive, hereinafter referred to as GROUPS) of Suppliers and/or Traders of Natural Gas (legal entities) who shall prove that, according to the regulations of the country where they are registered, they are capable to execute the SUPPLY and that they are allowed to participate in the said Bid.

Eligible Bidders (see details in article 13.12 hereinafter) have to be Suppliers or Traders of Natural Gas fulfilling the following criteria:

i. having a track record and experience in the natural gas market, having concluded and successfully completed within the last five (5) years contracts, of total delivered quantity of Natural Gas measuring up to at least 1.5 bcm,

or

ii. having a License for Supply of Natural Gas issued by the Greek Regulatory Authority for Energy.

In case of a GROUP the requirements under (i) or (ii) above must be satisfied at least by the Leader of the GROUP having a minimum interest of 50% in the GROUP.

Eligible Bidders or, in case of GROUP, at least the Leader having a minimum interest of 50% in the GROUP, have to prove his (their) financial status by showing an annual turnover for the last three (3) fiscal years (2014, 2015 and 2016) of at least € 6,700,000.

The legal formation of a GROUP is not a prerequisite for taking part in the present Tender. Bidders participating in a GROUP are not allowed to submit Bids solely or as a member of other GROUP or rely on the capacity of other entities of other GROUP also participating in the same Bid.

To facilitate bidding and Bid evaluation, the documents enclosed shall reflect the form of the CONTRACT AGREEMENT which will be entered into by BUYER and the successful Bidder.

The Bidder shall submit the documents according to all instructions given in this document.

Non-compliance with the instructions given in this document may result in the submitted Bid not being considered.

Alternative Bids will not be accepted.

Publishing expenses of this Inquiry an amount equal to **€X,XXX.XX**, shall be born by the Successful Bidder.

All direct and indirect costs of any nature for the preparation of the Bid by the Bidders, including costs associated with attending pre-Bid meeting(s), participating in site visits, clarification meetings, etc. shall be at Bidder's own cost.

3. APPLICABLE LEGISLATION

3.1 This Inquiry is governed by the Laws of Greece and applicable EU Legislation, as European Directive 2014/25/EU, which shall be in general applicable to all relations between Owner and the Bidders regardless of their nationality. Any dispute shall be subject to the exclusive jurisdiction of the Law Courts of Athens. Procedure for settlement of disputes during Tender is governed by Law 3886/2010, or the applicable law as per article 379 of Law N.4412/2016. Bids evaluation shall be in accordance with present Instruction to Bidders.

3.2 The clauses regarding the registration of shares of S.A. businesses.

- P.D. 82/1996 "Registration of Greek Societies Anonyms" shares participating in the procedures for undertaking projects or commissions of the State or of Legal entities of wider public sector (HGG 66 a'/11.04.1996);
- L. 3310/2005 (HGG 30 A'/14.02.2005) "Steps for ensuring transparency and avoiding violations during the signing of public contracts", as amended and valid after L.3414/2005 (HGG 279 A'/10.11.2005); and
- Joint Ministerial Decision 20977/23.08.2007 (HGG 1673B'/23.08.2007) "Supporting documents for keeping the registries provided for by the law 3310/2005, as amended by Law 3414/2005".

Bidders that are registered in the Stock Market of the country where their seat is registered are exempted from the above clauses. These companies must submit a solemn statement signed by their legal representative, stating that they are registered in the Stock Market of the country where their seat is registered.

3.3 Article 8 of L.2741/1999 (Hellenic Government Gazette 199/A/28.09.1999) "Unified body for the Examination of Food, other regulations regarding jurisdiction issues for the Ministry for Development and other clauses", as amended by L. 3060/2002 (Hellenic Government Gazette 242/A/24.12.2002)

"Establishment of an Inspection and Audit Body for Detention Branches and other clauses", L.3310/2005 (Hellenic Government Gazette 30/A/14.02.2005) "Steps for ensuring transparency and avoiding violations during the signing of public contracts", as amended by L.3414/2005 (Hellenic Government Gazette 279/A/10.11.2005), the Ministerial Decision 1108437/2565/DOS (Hellenic Government Gazette 1590/B/16.11.2005) regarding the countries where off-shore companies operate, Joint Ministerial Decision 24014/2005 (Hellenic Government Gazette 1637/ B/25.11.2005), L.3614/2007 (Hellenic Government Gazette 267/ A/03.12.2007) "Management, control and application of development interventions for the programme period 2007-2013", article 25 "Acceleration of the materialization of co-financed acts".

- 3.4 Law n. 4013/2011 as amended by Law 4412/2016 Art. 375 par. 7 (Government Gazette 147/A/08.08.2016) regarding the mandatory contribution of 0.06% to the Hellenic Single Public Procurement Authority.
- 3.5 Law 2093/1992 (art. 9 § 5,6,7) and Law 2960/2001 (art. 54,56) regarding the 5% special tax of Rights of Implementation of Customs Work (ΔΕΤΕ).
- 3.6 Any other supplementary clauses, regulations, interpretive circulars or other in connection or authorised by the above mentioned, even if not stated herewith.

4. SCOPE OF SUPPLY

According to Article 45 paragraph 2 of the Network Code, the BUYER is responsible for the Offsetting of the Operational Gas in the National Natural Gas Transmission System (NNGTS), according to the provisions specified therein (in the Network Code). Towards the fulfillment of this obligation, the BUYER, following a transparent tendering procedure, which is in accordance with the market rules, enters into contracts with Natural Gas Suppliers, for the supply and delivery in the NGTS of the Natural Gas Quantity required for the Operational Gas Offsetting. These contracts are signed upon the approval, of the relevant Annual Operational Gas Offsetting Study, by the Hellenic Regulatory Authority for Energy.

Following the provisions of Article 46 of the Network Code, the BUYER submitted to the Hellenic Regulatory Authority for Energy the Operational Gas Offsetting Study for the Year 2018 on 26.04.2017.

Based on the above, the BUYER launches the present tender for the selection of the company (hereinafter referred to as the SELLER) that will take over the supply and delivery in the NGTS of the NG Quantity required for Operational Gas Offsetting in the NNGTS during the Year 2018.

