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2021/S 098-259185

CONTRACT NOTICE – UTILITIES
(Directive 2014/25/EU)

SECTION I: CONTRACTING ENTITY

I.1) NAME, ADDRESS, CONTACT POINT(S) AND CONTACT PERSON(S):

DEPA COMMERCIAL (DEPA) S.A. 92, Marinou Antypa Str. GR14121, Herakleion of Attica, Greece. Procurement Department/ Mrs. I. Kombotiati, Procurement Director/**Telephone:** + 30 210 2701118/115 ,**Fax:** + 30 210 27 51 731,**Email:**procurement@depa.gr,**Web Site:** <http://www.depa.gr>.

NUTS code: EL301

I.3) COMMUNICATION:

Access to the procurement documents is restricted. Further information can be obtained at: <http://www.depa.gr>

Additional information can be obtained from the abovementioned address.

Tenders or requests to participate must be submitted to the abovementioned address.

I.6) MAIN ACTIVITY:

Production, transportation and distribution of gas and heat.

SECTION II: OBJECT

II.1) SCOPE OF THE PROCUREMENT

II.1.1) Title: Procurement of LNG semi-trailers

Reference number: DEPA Inquiry No **971/21**

II.1.2) Main CPV code:

34223100 Semi - trailers

Supplementary CPV code:

KA06 - KA08

II.1.3) Type of contract: Supplies

II.1.4) Short description:

The SUPPLY which this Inquiry refers to is the procurement of three (3) LNG semi-trailers and the signing of a Maintenance & Service contract for the LNG semi-trailers for a period of twenty four (24) months following the expiration of the Liability/Warranty Period for the SUPPLY as this is defined in the CONTRACT.

Technical Specifications of the SUPPLY are analytically described in the Scope of SUPPLY (Section IV) of this Inquiry.

II.1.5) Estimated total value: 980.000,00€

II.1.6) Information about lots:

This contract is not divided into lots

II.2) DESCRIPTION

II.2.2) Additional CPV code(s):

II.2.3) Place of performance:

NUTS code: EL3,

The SUPPLY is INCO terms 2010, DDP, DEPA address according to PURCHASER'S instructions to be given prior to shipment

II.2.4) Description of the procurement:

Procurement of of three (3) LNG semi-trailers as described here below:

- the LNG semi-trailer will be used for transport and transfer of LNG from the LNG terminal to the application of the customers. As an example: a catamaran vessel will be bunkered with LNG with this LNG semi-trailer by transporting the LNG from Revithoussa Terminal Truck Loading station to the Hybrid Catamaran,

— Separate deliveries of the semi trailers are acceptable, preferably within 12 months from the contract execution and not more than 16 months,

— offered unit prices and contract price for the supply are valid for delivery DDP, insurance paid by the supplier (in accordance with the INCOTERMS 2010), up to the delivery point according to the contracting entity's instructions. Offloading will be arranged and paid for by the contracting entity,

— the contract price as well as the unit prices, are firm and not subject to any cost escalation for any reason whatsoever.

II.2.5) Award criteria:

Price is not the only award criterion. According to criteria stated in the Tender documents

II.2.6) Estimated value:

980.000,00 €

II.2.7) Duration of the contract:

Duration in months: **According to the Tender Offer.**

II.2.10) Information about variants:

Variants will not be accepted

II.2.11) Information about options: -

II.2.13) Information about European Union funds: Yes

The procurement is co-financed by both DEPA and SuperGreen Action (2017-EL-TM-0048-W).

.II.2.14) Additional information:

1) This Tender is governed by the Laws of Greece, EU Directive 2014/25/EU, Law 4412/2016 applicable to all relations between the Contracting Entity and Tenderers.

2) The inquiry documents can be obtained upon request at the e:mail address procurement@depa.gr not later than 31/05/2021.

SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

III.1) CONDITIONS FOR PARTICIPATION

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers:

Bidders have to be Economic Operators, as per par. 6 of Article 2 of the Directive 2014/25/EU, registered in a European Union (E.U) or a European Economic Area country (E.E.A.) or a country having an Association or Bilateral Agreement with the E.U., allowing the participation in Public Tenders of Contracting Authorities with activities in the manufacture of mobile LNG equipment, or Joint ventures of the above mentioned.

Bidders have to be experienced and reputable manufacturers of LNG semi-trailers or authorized representatives-agents of such manufacturers, or Joint Ventures of the above mentioned. The experience and acceptability of the above mentioned Bidders shall be proved by means of the references, criteria and other data and documents as described herein below.

. Each tender shall include the following documents:

-A solemn declaration that the Tenderer (or in case of a J/V each of its members) is not an offshore company according to the provisions of case a. par.4 of article 4 of the Greek Law 3310/2005, the Presidential Decree 82/1996 as amended by Law 3414/2005.

