

**PROJECT STUDIES AND
CONSTRUCTION WORKS DIVISION
PROJECT STUDIES DEPARTMENT**

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Subject: Clarifications to the interested parties regarding the “Call for Tender: Update Study and Project Management for the Expansion of the Marine Works Infrastructure of Pier 6” – Part IV

Following the previous clarifications in relation to the “Call for Tender: Update Study and Project Management for the Expansion of the Marine Works Infrastructure of Pier 6”, the below replies – clarifications refer to the questions received from April 5th until April 23th 2019. The replies – clarifications are provided with a consecutive numbering. Interested Parties are kindly requested to refer to all replies – clarifications provided by ThPA S.A. since the said replies – clarifications constitute an integral part of the Call.

17. Question: Can the Client please confirm the identity of the firm acting as the Independent Engineer so that any potential conflict of interest can be determined?

Answer: The Independent Engineer is the company “SALFO & ASSOCIATES S.A.”, with subcontractors the companies “AECOM LIMITED” and “SAMARAS & ASSOCIATES S.A.”.

18. Question: Please provide a schedule of permits/approvals required under the clause 3.2.1.iii and define “requirements of various relevant authorities” with respect to “design, commencement, development and completion” (para 3.2.1.iii).

Answer: The required permits/ approvals are indicatively, but not limited to, the following:

- i. Approval of the Detailed Design by the Independent Engineer;
- ii. Approval of the Detailed design by the Technical Services Directorate of the Region of Central Macedonia;
- iii. Approval of the commencement of the construction by the Hellenic Ministry of Mercantile Marine and Island Policy.

19. Question: Can the Client please confirm the frequency of reporting and the level of detail of reporting expected under the clause 3.2.1.ix?

Answer: The DPM shall prepare detailed monthly reports regarding the progress of the study. The DPM shall also prepare reports when it is requested by ThPA S.A. or if they are considered as necessary for the progress of the study. The level of detail of reporting shall be proposed by the Candidates and included in their Technical Proposal.

20. Question: Can the Client please confirm the level of scheduling and monitoring required before and after award (paras 3.2.1.xiv to xvii)?

Answer: The level of scheduling and monitoring before and after award regarding paras 3.2.1 (xiv) to (xvii) shall be proposed by the Candidates and included in their Technical Proposal.

21. Question: Can the Client please confirm the “completion procedure” and the expected contents of the “completion report”. Also, can the Client please advise on whether the Consultant is to play any role in the Defects Liability Phase of the project? What would this role and input be, and for how long will the DLP be (para 3.2.1.xxi)?

Answer: The procedures regarding the issuance of the “Substantial Completion Certificate” and the “Final Completion Certificate” are described in Sections 7.9 and 7.17 of the Concession Agreement respectively.

Interested parties can download Concession Agreement of 02.02.2018 between the Greek State and ThPA S.A. (ratified by Law 4522/2018) from the following link:

<https://download.thpa.gr/Law-4522-2018-HRCA.pdf>.

The overall duration of the DPM’s contract will be forty six (46) calendar months up to the completion of project construction, in accordance with para 3.3.1. of the Call. After the completion of project construction, ThPA S.A. reserves the right to extend the contract, in accordance with paras 3.3.2 and 3.3.3, in order for the DPM to provide their services during the repair of any defects, deficiencies or shortcomings by the construction contractor, if needed, up to the issuance of the “Final Completion Certificate” by the Independent Engineer.

22. Question: What level of site staffing is envisaged by the Client for the construction supervision? Is it expected that e.g. a specialist programmer and QS/estimating team is required? (paras 3.2.1.xxvii to xxx)?

Answer: The site staffing for the construction supervision and their specialties shall be proposed by the Candidates and included in their Technical Proposal.

23. Question: Can the Client please clarify the requirements of quality control audits, environmental impact audits, structural safety audits, etc.? Is it expected that specialist environmental, safety personnel would be required as part of the site team and if so, what level of qualification in these areas is required (para 3.2.1.xxviii)?

Answer: The requirements of quality control audits, environmental impact audits and structural safety audits should be in accordance with legislation, technical specifications and standards applicable to public works in ports in Greece.

The structure and composition of the site team shall be proposed by the Candidates and included in their Technical Proposal. The site team members should be suitable to pursue such professional activity in Greece.

24. Question: Can the Client please clarify the form of interim approvals by ThPA S.A. Can details be provided of the number of interim reviews, the submission requirements for interim reviews and

the expected programme duration for these reviews (para 4.2.ii)?