The Supply Period starts the Day 01.01.2018 and ends the Day 31.12.2018.

During the Supply Period, the SELLER will deliver to the NGTS, Natural Gas Quantities, on a daily basis that could reach the level of 5,000 MWh.

The SELLER must deliver the Operational Gas within the Hellenic Natural Gas Transmission System. To this effect the successful Bidder must provide evidence that, either they or a NGTS User acting on their behalf, have a Booked Transmission Capacity for Delivery of at least 5,000 MWh/Day for any Entry Point(s) of the NGTS (excluding the Agia Triada Entry Point), throughout the entire Supply Period, such evidence being a prerequisite for the conclusion of the CONTRACT AGREEMENT.

The definition of the Natural Gas Quantity delivered by the SELLER in the NGTS on a daily basis, for the Offsetting of the Operational Gas, will take place at the end of each Month, according to the provisions of the Network Code and the Regulation of Measurements in force.

4.1 CONTRACT AGREEMENT

The SELLER shall enter into a CONTRACT AGREEMENT with the BUYER, according to Annex III of the present document "DRAFT OF CONTRACT AGREEMENT". The rights and obligations of the contracted parties, SELLER's obligation to adjust the Natural Gas Deliveries according to BUYER's nominations, as well as the Contract Price, shall be clearly defined in the CONTRACT AGREEMENT.

Upon the conclusion of the CONTRACT AGREEMENT between the SELLER and the BUYER, the latter will submit a copy to the Hellenic Regulatory Authority for Energy (RAE).

4.2 OFFER PRICE

The Offer Price shall be calculated according to the following formula:

$$OP = OGUP \times Q$$

The Offer Price (OP) reflects SELLER's reimbursement for the purchase and delivery of the Natural Gas Quantity into the NGTS for the Offsetting of the Operational Gas in the NGTS, within the framework of the CONTRACT AGREEMENT, and is calculated as the product of the Operational Gas Unit Price (OGUP), expressed in €/MWh, by the Operational Gas Quantity (Q), expressed in MWh, to be delivered to the NGTS by the SELLER during the Supply Period.

The Operational Gas Compensation Unit Price (expressed in €/MWh) shall be calculated on a monthly basis according to the following formula:

$$OGUP = RP + K$$

where RP (Reference Price) for the Month M, is the Natural Gas Reference Price for TTF at the last day of the Month M-1 (expressed in €/MWh) as stated in the web site of the European Energy Exchange (EEX) (www.eex.com), in the following path EEX Homepage > Market Data > Natural Gas > Spot Market > Daily Reference Price (www.eex.com/en/market-data/natural-gas/spot-market/daily-reference-price).

Note: the OGUP shall be calculated with an accuracy of five decimal digits.

For the purposes of Article 15 herein the Offer Price shall be calculated as follows:

$$OP = (RP + K) (\text{€/MWh}) \times 94,201 (\text{MWh})$$

where RP shall refer to the Month M, which includes the Bid due Date.

5. COMMUNICATION

5.1 All Bids and related communication shall be in the Greek or English language. Documents in any other language shall have to be accompanied by an official translation into Greek or English.

The Bidders may contact the BUYER for bidding matters, in writing, (by letter or telefax) at the following address:

HELLENIC GAS TRANSMISSION SYSTEM OPERATOR (DESFA)
S.A.

357-359 Messogion Ave.,
GR-15231 - HALANDRI
GREECE
FAX NO: (+30) 210- 6749504
PHONE NO.: (+30) 210- 6501815

ATTENTION: Mrs Ir. Angelopoulou

6. BID CONTENTS

6.1 The Bid must be submitted in an outer sealed envelope bearing only the following information:

- 1) BUYER's name and address
"HELLENIC GAS TRANSMISSION SYSTEM OPERATOR (DESFA) S.A."
357-359 Messogion Ave.,
GR-15231 - HALANDRI
GREECE";
- 2) The Inquiry Title and Number;
- 3) Bidder's full legal name & business address;
- 4) The indication: "Bid, to be opened by authorised person only";
and
- 5) The Bid due Date.

The Bid and its contents shall be signed by the person(s) authorised to bind the Bidder.

6.2 This outer sealed envelope must contain two (2) envelopes (A, B) with the indication of the Inquiry Number and Bidder's Name on each envelope as follows:

I. ENVELOPE A -Authorization Documents

This envelope shall include one (1) original and one (1) copy of all documents as specified in Article 13.

II. ENVELOPE B – Financial Offer (Contents Priced)

This envelope shall include one (1) original of all documents as specified in Article 14.

Envelope B shall be sealed and shall be clearly identified to denote the inclusion of priced copies. For this purpose, Bidder must use a RED LABEL or another distinguishable label, indicating the contents.

6.3 In case of any deviations or contradictions between the originals and any copy (-ies), the originals shall prevail.

6.4 Each Bidder shall prepare its Bid in strict accordance with the provisions of these "INSTRUCTIONS TO BIDDERS", its annexes, and the rest Inquiry Documents, whereas non-compliance to the aforementioned documents

may result to non-consideration of the submitted Application.

- 6.5 The Tender Documents shall be available to the Bidders until xx.xx.2017, in physical and electronic form and can be either purchased in hard-copy by a duly authorised Bidder's representative or downloaded electronically from the internet address WWW.DESFA.GR ([ANNOUNCEMENTS](#) - [TENDER DOCUMENTS](#)) with time-stamped receipt.

The date of the first receipt of the Tender Documents, either in physical or electronic form, shall be the commencing date of the time limit for the application of objections against the present Tender Documents, as per the provisions of Law N. 3886/2010 or the law which govern such disputes, as per article 379 of Law N. 4412/2016.

- 6.6 DESFA shall not disclose information forwarded to it by economic operators, which they have designated as confidential, including, but not limited to, technical or trade secrets and the confidential aspects of the Offer, also stating the legislative or administrative provisions which provide said confidentiality obligations.