-A solemn declaration that the Tenderer has studied all the terms of the Inquiry and that he accepts them with no reservations whatsoever.

-Subject to rejection of the Tender the Tenderer shall complete all relevant sections of the European Single Procurement Document (ESPD) by electronic means, either at <https://ec.europa.eu/growth/tools-databases/espd> or at <https://espdint.eprocurement.gov.gr> (Promitheus ESPDint), with the corresponding EU Inquiry Number as stated in the Inquiry Documents.

-Subject to rejection of the Tender, the Tenderer, or in the case of a J/V, each of its members undertakes the obligation to submit to the Contracting Entity within reasonable time and at any stage of the bidding/evaluation period of this Inquiry, all or part of the documents that are stated in their submitted ESPD.

DOCUMENTS TO BE SUBMITTED ONLY BY THE SUCCESSFUL TENDERER

1) Company Statutes and Company's decision taking body/persons according to the legislation of the country the Tenderer is registered. Registration of shares

2) A certified copy of the Minutes of Meeting of the BoD, or other competent decision-taking body or duly authorized person of the Successful Tenderer,

3) In the case of a J/V, the J/V Agreement, or other legal document to that effect.

4) Documents proving the registration in a professional register and that he has the essential qualifications in order to execute the Supply in accordance with the legislation of the country where he is established.

5) 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 Successful Tenderer is registered, proving that:

A) He is not bankrupt, under liquidation, bankruptcy, obligatory management, compromise;

B) No procedure has been instigated against him for declaration in bankruptcy, obligatory management, compromise or any other similar situation or resulting from any other similar procedure as provided by national legislation.

C) He has not been convicted for anything related to its professional integrity and behaviour.

D) He has not committed a serious professional misdeed, which can be verified by any means by the Contracting Entity.

6) Certificates issued by competent Authorities in the country where he is registered, stating that he:

A) Has fulfilled its obligations, concerning the payments of social security contributions

B) Has fulfilled its obligations related to payment of taxes.

-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.

There is no obligation for companies to have their shares registered, if the company shares are registered in the Stock Exchange of either a European Union (EU) country or in a country member of the Organisation for Economic Co-operation and Development (OECD).

III.1.2) Economic and financial standing:

Selection criteria as stated in the procurement documents

-Published or certified copies of Tenderer's, or in case of a J/V of each of its members, Statements of Accounts for the last three (3) years.

-References from Banking Institutions concerning the financial status and credit of the Tenderer, or in case of a J/V of each of its members.

III.1.3) Technical and professional ability:

List and brief description of selection criteria:

- Documents indicating a description of the structure and organization of the Bidder (in case of J/V, of all its members). Ownership of the company or possible the members of the JV needs to be specifically mentioned.

-List of purchase orders for the same or similar material to the SUPPLY, executed successfully, during the last five (5) years.

-List of all purchase orders currently under execution with material description and quantity of items to be delivered with expected delivery dates.

-**Subject to rejection of the Bid**, the Bidder, or in the case of a J/V, the leader of the J/V, must have executed at least fifty (50) semi-trailers / mobile units for the transportation of LNG and/ or other comparable industrial gases, within the European Union (EU) or the European Economic Area (EEA).

-**Subject to rejection of the Bid**, the Bidder will propose, if not himself, a Maintenance Service Provider for Greece bound with an after Sales Level Agreement (SLA) between the SUPPLIER (the BIDDER) and the SERVICES PROVIDER; for a period of twenty four (24) months following the expiration of the Liability/Warranty Period for the SUPPLY as this is defined in the CONTRACT (article 13 of the Terms & Conditions), where will be explicitly stated and described his obligation, to be accepted by DEPA. Such a Provider shall be assigned the responsibility for the after sale maintenance and repair of the SUPPLY as specified by the manufacturer and stated in the CONTRACT Documents.

-Copy of the Quality Management certificate ISO 9001:2015 or equivalent with scope covering all the activities and/or products offered in this Inquiry. The certificate should be valid at the time of Bid submission and issued by an accredited Certification Organisation.

- **Subject to rejection of the Bid**, the delivery schedule of LNG Semitrailers should not exceed sixteen (16) months and preferably be within twelve (12) months.

