

INVESTMENTS DIVISION
PROCUREMENT & INVESTMENTS DEPARTMENT

TED 097 / 2023
CALL FOR TENDERS

FOR THE LEASE, MAINTENANCE, CLEANING & DISINFECTION OF CHEMICAL TOILETS
SUMMARY OF THE TENDER

OPEN TENDER	
ECONOMIC OPERATOR	THESSALONIKI PORT AUTHORITY SA Main line of business: Port works Address: Within the Port of Thessaloniki PC: 546 25, Thessaloniki Tel: 2310593121, Fax: 2310510500 Email: secretariat@thpa.gr Website: http://www.thpa.gr
Deadline for the Submission of Offers	01.12.2023
Deadline for the Submission of Requests for clarification	27.11.2023
Duration of the Contract	One (1) year with the possibility of extension for one (1) additional year
Awarding Criterion	The most economically advantageous offer based on price (lowest price)
Contact for information / clarifications	For the tender procedure Name: Giorgos Papageorgiou E-mail: gpapageorgiou@thpa.gr Telephone: +302310593305 Name: Anastasios Anagnostakis Email: aanagnostakis@thpa.gr Telephone: +302310593360 For technical issues Name: Evangelia Vafaki E-mail: evafaki@thpa.gr Telephone: +302310593318

PART A GENERAL TERMS

1. Description of the Object of the Contract and its Financial Terms

1.1 Object

The object of this call – open tender process is the lease, maintenance, cleaning and disinfection of thirty-seven (37) single portable toilets, including transportation and commissioning thereof, in accordance with the terms detailed in the technical specifications hereof.

1.2 Right of Option

ThPA SA unilaterally reserves the right, which shall be exercised during the term of the lease of the aforementioned 37 chemical toilets, to lease up to ten (10) additional similar toilets under the same terms and services.

1.3 Lease Term

The term of the lease is set at one (1) year from the date of its signing, with the possibility of unilateral extension by ThPA SA for a period of one (1) year.

1.4. Award Criterion

The criterion for awarding the object of the contract is the lowest offered price from service providers, whose offers have been deemed as acceptable, based on the technical specifications and the terms of the call.

2. Right of Participation - Qualitative Criteria

2.1. Participation in the tender shall be open to economic operators, more specifically to Natural or Legal Persons, Consortia or Associations of Economic Operators who submit a joint offer and whose members have a professional activity related to the object of this call, i.e. the lease, maintenance and disinfection of chemical toilets.

2.2. Participants shall:

- Not be in a state of bankruptcy, liquidation, compulsory receivership, insolvency, arrangement with creditors, suspension of operations, not the subject of proceedings for bankruptcy, liquidation, compulsory receivership or any other relevant procedure and not be subject to any other legal restrictions.
- Not have been irrevocably convicted themselves, in case of participating natural persons, and their legal representatives and the natural persons performing management duties in all other cases for:
 - a) participation in a criminal organization, pursuant to article 2(1) of Joint Action No. 98/733/JHA of the Council of the European Union;
 - b) bribery, as defined in Article 3 of the Council Act of 26 May 1997(21) and Article 3(1) of the Joint Action No. 98/742/CFSP of the Council;
 - c) fraud within the meaning of article 1 of the Convention on the protection of financial interests of the European Communities;
 - d) money laundering, as defined in Article 1 of Council Directive No. 91/308/EEC, on the prevention of the use of the financial system for the purpose of money laundering;
 - e) child labor and other forms of trafficking, 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, as well as the replacement of Council Framework Decision 2002/629/JHA (OJ L 101) and the crimes of article 323A of the Criminal Code (trafficking in human beings);
 - f) embezzlement (Criminal Code 375);
 - g) fraud (Criminal Code 386-388);
 - h) extortion (Criminal Code 385);
 - i) forgery (Criminal Code 216-218);
 - j) perjury (Criminal Code 224);
 - k) corruption (Criminal Code 235- 237);
 - l) fraudulent bankruptcy (Criminal Code 398).
- Have fulfilled all obligations relating to tax and insurance matters.

In case the interested economic operators participate as an association or consortium, the above shall be met by each member of the association or consortium

Associations of economic operators, including temporary partnerships, are not required to have a specific legal form for bidding. The selected Consortium or Association of Suppliers may be required to have a specific legal form insofar as the inclusion of such a legal form is necessary for the proper performance of the contract.