7. APPLICATION SUBMISSION

- 7.1 The submission of the Application shall be effected by an Authorised Representative of the Bidder, or by recorded delivery mail, or by courier, provided that Envelopes (A & B) reach BUYER not later than **12.00 hrs of the date xx.xx.2017**, which is the final deadline for the receipt of Bids (by BUYER), at the following address:

HELLENIC GAS TRANSMISSION SYSTEM OPERATOR (DESFA) S.A.
357-359 Messogion Ave.
15231 - HALANDRI
GREECE

Phone No.: (+30) 210 - 6501200
Fax No.: (+30) 210 - 6749504

For the attention of the DESFA General Document Center, where it will be registered upon receipt.

- 7.2 Applications received later than the stated time and date shall not be taken into consideration. All Bids shall be stamped upon submission, indicating the precise time and date of receipt by BUYER. The Bidders will receive written confirmation of such receipt.

8. VALIDITY OF BIDS

The Bids shall be valid (and therefore binding on the Bidders) for six (6) months as from the Bid due date.

Bids with validity period less than specified in the Inquiry Documents, shall be rejected.

Said period of validity might be extended following a written request by BUYER (prior to the expiration date). In case a Bidder fails to comply with such a request, then said Bidder shall be considered as having waived all its rights in relation to the

Inquiry and its Bid, as well as in relation to the relevant expenses incurred by said Bidder, etc.

9. GUARANTEES

- 9.1 In order to participate in this Tender, each Bidder must deposit, at the time of Bid submission, to be included in Envelope A, **a Letter of Guarantee equal to sixty-seven thousand EURO (€67,000), valid for at least two (2) months over the minimum validity period of the Bid specified in Article 8 here above.**
- 9.2 The Participation Guarantee Letter shall be addressed to the HELLENIC GAS TRANSMISSION SYSTEM OPERATOR (DESFA) S.A. and shall be in full accordance with the attached Annex II Form. Any deviation or omission might lead to the rejection of the Bid.
- 9.3 The Participation Guarantee Letter of the Bidder, to whom a CONTRACT will be awarded, will be returned after the receipt of a Performance Guarantee Letter on signing the relevant CONTRACT AGREEMENT. The Participation Guarantee Letters of the other Bidders shall be returned after the signing of the aforementioned CONTRACT AGREEMENT between the BUYER and the successful Bidder, except in case of rejection of the Envelopes A or B of a Bidder's Offer, for which the Participation Guarantee Letter of the Bidder shall be returned after the final rejection of the Offer by BUYER.
- 9.4 A Performance Guarantee Letter of **five percent (5%)** of the Contract Price, valid for at least three (3) months over the entire Contract Period (as defined in the CONTRACT AGREEMENT), shall be required from the Bidder to whom the CONTRACT AGREEMENT will be awarded, prior to the signing of the CONTRACT AGREEMENT.
- 9.5 In case the aforementioned (Para. 9.3) Bidder does not present himself to sign the CONTRACT AGREEMENT and/or fails to sign it without reservation, as stated in Article 16 here below, and/or fails to submit the required Performance Guarantee Letter, then the relevant Participation Guarantee shall be completely forfeited in favour of the BUYER as a penalty expressly stipulated hereby, irrespectively of whether the BUYER has sustained or not any damages or loss; the same shall apply for any Bidder, in case any such Bidder withdraws and/or modifies (by its own initiative) its Bid, after the Bid due date and prior to the expiration of the period of validity (see Article 9 hereinabove) of said Bid.
- 9.6 In case BUYER requests in writing the extension of the validity of Bids as per Article 8 here above, the Bidders must also extend the validity of the Participation Guarantee Letter. If a Bidder refuses or fails to comply with such a request, then said Bidder shall be considered as having waived all its rights in connection with the Inquiry.
- 9.7 All Letters of Guarantee (Paragraphs 9.1 and 9.4 above) must be issued by a first class Bank, legally operating in Greece or in any other Member-State of the E.U. or the European Economic Area (E.E.A) or Countries having a relevant Association Agreement with the E.U, allowing the participation in Public Sector's Tenders. The Letters of Guarantee will be issued in Greek or in English language. Alternatively, Letters of Guarantee issued in a language other than the Greek or English, shall be accompanied by an official translation in Greek or English language, issued by a competent authority in

the Country where the Bidder is established, or in Greek by the Greek Ministry of Foreign Affairs, or by the Greek Consulate of the Country the above Letter of Guarantee has been issued.

10. INQUIRY DOCUMENTS AND ORDER OF PRECEDENCE

The following documents, hereinafter collectively referred to as Inquiry Documents, shall form an integral part of the Inquiry. In the event of any conflict (as far as this Inquiry is concerned) identified in the conditions set forth in the Inquiry Documents, the following order of precedence shall prevail, from the higher to the lower:

INSTRUCTIONS TO BIDDERS

Annex I: FORM OF BID LETTER

Annex II: FORM OF PARTICIPATION GUARANTEE

Annex II: FORM OF PERFORMANCE BOND

Annex III: DRAFT OF CONTRACT AGREEMENT

11. GROUPS OF ECONOMIC OPERATORS

The legal formation of the GROUP is not a prerequisite for taking part in the present Tender.

The Bid submitted by a GROUP shall comply with the following requirements:

- 11.1 The Bid shall be signed either by a) all members of the GROUP, or b) the GROUP's common Legal Representative, or c) the Leader of the GROUP. The name of the signatory shall be printed underneath each signature.
- 11.2 A copy of the GROUP agreement that has been or which is intended to be entered into by the members of a GROUP signed by all the GROUP members shall accompany the Bid.

The following minimum information must be included in said agreement:

- That the members of the GROUP shall be jointly, indivisibly and severally liable for execution of the CONTRACT AGREEMENT and that, in the event that any one of the members ceases to be a member of the GROUP and goes into liquidation, then the surviving member(s) shall have full obligation to execute the CONTRACT AGREEMENT and shall be empowered to use all resources furnished by any party in the GROUP.
- The interest of each of the members of the GROUP and the description of each member's undertaking.
- The name of the GROUP partner, who is nominated to act as Leader of the GROUP and who, in such capacity, is authorised to incur liabilities and enter into a Contractual relationship with Third Parties, to receive instructions and act on instructions from BUYER and to effect and receive payments on behalf of the GROUP after CONTRACT AGREEMENT award and for representation issues.
- The GROUP common Legal Representative and the corresponding proxy.