III.1.4) Objective rules and criteria for participation:

List and brief description of rules and criteria:

Without prejudice to any other relevant provision of the Inquiry documents, tenders shall be rejected if:

- It appears that the Tenderer does not have the know-how or the experience and generally the technical and/or the financial capacity for executing the Supply.
- The Tenderer has committed any serious professional misdeed which can be verified by any means by the Contracting Entity.
- The Tenderer has provided, at any stage of the Tender, any information required, in order to comply with the terms and conditions of the Tender, which is false.
- The Tender is not precise enough to the point that it is impossible to establish with certainty what is offered against which price, or if it is not responsive or if it is in any other way unsatisfactory to the Contracting entity, including unfair competition.
- Non-fulfilment of the subject to Rejection criteria of the Tender

III.1.6) Deposits and guarantees required:

-Subject to rejection of the Tender, each tenderer must deposit, at the time of tender submittal, a Participation Guarantee Letter equal to Ten thousand (10,000.00) EURO, valid for at least one month more than the validity period of the tender stated in section IV.2.6 herein.

-Prior to Contract signing, a Performance Guarantee Letter of five percent (5%) of the Contract Price shall be required from the tenderer to whom a Contract will be awarded.

-Both Letters of Guarantee must be issued by a Bank or a Financial Institution, legally operating in Greece or in any other member-state of the European Union (EU) or the European Economic Area (EEA).

III.1.7) Main financing conditions and payment agreements and/or reference to the relevant provisions governing them:

The procurement is co-financed by both DEPA and SuperGreen Action (2017-EL-TM-0048-W at a percentage of 20 %.

An advance payment of twenty percent (20 %) of the lump sum price for the supply after contract signing, against an advance payment bond, in the form of a bank letter of guarantee of the same amount and currency and as per the form depicted in Appendix D of the contract terms and conditions.

Payment of ninety percent (90 %) of each delivery value of the lump sum price for the supply against related invoice, forty five (45) days after the receipt of the contractual items accompanied by documentation according to the relevant Testing and Inspection of the supply.

Final payment of the retained ten percent (10 %) of the lump sum price for the supply shall be paid after delivery of last item.

III.1.8) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:

A preliminary Joint Venture/Consortium (J/V) Agreement. Upon signing of the Contract, submission of a final Joint Venture/Consortium (J/V) Agreement signed by all members of the J/V, or other legal document to that effect.

III.2) CONDITIONS RELATED TO THE CONTRACT

III.2.2) Contract performance conditions: The Contract to be signed is governed by the current DEPA Procurement Regulation (BoD Decision No 1261/2/25.10.2016) posted on DEPA's site (URL): [http:// www.depa.gr](http://www.depa.gr).

For matters not explicitly provided in the Contract, relevant provisions of the Greek Civil Law shall apply.

SECTION IV: PROCEDURE

IV.1) DESCRIPTION

IV.1.1) Type of Procedure:

Open

IV.1.8) Information about the Government Procurement Agreement (GPA): no

The procurement is covered by the Government Procurement Agreement: no

IV.2) ADMINISTRATIVE INFORMATION

IV.2.1) Previous publication concerning this procedure: No

IV.2.2) Time limit for receipt of tenders:

Date: 14/6/2021

Local Time: 14:00

IV.2.4) Language(s) in which tenders or requests to participate may be drawn up:

English, Greek.

IV.2.6) Minimum Time frame during which the tenderer must maintain the tender:

Six (6) months from the date stated for receipt of tender in section IV2.2 herein.

IV.2.7) Conditions for opening tenders:

Date: **Date: 14/06/2021**

Local Time: 14:30

Place: At the Contact Point stated in section I.1 herein.

Duly authorized Tenderer representatives may be present.

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) THIS IS A RECURRENT PROCUREMENT: No

VI.3) ADDITIONAL INFORMATION:-

VI.4) PROCEDURES FOR REVIEW

VI.4.1) Review Body:

DEPA COMMERCIAL (DEPA) S.A.

92, Marinou Antypa Street, GR14121, Heracleion of Attica, Greece.

Telephone: + 30 210 2701118,

Fax: + 30 210 2751731,

Email: procurement@depa.gr

Web Site: <http://www.depa.gr>.

VI.4.2) Body responsible for mediation procedures:-

VI.4.3) Review procedure:

This tender is governed by the Laws of Greece and the European Union Legislation (Directive 2014/25/EU, Law 4412/2016 and DEPA's Regulation on the procurement of goods and services uploaded on www.depa.gr) which will be applicable in general to all relations between the Contracting Entity and the Tenderers, regardless of their nationality.

Any dispute shall be subject to the jurisdiction of the Law Courts of Athens.

VI.4.4) Service from which information about the review procedure may be obtained:

PUBLIC GAS CORPORATION OF GREECE (DEPA) S.A.

92, Marinou Antypa Street, GR14121, Heracleion of Attica, Greece.

Procurement Department,

Mrs. I. Kombotiati, Procurement Head

Telephone: + 30 210 2701118,

Fax: + 30 210 2751731,

Email: procurement@depa.gr,

Web Site: <http://www.depa.gr>.

VI.5) DATE OF DISPATCH OF THIS NOTICE:

16/05/2021