In the case of an offer by an association of economic operators, all its members shall be jointly and wholly liable to the contracting entity.

2.3. Qualitative Criteria

Participation in the tender is reserved to economic operators that hold:

- An ISO 9001 Quality Assurance Certificate or an equivalent certificate on chemical toilet management that is internationally accredited.
- A civil liability insurance policy which will cover any accidental damage caused to the Environment or to third parties during the performance of the Contractor's contractual obligations, with a maximum coverage of €600,000, €200,000 for physical injuries per person/harmful event, €400,000 for group accidents, and €200,000 for property damage.

3. Description of the Process

3.1 Offer Submission Way and Time

Offers shall be submitted by the economic operators no later than Friday **01/12/2023** at **15:00**, by sending a locked file folder to the following email address aanagnostakis@thpa.gr, also forwarded to gpapageorgiou@thpa.gr, and they shall not be dependent on any other term, condition, proviso or reservation. The password shall be sent to the above email addresses after the deadline for submission of offers, upon notice to the participants.

After the expiry of this date and time, offers may not be submitted. Offers submitted late will be disregarded.

3.2 Clarifications

Clarification requests shall be submitted via email to gpapageorgiou@thpa.gr and aanagnostakis@thpa.gr, also forwarded to evafaki@thpa.gr, no later than Monday **27/11/2023**. Clarification requests submitted in other forms shall not be considered. No response shall be provided for any clarification requests sent after the aforementioned deadline. The clarifications are posted electronically on the website of ThPA SA www.thpa.gr.

3.3 Extension, amendment, addition or cancellation of the tender

ThPA SA reserves the right to extend the time for submitting offers at any time before the deadline for the submission of offers. At any time before or after the above deadline, the company may cancel the award process, based on a specific reasoned decision, or decide to repeat it at any stage, without any liability, cost or penalty. It also reserves the right to modify the terms of the procedure with transparency.

4. Offer content

Offers shall be submitted in Greek without being dependent on any other term, condition, proviso or reservation, bear the seal and signature of the economic operator and include the following information:

- (a) Participation documents
- (b) Technical offer
- (c) Financial offer

Alternative offers, counter-offers or modifications of offers or any proposals that may be classified as counter-offers shall not be considered and shall be rejected.

4.1. Participation Documents

In order to demonstrate that the participants meet the relevant selection criteria of article *2 Right of Participation - Qualitative Criteria*, they shall submit the following participation documents along with their offer:

- A Formal Statement pursuant to Law No. 1599/86, stating that the bidder has been informed of the terms of this call and accepts them fully and unconditionally.
- A Certificate of registration in the relevant Chamber.
- A Formal Statement through which the bidder declares that there are no grounds for exclusion, as set out in paragraph 2.2, for the economic operator and its authorized representatives and that there are no grounds for believing that such impediments will occur during the period of validity of the offer and any possible extensions thereof.

- A Formal Statement stating that the bidder has been informed of and accepts the Concession Agreement between the Hellenic Republic and ThPA SA (Law No 4522/2018, Official Government Gazette 39A/07.03.2018).
- A certified copy of the ISO 9001 Quality Assurance Certificate.
- A Civil Liability insurance policy, or a letter of attestation from an insurance company, in which it will be confirmed that in case of assignment of the relevant supply, it will cover the civil liability of the participant.
- Where the economic operator is a legal person, any applicable legal documents of constitution and legal representation, (such as articles of association, documentation published on GEMI, certificates of company information amendments, respective Official Government Gazette issues, organization of the BoD as a body corporate, etc.) The above documents shall specify the lawful establishment, the person(s) legally binding the company on the date of the tender (legal representative, right of signature, etc.), any third parties authorized to represent the bidder, as well as the term of office of the person(s) and/or the members of the management body/legal representative.
- A copy of Appendix A signed by the legal representatives of the participating economic operator (Informative document for the processing of personal data, according to Article 13 of the GDPR 679/2016).

4.2. Technical Offer

The Technical Offer shall necessarily include a full and binding technical description of the offered equipment and the provided services. The offered equipment shall comply with the terms and the technical specifications set out in detail in Part B hereof.

Offers for items that do not meet the technical specifications shall be rejected.