12. BID OPENING PROCEDURE

- 12.1 Following the Bid submission (Bid due Date), an Inquiry Committee appointed by the BUYER will open the Bids on the Bid due Date **xx.xx.2017 at 12.30 hrs.**

Duly authorised Representatives of Bidders participating in the Bid are invited to be present, if they so wish.

The evaluation of the Bids shall follow the procedure stated here below in two (2) separate and distinct stages:

- The evaluation of the contents of Envelopes A
- The evaluation of the contents of Envelopes B

- 12.2 The Inquiry Committee shall open Envelopes A and shall countersign the contents. The Inquiry Committee will also at the same time sign the sealed Envelopes B.

The Inquiry Committee reserves the right to request the submission of any clarification and supplementary or supporting documentation in relation to the submitted documents in envelope A. The provisions of article 310 of Law N. 4412/2016 shall apply in this case.

Bidders shall reply in writing not later than seven (7) days from receipt of said request.

If any Bidder fails to comply with such request, the corresponding Bid will be considered incomplete and shall be rejected for this reason.

The content of the Envelopes A will then be evaluated by the Inquiry Committee regarding their compliance with the Inquiry Documents.

- 12.3 Following the conclusion and announcement of the evaluation of Envelopes A, Envelopes B will be opened by the Inquiry Committee only for the Bids which have been so far accepted. The Inquiry Committee will inform in writing the relevant Bidders as to the place and time of opening of Envelopes B.

The Participation Letter of Guarantee of the rejected Bid will be returned to the Bidder, against receipt, after BUYERS's rejection decision is finalized.

- 12.4 The Bidders may be requested to answer questions and provide information or clarifications but only on the specific points raised by the Inquiry Committee. Information or clarifications submitted by a Bidder without a relevant request of the Inquiry Committee shall not be considered. The provisions of article 310 of Law N. 4412/2016 shall apply in this case.

The Bidders shall reply in writing not later than seven (7) working days from the date of receipt of said request. Such answers may not constitute an amendment to the Bid originally submitted and may not constitute a Counter Offer.

Amendments and Counter Offers shall not be accepted.

- 12.5 Following the opening and evaluation of each stage of the Bid evaluation (i.e. Envelopes A & B), the Inquiry Committee records its findings, signed by all members of the Committee. The Inquiry Committee concludes its work by

recording its evaluation of the Financial Offers and the drafting of its proposal to the BUYER's appropriate body for the successful Bidder of the Tender.

13. CONTENTS OF ENVELOPE A

Envelope A shall contain the following duly authenticated plus one copy of documents, numbered and in sequential order as follows.

A. LEGALIZATION DOCUMENTS

13.1.1 Participation Guarantee Letter

A duly completed Participation Guarantee Letter according to Article 9 and as per form of Annex II attached herein.

13.1.2 Statement

The Bidder, or in case of a GROUP each of its members shall submit a written statement declaring that:

- The Bidder has studied all the terms of the Inquiry and that he accepts all terms contained in the Inquiry Documents with no reservations whatsoever; and
- All submitted data and information contained in their Bid are true.

13.1.3 Contacting information

The Bidder's representative Name and Fax Number.

13.2.1 The Bidder, or in case of a GROUP all members of the GROUP, shall submit:

(i) Legalization

▪ For Bidders operating under Greek Law, certificate(-s) by the registry of Department of Commerce (GEMI) proving the lawful operation and registration, the current composition of the governing legal body and the current legal representatives, or the corresponding publications in the Greek Government Gazette (ΦΕΚ) or other appropriate certificates by a competent authority.

▪ For Bidders operating under foreign Law, certificate(-s) by the competent Authority, as provided by the law of Bidder's country of establishment, proving the lawful operation and registration, the current composition of the governing legal body and the current legal representatives, or other appropriate certificates by a competent authority.

(ii) A certified copy of the Decision or Minutes of Meeting of the Board of Directors, or other competent decision-taking body or duly authorised person of the Bidder:

A. Regarding their decision to participate in the Bid according to the terms of this Inquiry.

B. Appointing a Legal Representative authorized to represent the Bidder until the signing date of CONTRACT AGREEMENT.

- C. Declaring the acceptance of the Bidder's percent participation in the GROUP and naming the Leader of the GROUP that shall be formed in the case of CONTRACT AGREEMENT award (if applicable).
- D. Appointing the Common Legal Representative of the GROUP (if applicable).

13.2.2 A statement signed by the aforementioned Legal Representative(s) of the Bidder, accepting fully said appointment.

Note: In case of GROUP, said statement by Legal Representative of each member as well as by Common Legal Representative should be submitted.

13.2.3 GROUPS OF ECONOMIC OPERATORS:

In the case the Bidder is a GROUP, submission of additional documents, as per provisions of Article 11 here above.

13.3 Documents proving that the Bidder, or in case of a GROUP each of its members, is registered in a commercial/professional register in compliance with the Law of the country where it is established and exercises the activity of supply of natural gas in accordance with the legislation of the country where it is established. Especially for E.U. countries, professional registers are stated in Article 58 & Appendix XI of the European Directive 2014/24/EU.

Note: Where the country concerned does not issue such documents or certificates as required above, these may be replaced by a declaration made by the person concerned, before a judicial or administrative authority, a notary, or a competent professional or trade body, in the country where the Bidder is established.

13.4 Before the signing of the CONTRACT AGREEMENT, the successful Bidder, through its Legal Representative, must submit to DESFA a solemn declaration pursuant to article 8 of the Greek Law 1599/1986, currently in force, that no conviction decision, by the meaning of article 3 of the Greek Law 3310/05, as it was replaced by the article 3 of the Greek Law 3414/2005, has been issued against the Bidder.