4.3. Financial Offer

The Financial Offer shall be signed by the bidder, bear the seal of the company and include at least the following:

- Unit price for the monthly lease, maintenance, interior and exterior cleaning (emptying waste water, replenishing with clean water, toilet paper, paper towels and soap) and disinfection of a chemical WCs daily (Monday-Saturday)
- Total offer price excluding VAT for the annual lease, maintenance and disinfection of 37 chemical WCs.
- The time of bid validity, which cannot be less than 90 days from the deadline for the submission of offers.
- Any other necessary information, at the discretion of the participants.

NOTE: The Formal Declarations submitted in accordance with this Open Call shall either be in the form provided for in Article 8(2) of Law No. 1559/1986 and bear a signature authentication by a competent authority or be issued electronically via <https://www.gov.gr/>.

5. Offer time of validity

Offers submitted are valid and bind the participants for a period of **ninety (90) days** from the deadline for their submission. Offers that are valid for a shorter period will be rejected as **unacceptable**.

The validity of the offer may be prolonged, if requested by ThPA SA, prior to its expiry, for a maximum period of time equal to the initial offer validity period specified in the Call.

6. Evaluation & Awarding Criteria

The opening of offers shall take place without the presence of participants.

During the evaluation, ThPA SA may address requests to the economic operators concerned for clarifications and the economic operators must provide clarifications within the time limits set.

ThPA SA reserves the right to request revised offers.

After completion of the evaluation, participants are informed of the acceptance or rejection of their offer.

7. Payment method

The supplier shall be paid monthly, within (60) days from the issuance of the relevant invoice, subject to confirmation by the competent ThPA SA body of the proper performance of the provided services, which shall be added to the invoice.

8. Contract – Amendments

After the announcement of the result of the tender, a contract shall be signed between ThPA SA and the selected economic operator.

The contract may be modified during its term, without the need for a new contract procedure, only upon the mutual written agreement of the parties.

9. Performance Guarantee

The signing of the contract requires the submission of a Performance Guarantee, amounting to 5% of the annual remuneration, excluding VAT, deposited before or during the signing of the contract.

The above performance guarantee shall cover in total and without exceptions the application of all the terms of the contract and any claim of ThPA SA against the contractor and shall be forfeited in case of violation of the terms of the contract, as it specifically stipulates.

10. Delivery

The toilets shall be transported at the expense of the supplier and be commissioned at the facilities of ThPA SA, at locations indicated by the competent department of ThPA SA.

11. Price Adjustments

The offered prices shall be considered **fixed and final** and shall not be subject to adjustment for any reason and cause for the entire term of the contract. For that reason, the participation of any interested party to the tender entails his explicit, unconditional and irrevocable resignation from any right to adjust the prices offered and possibly resulting from another relevant provision;

PART B: TECHNICAL SPECIFICATIONS

The single chemical toilets shall meet the following specifications:

- They must be made of high-density polyethylene, a material that is neither flammable nor porous, thus allowing for effective cleaning and disinfecting. The flooring must be made of heavy-duty plastic (for easy cleaning).
- They must be equipped with a flexible ventilation pipe, which will prevent the formation of unpleasant odors inside the toilet.
- They must be equipped with a toilet paper machine, a paper towel machine, a liquid soap dispenser, a clothes hanger and a face mirror.
- They must be equipped with a clean water tank for toilet flushing and hand washing with the respective foot pedals.
- The roofing must be made by a semi-transparent material, so as to allow enough light to pass through.
- The door must be equipped with a locking mechanism consisting of hinges, a spring, an engaged/vacant indicator, and a gender indicator (men-women).
- The waste water tank must be equipped with a damper.

The maintenance of the chemical toilets shall include, inter alia, interior and exterior cleaning six times per week (Monday-Saturday), disinfection, emptying of waste water, replenishing with clean water, toilet paper, paper towels and soap, restoration of small damages and, if necessary, replacement of the toilet.

Annexes:

A) Information document for the processing of personal data

THE MANAGING DIRECTOR

ARIE KOPPELAAR

ANNEX 1 – INFORMATION DOCUMENT FOR THE PROCESSING OF PERSONAL DATA

UPDATE ON THE PROCESSING OF PERSONAL DATA, pursuant to Article 13 of the GDPR 679/2016 (*accompanies the **Application Forms** in Tenders-Calls-Offers etc. of the Procurement and Investment Division of "ThPA SA"*).

The Société Anonyme under the name "Thessaloniki Port Authority" (ThPA SA, Law 2688/99, GG 40A/1-3-99), having its registered office in Thessaloniki (Pier 1, inside the Port PC: 54625, tel.: 2310 593 118- 121), as legally represented, hereby **informs** and, in conformity with the provisions of the applicable legislation on the protection of personal data and, in particular, the General Regulation EU 679/2016, **in its capacity as "Data Controller"**, the natural person (*hereinafter the "Data Subject"*), who signs the Application Form, the Offer or other similar form of the Procurement and Investment Division of "ThPA SA" and submits the necessary supporting documents, **either** on its behalf, as a representative of a private company **or** as a natural person - legal representative of the participant in the legal person procedure, **or** in another similar legitimizing capacity, that ThPA SA and its competent Services-Divisions-Departments (*such as its employees, acting under its supervision, by order and on its behalf and within the framework of their powers and, possibly with others, jointly referred to as "Controllers" and "Processors", third parties or recipients: other participants in the procedure, Ministries, public authorities, Tax Offices, Judicial Authorities etc. based on the compliance with the legal obligation of the "Processor" or in fulfillment of his duty or for performance of a contract*), **collects, processes and retains** the personal data included in the Application Form, Offer or any other document of the Procurement and Investment Division of "ThPA SA" and in its accompanying documents, which are voluntarily submitted to "ThPA SA" by the "Data Subject" either on his behalf (*private company*) or on behalf of the legal person representing it.

This data will be used for the purposes of handling the Application Form, the Offer or any other similar document of the Procurement and Investment Division of "ThPA SA". The purpose of processing may be: The evaluation of the Application/Offer etc., the verification of the details of the «Data Subject» or the company that it represents, required by the procedure, the evaluation of the suitability of the "Data Subject" or the company it represents, as a candidate counter-party towards the conclusion of a contract with "ThPA SA" or with a view to concluding a contract (*Article 6, par.1b GDPR Expl.44*). Furthermore, "ThPA SA" processes such data in order to communicate with the "Data Subject" whenever it considers it to be necessary, on issues relating to the procedure and for reconciling "ThPA SA" with the requirements of the Regulation and law (*compliance with his legal obligation, Article 6, par 1c GDPR*). This data is kept at the competent Procurement Department **for as long as it is necessary to check the Application/Offer etc. and the data submitted therein, throughout the period needed to complete the procedure, throughout the period of submission of any objections and lodging an appeal that may be provided for internally or by law, throughout the period of fulfillment of both parties' obligations and the period of limitation for bringing claims and, generally, for as long as it is required from the letter and the spirit of the Subcontracting and Procurement Regulation and the relevant law and contracts governing the operation of ThPA SA, as applicable.** Then, they are filed, either on paper or electronically in such a way that access is not authorized

to non-authorized employees. After the elapse of the necessary time period, they will be safely destroyed, as provided for by the relevant legislation (*the provisions of Article 191 §2 of Law 4610/2019 (A '70) apply for the period up to 23-3-2018, while, the maximum limitation period laid down in the Civil Code shall apply from then on and for the conversion of the Processor into a SA*). The provision of such data is necessary for this procedure and, failure of the "Data Subject" to provide them will lead to the inability of the Data Subject to participate in the procedure and the impossibility of providing such service.

The "Data Subject" can submit a request to the "Data Controller" on: Access-information, correction, limitation of the processing of data regarding it, objection to processing, erasure of data and data portability **subject to the conditions and limits laid down by the applicable legislation** (e.g. 17 par.3, 20 par.3, 23 GDPR). These rights are exercised either by filling in the relevant application form available **on the Protocol and the Investment and Procurement Division** of "ThPA SA", or by sending a letter to the address: "ThPA SA", Pier 1, within the port, PC: 546, Thessaloniki, tel: 2310 593118-121, or by sending an email to the address: dpo@thpa.gr. The "Data Controller" provides to the "Data Subjects" will all relevant information on the action taken upon request, pursuant to Articles 15 to 22 of the GDPR without delay and in any case **within one month** from receipt of the request. This deadline may be extended by a further period of two months, if necessary, taking into account the complexity of the request and the number of requests (*see for more details: article 12 par. 3 of the GDPR*). Also, for any complaint, the "Data Subject" has the right to notify the **Data Protection Authority** either in writing (address: *Kifisias 1-3, P.C. 115 23, Athens*) or via email (www.dpa.gr).

Thessaloniki, ___ / ___ /2023

I have read this Information (*signature and name in full and seal in case of a legal person*):