If, before the signing of the CONTRACT AGREEMENT, the Court has entered a final conviction decision against the Bidder, acquiring the authority of res judicata, according to article 3, paragraph 4 of the Greek Law 3310/2005, as it was replaced by article 3 of the Greek Law 3414/2005, the Bidder abstains from the signature of the CONTRACT AGREEMENT and without any liable delay must submit to the BUYER and to the Transparency Control Department of the National Radio & Television Council (ΕΣΡ) a validated copy of the conviction decision, as well as a validated copy of the criminal record of the Legal Representative(s), in which the above conviction is referred. Thereafter, the Bidder requests to the above Department the issue of a certificate regarding the concurrence of incompatibility and/or exclusion criteria, according to article 5, paragraph 2 of the Greek Law 3310/2005, as it was renumbered and modified by the paragraphs 3, 4 and 5 of article 5 of the Greek Law 3414/2005.

In the case of the previous paragraph, the BUYER communicates the specific conviction decision to the National Radio & Television (NRT) Council (ΕΣΡ) with its decision for exclusion of said Bidder, in order to check, at the latest prior to the signing of the Contract, the exclusion of said Bidder according to article 5, paragraph 2 of the Greek Law 3310/2005, as it was renumbered and modified by the paragraphs 3, 4 and 5 of article 5 of the Greek Law 3414/2005.

If this final conviction decision for the execution of the misdeed of active corruption is issued after the CONTRACT AGREEMENT signing, the Bidder submits to the BUYER and to the Transparency Control Department, without any liable delay, a solemn declaration with a copy of this decision. In this case, the BUYER must submit to the Transparency Control Department the decision regarding the forfeiture of the BUYER due to the aforementioned reason, in order to check it according to paragraph 5, article 5 of the Greek Law 3310/2005, as it was renumbered and modified by the paragraphs 3 and 8 respectively, of the article 5 of the Greek Law 3414/2005.

Therefore:

13.4.1 Bidders, Greek and foreign, must submit a declaration that they are not offshore companies according to the provisions of case a. par. 4 of article 4 of the Greek Law 3310/2005.

13.4.2. As per Presidential Decree 82/1996 and the Law 3310/2005 as amended by Law 3414/2005 stipulations, Bidders that are Greek Incorporated/Public Limited companies participating in the Bid shall have to submit the following:

- A Certificate issued by the competent Authority stating that the company's shares are personal.
- A detailed list of the company's shareholders and the number of shares each shareholder (Individual, Limited or Personal company) has in his possession as per official entries in the Company's Shares Book. This list should be no more than thirty (30) days old before the date of Bid submission. In the case that among Bidder's shareholders, which hold at least 1% of the total number of company shares, are other Incorporated/Public Limited companies, these companies should have in turn their list of shareholders (individuals, Limited or Personal companies), and so on, until the shareholders of all companies involved can be defined down to the level of individuals, Limited or Personal companies.

13.4.3. Foreign Bidders participating in the Bid severally or as members of a GROUP, in case provision is made by the Law of the country of registration, shall have to submit the following:

- A Certificate issued the competent authority pursuant to the laws of the country of registration, from which it can be established that the company shares issued according to the company's statutes in effect are personal; In case the company's shares were unregistered according to the company's statutes, the relevant procedure for the amendment

to company's statutes provisioning all company shares to be rendered personal, must have been completed and approved by the Supervising competent authority, by the time of Bidding and no later than the Bid due date.

- A detailed list of the company's shareholders and the number of shares each shareholder (individual, Limited or Personal Company) has in his possession as per official entries in the Company's Shares Book pursuant to the laws of the country of registration office. This list should be no more than thirty (30) days old before the date of Bid submission. In the case that among Bidder's shareholders, which hold at least 1% of the total number of company shares, are other Incorporated/Public Limited companies, these companies should have in turn their list of shareholders, (individuals, Limited or Personal companies), and so on, until the shareholders of all companies involved can be defined down to the level of individuals, Limited or Personal companies.
- Any other pertinent documentation, no more than thirty (30) days old before the date of Bid submission, from which the list of the company's registered shareholders can derive.

In case there is no obligation deriving from the legislation of the country of registration for the participating in the Bid foreign companies, to render their shares personal, then they have to submit the following documents:

- A certificate issued by the competent authority of the country of registration, establishing that no such legal obligation exists; otherwise to submit a statement of such context.
- A valid and updated list of its registered shareholders, holding at least 1% either of the total number of company shares or of the company's voting rights.
- In case of no such updated list of registered shareholders, the foreign company must submit a list of its shareholders holding at least 1% either of the total number of company shares or of the company's voting rights, produced according to the most recent General Assembly, on condition that these shareholders are known to the company. Otherwise, the company has to provide justification for the reasons why these shareholders are not known, subject to the approval and assessment of the BUYER.

13.4.4. Greek or foreign Bidders participating in the Bid severally or as members of a GROUP, which are entered in the Stock market of a European Union (E.U.), or of Economic Collaboration and Growth Institution country, in order to be excluded from the obligation of definition of the shareholders down to the level of individuals, limited or personal companies, shall have to submit the following documents:

- A certification of the Stock Market Authority, certifying that the Company is entered in the Stock Market.
- An informative bulletin of the Company's shareholders.

All the above documents must be duly certified by the competent authority of the country of registration, and shall be accompanied by official translation in the Greek language.

- 13.5 Published or certified copies of Bidder's, or in case of a GROUP of each of its members, Statements of Accounts for the last three (3) fiscal years (2014, 2015 and 2016), showing Annual Turnover.

Subject to rejection of the Bid, the annual turnover of the Bidder or, in case of GROUP at least the Leader of the GROUP having a minimum interest of 50% in the GROUP, for the last three (3) fiscal years (2014, 2015 and 2016) must be greater than € 6,700,000.

- 13.6 Bank certificates attesting Bidder's creditworthiness for financing of at least one million Euro (€ 1,000,000.00) with the following context:

«Upon request of..... (Bidder's corporate name), we hereby confirm that (Bidder's corporate name) is a customer of this bank of good standing and to this date has sufficient credit for the consistent performance of their contractual and financial obligations.

Our Bank has approved, under the terms and conditions concluded and notified to the Company, line of credit (excluding letters of guarantee) amounting to €.....

Regarding DESFA's Tender no. 728/17/DDP, our Bank is willing to consider any request by the Company for funding, if eligible according to the bank's criteria, the applicable monetary and credit rules, the financial standing and prospects of the Company at the time of the submission of the Bid».

- 13.7 Certificates issued by competent Authorities in the Country of registration, proving that the Bidder:

- a. Has fulfilled its obligations, concerning the payments of Social Security contributions according to the Legislation of the Country where it is established, or according to Greek Legislation;
- b. Has fulfilled its obligations related to payment of taxes, according to the Legislation of the Country where it is established or according to Greek Legislation, in the event that it has previously developed activities in Greece.

- 13.8 Not applicable.

- 13.9.1 The Bidder, or, in case of a GROUP, each of its members', shall submit an extract from the judicial record or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the country of the economic operators' establishment, regarding the member(-s) of the administrative, management or supervisory body of that economic operator or person(-s) with powers of representation, decision or control therein, establishing that they have not been the subject of a conviction by final judgment for one or more of the reasons listed below:

(a) participation in a criminal organization, as defined in Article 2 of Council Framework Decision 2008/841/JHA (32);

(b) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union (33) and Article 2(1) of Council Framework Decision 2003/568/JHA (34) as well as corruption as defined in the national law of the contracting authority or the economic operator;

(c) fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (35);

(d) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA (36) respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision;

(e) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council (37);

(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 (38).

13.9.2 The Bidder, or in case of a GROUP each of its members, shall submit extracts from Judicial records, or failing this, equivalent documents issued by competent judicial or administrative authorities in the country of origin and/or the country where the Bidder (or in case of a GROUP each of its members) is registered, proving that:

- A. The Bidder is not bankrupt, under liquidation, bankruptcy, obligatory administration or winding up, compromise, or any other similar situation resulting from a similar procedure, as provided by National Legislation.
- B. The Bidder is not the subject of proceedings for a declaration of bankruptcy, obligatory administration or winding up, compromise or any other similar situation or resulting from any other similar procedure as provided by National Legislation.
- C. The Bidder has not been convicted for anything related to its professional integrity and behaviour.
- D. The Bidder has not committed a serious professional misconduct, which can be verified by any means by Owner.

Note to 13.9.1 and 13.9.2: Where the country concerned does not issue such documents or certificates as required above, these may be replaced by a **declaration**, by the Bidder, before a Judicial or Administrative authority, notary or the appropriate professional organisation of the country where the Bidder is established, stating also, within the same declaration, that the country concerned does not issue such documents or certificates as required above.

13.10 Not applicable

B. EXPERIENCE DOCUMENTATION

13.11 Bidder's Profile:

Documents indicating the profile, structure, organization and infrastructure of the Bidder, or in the case of a GROUP of each of its members, with regard to proposed scope of supply.

13.12 Bidder's Experience:

13.12.1 A presentation of Bidder's experience and references in the field of the proposed scope of supply.

- A. 1. List of Bidder's, or in the case of a GROUP of each of its members, Natural Gas Supply Contracts that are under execution or have been executed successfully in the last eight (8) years, stating analytically:

- Supply title
- Owner/Client with a contact name
- Type of Contract, Contract number, Contract award date
- Technical data
- Brief description of Contract's scope
- Initial and final Contract Price
- Planned and actual delivery date

In case of Contracts under execution, the unexecuted part for each Contract (in terms of volume/cost) at the Bid submission date, has to be stated as well.

In case the Bidder was a sub-Contractor, a written declaration from both Client and main Contractor of the Project, with all above information, is required.

2. Any other data substantiating Bidder's experience in the natural gas market according to Article 2 (i.e. official data from the public domain, such as company's annual reports, data from independent analysts, etc.)

or

- B. License for Supply of Natural Gas issued by the Hellenic Regulatory Authority for Energy before the Bid Due Date.

Subject to the rejection of the Bid, Bidder has to be a Supplier or Trader of natural gas that has concluded and successfully completed within the last five (5) years Natural Gas supply contracts of total delivered quantity of Natural Gas measuring up to at least 1.5 bcm or having a License for Supply of Natural Gas issued by the Hellenic Regulatory Authority for Energy.

In the case of a GROUP, the minimum requirements, as stated in the above paragraph, must be satisfied at least by the Leader having a minimum interest of fifty percent (50%) in the GROUP.

C. ADDITIONAL DOCUMENTATION IN CASE THAT THE BIDDER RELIES ON PARTICULAR RESOURCES OF OTHER ENTITIES

13.13 In case the Bidder relies on and uses the economic and financial or/and technical or/and professional capacity of Other Entities, as per Article 79 of the Directive, these Entities must comply with requirements stated in article 2 hereinabove and the documents

mentioned below should be included in Envelope A for each Other Entity:

13.13.1 The duly signed Declaration as per Article 13 of present inquiry and the duly certified documents, where the term "Bidder" is substituted by the term "Other Entity".

Any case of a GROUP of Other Entities is not valid.

In case that above mentioned documents are not submitted, the application of use of particular resources of Other Entities shall not be taken into consideration.

13.13.2 A certified copy of the Minutes of Meeting of the Board of Directors, or other competent decision-taking body or duly authorized person of the Other Entity, regarding the approval of the availability to the Bidder, for the whole duration of the execution of the CONTRACT AGREEMENT, of the particular economic and financial or/and technical or/and professional capacity. The relevant decision should be detailed and should specify the particular resources to be available for the SUPPLY, in a manner that the OWNER can proceed with evaluation and judge the importance of those resources during the bidding phase and can control the realization of said commitment during the execution of the CONTRACT AGREEMENT.

13.13.3 Original copy of binding agreement between the Bidder and such Other Entity proving the commitment for provision of resources.

In case that the requirements listed above are not fulfilled, such application of the Other Entity shall not be taken into consideration by the BUYER.

Above mentioned relationship shall be valid for the whole duration of the CONTRACT AGREEMENT. In case that during the CONTRACT AGREEMENT'S performance the relationship between the Bidder and the Other Entity is not valid, BUYER has the right to apply the contractual provision for CONTRACTOR'S forfeiture.

The declarations and the documentation both of the Bidder and of the Other Entity related to the use of particular resources shall be part of the Contract Documents.

In the case the Bidder relies on particular resources of other entity related to the experience described in subparagraph 13.12.1.A, that reliance could refer either to case 1 or case 2 or both 1 and 2 cases of said subparagraph.

14. CONTENTS OF ENVELOPE B

The Envelope B must have the indication «**Envelope B – Tender for the Supply of Natural GAS Quantity required for the Operational Gas Offsetting in the Hellenic Natural Gas Transmission System during the Year 2018**» and shall contain the following:

FINANCIAL OFFER

The Bidder shall clearly define the terms used for the calculation of the Offer Price, i.e. the factor K, declaring that this is not subject to any escalation and will remain unchanged during the whole duration of the Supply Period.

Any omission in signing or stamping may be completed by the Legal Representative of the Bidder at the time of opening of Envelope. If the Legal Representative is absent, the Inquiry Committee shall invite the Legal Representative to sign the relevant pages according to Article 12.4 of present Instruction to Bidders.

15. EVALUATION PROCEDURE

15.1 Only Bidders which have submitted an Envelope A according to Article 13 will be accepted for further evaluation.

15.2 Bids shall be rejected if:

- It appears from the Envelopes that the Bidder does not have the financial capacity and/or the experience to execute the CONTRACT AGREEMENT.
- The Bidder has committed any serious professional misdeed which can be verified by any means by the BUYER.
- The Bidder has provided, at any stage of the Inquiry, false information.
- The Bid includes any deviations or is not precise enough to the point that it is impossible to establish with certainty what will be supplied against which price.

The rejected bids will not proceed to the evaluation step 12.3.

15.3 Evaluation of the Bids - EVALUATION CRITERIA (FINANCIAL OFFER as per Article 4.2).

The Bidders' Offers that have been so far accepted by the BUYER will be evaluated according to the Offer Price (OP):

$$OP = (RP + K) (\text{€/MWh}) \times 94,201 \text{ (MWh)}$$

expressed in Euros.

The Supply of Natural Gas for the Operational Gas Offsetting will be awarded to the Bidder offering the lowest Offer Price.

16. AWARD - CONTRACT SIGNING

16.1 The successful Bidder will receive a Letter of Intent (by letter or fax) which might include BUYER's proposal for improvement to the Offer.

The successful Bidder, upon receipt of the Letter of Intent, but not later than two (2) working days as from its receipt, shall notify BUYER (by letter or fax) of its acceptance without any reservation.

Following this, a Letter of Award will be issued by BUYER. The CONTRACT AGREEMENT will be signed as soon as the successful Bidder submits to the BUYER the following documents and in any case not later than ten (10) days from the day of receipt of the Letter of Award by the successful Bidder:

- A. Minutes of the successful Bidder's (or, in case of a GROUP, from each of its members) Board of Directors, or other competent decision taking body, duly signed, and stating:
- (i) Their decision to accept the CONTRACT AGREEMENT award; and
 - (ii) The appointment, by a Power of Attorney, of the Legal Representative who must be authorised to sign the CONTRACT AGREEMENT and to act on SELLER's behalf during the execution of the CONTRACT AGREEMENT.
- B. Declaration signed by said Legal Representative(s) accepting the aforementioned Power of Attorney without any conditions or reservations.
- C. Performance Guarantee Letter as per provisions of Article 9 (GUARANTEES)
- D. In case of a GROUP, legal documents proving that the GROUP has been formed according to Article 11 stipulations and according to the Law.
- E. The statement as per Article 13.4.
- F. The number and date of a valid Transmission Agreement (according to the Network Code for the Operation of the National Natural Gas System as applicable from time to time, currently Hellenic Government Gazette 1549/B/05.05.2017) which shall cover the entire Supply Period continuously with a Booked Transmission Capacity for Delivery of at least 5,000 MWh/Day for any Entry Point(s) of the NGTS (excluding Agia Triada Entry Point). In case the Transmission Agreement is concluded with an NGTS User other than the successful Bidder/SUPPLIER, the SUPPLIER must also submit a legally binding and duly signed declaration by the said NGTS User whereby the Booked Transmission Capacity for Delivery of at least 5,000 MWh/Day for any Entry Point(s) of the NGTS (excluding Agia Triada Entry Point) shall be used for the purpose of performance of the SUPPLY.
- G. As per Presidential Decree 82/1996 stipulations, Greek Incorporated/Public Limited companies shall have to submit the following:
- A Certificate issued by the competent Authority stating that the company's shares are personal.
 - A detailed list of the company's shareholders and the number of shares each shareholder (Individual, Limited or Personal company) has in his possession as per official entries in the Company's Shares Book. This list should be no more than thirty (30) working days old from the date of Bid submission. In the case that among Bidder's shareholders, which hold at least 1% of the total number of company shares, are other Incorporated/Public Limited companies, these companies should have in turn their list of shareholders (individuals, Limited or Personal companies), and so on, until the shareholders of all companies involved can be defined down to the level of individuals, Limited or Personal companies.

Foreign companies, several or members of a GROUP, in case provision is made by the Law of the country of registration, shall have to submit the following:

- A Certificate issued by the competent authority pursuant to the laws of the country of registration, from which it can be established that the company shares issued according to the company's statutes in effect are personal; In case the company's shares were unregistered according to the company's statutes, the relevant procedure for the amendment to company's statutes provisioning all company shares to be rendered personal, must have been completed and approved by the Supervising competent authority, by the time of Bidding and no later than the Bid due date.
- A detailed list of the company's shareholders and the number of shares each shareholder (Individual, Limited or Personal company) has in his possession as per official entries in the Company's Shares Book pursuant to the laws of the country of registration office. This list should be no more than thirty (30) working days old from the date of submission to the BUYER. In the case that among Bidder's shareholders are other Incorporated/Public Limited companies, these companies should have in turn their list of shareholders (individuals, Limited or Personal companies), and so on, until the shareholders of all companies involved can be defined down to the level of individuals, Limited or Personal companies.
 - Any other pertinent documentation, no more than thirty (30) working days old from the date of submission to the BUYER, from which the list of the company's registered shareholders can derive.

In case there is no obligation deriving from the legislation of the country of registration for the foreign companies, to render their shares personal, then they have to submit the following documents:

- A certificate issued by the competent authority of the country of registration, establishing that no such legal obligation exists; otherwise to submit a statement of such context.
- A valid and updated list of its registered shareholders, holding at least 1% either of the total number of company shares or of the company's voting rights. In case of no such updated list of registered shareholders, the foreign company must submit a list of its shareholders holding at least 1% either of the total number of company shares or of the company's voting rights, produced according to the most recent General Assembly, on condition that these shareholders are known to the company. Otherwise, the company has to provide justification for the reasons why these shareholders are not known, subject to the approval and assessment of the BUYER.

In case the companies are entered in the Stock market of a European Union (E.U), or of Economic Collaboration and Growth Institution country, the required documents are as per Article 13.4.4 above.

All the above documents must be duly certified by the competent authority of the country of registration, and shall be accompanied by official translation in the Greek language.

- 16.2 In case the successful Bidder fails to notify BUYER the acceptance of BUYER's Letter of Intent within the aforementioned two (2) working days' time limit or fails to submit the aforementioned documents of paragraph 16.1 above after BUYER's Letter of Award, BUYER shall have the right to cancel the award of the CONTRACT AGREEMENT to said Bidder and to claim for compensation of damages related to the delays due to such failure of said Bidder and provisions of Article 9.5 hereinabove shall apply.
- 16.3 In case the successful Bidder is a GROUP, the award will be in the name of all members of GROUP. Each member of the GROUP will be fully, jointly, indivisibly and severally liable to BUYER and will be represented by a common Representative throughout the validity period of the CONTRACT AGREEMENT.

17. CONFIDENTIALITY

Any technical information and data furnished by BUYER with the Inquiry Documents shall remain the property of BUYER and shall be treated as confidential and they shall not be used, disclosed or released to any Third Party for any other purposes, other than for preparing the Bids.

18. RESERVATIONS AND RIGHTS OF THE BUYER

- 18.1 Participation to the Bid constitutes an acceptance by the Bidder that it has complete knowledge of the terms and conditions of the Inquiry Documents and accepts their contents without reservation.

Any omission to submit the Bid according to the Inquiry Documents as well as the omission of a signature on any document does not entitle the Bidder to invoke this fact in its (Bidder's) favour in any way.

The Bidder shall be responsible for and be bound by its Bid as submitted.

- 18.2 The BUYER will have no responsibility or obligation whatsoever to indemnify and/or to compensate the Bidder for any expense or loss incurred for the preparation and submission of the Bid, in particular, in case the terms and conditions of the Inquiry Documents are changed by BUYER or the Bid is not accepted, or the Inquiry is adjourned or annulled or cancelled at any stage and time and for any reason whatsoever, or in case BUYER takes any decision according to Paragraph 14 hereinabove. Therefore, participants to the Inquiry which submit a Bid, regardless of whether this is finally accepted or not, have no right against the BUYER deriving from the Inquiry or from participating in the Bidding.
- 18.3 The Bid is considered to be a proposal to the BUYER and not an acceptance of it by the latter. Therefore the CONTRACT AGREEMENT sample and other issues and documents imply that the Bidders submit their Bid in accordance with the terms and provisions of those issues and documents that constitute an integral part of their Bid.
- 18.4 The terms, conditions and limitations concerning the submission of Bids are to the benefit of the BUYER, who is entitled to proceed with any relevant change without any right on behalf of the Bidder or other third parties arising from this fact.

19. LOCAL LAWS AND REGULATIONS

The Bidder must be fully aware of local Laws, Regulations, Decrees, practices and other conditions in Greece, which might affect its Bid and the performance of its obligations.

Failure of the Bidder to become familiar with such matters shall not release it from its obligations.

20. APPLICABLE LANGUAGE

The Bid including all related documentation and all communication shall be submitted in the Greek or English language.

Documents submitted or originally issued in a language other than Greek or English must be officially translated into the Greek or English language.

21. CLARIFICATIONS

If requested by BUYER, Bidders must be prepared for a formal presentation of their Bids as well as to clarify any queries of the BUYER probably at BUYER's premises. Such meetings shall take place at any reasonable time between Bid submission and CONTRACT AGREEMENT award. Bidders shall make their own arrangements for attending said meetings and bear the associated costs.

22. BIDDER'S CLARIFICATION REQUESTS

Bidders may request in writing clarifications of the Inquiry Documents at any time up to fifteen (15) days prior to the Bid due date.

BUYER will endeavour to reply to the requested clarifications not later than ten (10) days before the Bid due date.

23. BUYER'S AMENDMENTS TO THE INQUIRY

BUYER may issue amendments in the form of a Bid Addendum at any stage during the Bid period but not later than six (6) DAYS before the initial Bid due date and extend the time for submission of Bids equal to the initial Contract Notice following the provisions of par.2 of Article 73 of the Directive.

The Bidders shall confirm in writing the inclusion in their Bid of all clarifications/amendments issued prior to receipt of the Bid by the BUYER (see Annex I – Bid Letter).

For clarifications/ amendments issued by BUYER subsequent to receipt of the Bid, but in any way prior to the Bid due Date, the Bidder shall be responsible for thoroughly examining the Bid documents and incorporating the clarifications/amendments in his Bid. Any failure by the Bidder to comply with the aforesaid clarifications or amendments issued by the BUYER, may be a reason for the rejection of its Bid.

24. ATTACHED DOCUMENTS

The following Annexes are attached herein and constitute integral part of present Instructions to Bidders:

- ANNEX I: FORM OF BID LETTER
- ANNEX II: FORM OF PARTICIPATION GUARANTEE
- ANNEX II: FORM OF PERFORMANCE BOND
- ANNEX III: DRAFT OF CONTRACT AGREEMENT
- ANNEX IV: NETWORK CODE (CURRENTLY GOVERNMENT GAZETTE 1549/B/05.05.2017 ALTERATION OF CODE FOR THE ADMINISTRATION OF THE NNGS)
- ANNEX V: GOVERNMENT GAZETTE 584/B/06.05.2010 REGULATION OF MEASUREMENTS
- ANNEX VI: LEGISLATIVE FRAMEWORK OF TENDERING PROCEDURES

Ir. Angelopoulou
Coordinating Department Manager