Answer: The Candidates may consider for the preparation of their Technical Proposal that the duration needed for each interim review/ approval by ThPA S.A. will be one (1) week. More details on the interim reviews/ approvals will be provided in the DPM Agreement.

25. Question: Can the Client please provide any settlement monitoring records from the construction of the existing Pier 6?

Answer: Settlement monitoring records regarding the construction of the existing Pier 6 are not available.

26. Question: Can the Client please clarify the anticipated requirements with regard to the extension of the crane rails at the interface between the expansion and the existing quay? Are the 20m gauge rails to extend onto the expansion quay or are the 30m gauge rails to extend onto the existing quay (Appendix B4)?

Answer: The requirements for the extension of the crane rails at the interface between the expansion and the existing quay will be provided to the DPM (successful Tenderer). It is clarified that the project includes the extension of the 20m gauge rear crane rail on the expanded Quay 26 as well as the new 30m gauge rear crane rail on the expanded Quay 26.

27. Question: The Call for Tender mentions that the Consultant shall design networks and utilities, but only HV/MV/LV electrical networks, lighting, ducts, drainage systems are mentioned. Please can you confirm what, if any, requirements there are for:

- Other piped systems (e.g. fire mains, potable water, foul drainage)
- Other electrical systems (e.g. shore to ship power)
- Communications/security (e.g. IT network, telephones, alarms, CCTV etc.) (Appendix B5)?

Answer: The construction of all complementary infrastructure works needed for the full operation of both the new quay wall and the corresponding yard includes, apart from power supply electrical networks (HV/MV/LV), lighting and storm water drainage, the following utilities and networks:

- Potable Water Bunkering supply on the quay used also as a fire water supply;
- Communications/ security network (IT network, WiFi, Fiber Optic network, telephones, CCTV, etc.);
- Shore-to-ship power (cold ironing).

The requirements for the above mentioned utilities and networks will be provided to the DPM (successful Tenderer).

28. Question: Can the Client please provide details of the connection points along the existing Pier 6 for the utilities and networks required to service the expansion works (Appendix B5)?

Answer: Details on the connection points along the existing Pier 6 for the utilities and networks required to service the expansion works will be provided to the DPM (successful Tenderer).

29. Question: Can the Client please provide current topographic surveys of the existing terminal area?

Answer: Current topographic surveys of the existing terminal area will be provided to the DPM (successful Tenderer).

30. Question: Can the Client please provide current bathymetric surveys of expansion quay wall, reclamation area, berth area and navigational channel area?

Answer: Current bathymetric surveys of expansion quay wall, reclamation area, berth area and navigational channel area will be provided to the DPM (successful Tenderer).

31. Question: Can the Client please confirm the overall settlement and differential settlement criteria for the works?

Answer: Information about the overall settlement and differential settlement criteria for the works will be provided to the DPM (successful Tenderer).

32. Question: We note that 60% of the Consultant's total fee is related to Project Management tasks, to be paid monthly during the 38-month construction period, but the actual amount paid will depend upon the Construction Contractor's progress (Note 3, Page 23).

Please note the Consultant does not have control over the performance of the Construction Contractor (e.g. delays due to mechanical breakdown and/or weather).

Therefore, please can you:

- Confirm how the payment to the Consultant will be calculated in the event of delays by the Construction Contractor?
- Confirm if an alternative method of calculating such payments can be proposed by Consultants in their bids?
- Confirm what happens with regard to negative cash flow and loss of profit if the job is cancelled.

Answer: During the preparation of their offers, Candidates must consider the Scheme of Billing described in Note 3 (pages 23-24) of the Call.

More details on the payment schedule will be provided in the DPM Agreement.

33. Question: We note that invoices will only be paid upon provision of supporting documents. Please can you clarify what information is required (Note 3, page 24)?

Answer: According to Note 3 of the Call, invoices will be paid periodically within thirty (30) days after the receipt by ThPA S.A. of bills (i.e. invoices) with supporting documents. It is required that the following should be included in the supporting documents:

- information about the progress of works of DPM either in the study phase or in the construction phase along with the construction contractor's progress of works;
- necessary supporting documents regarding the payment of invoices of Greek companies (e.g. tax certificate) according to the Greek legislation.

34. Question: We believe that the various references to the eligibility of Consortium partners include an inconsistency. Note 4 on page 27 of the RFP refers to the requirement of all members of a JV or Consortium to fulfill the exclusion criteria of this tender. It is understood that this involves the execution of a Solemn Declaration as per the wording of item (vi) on page 26 of the RFP. Requirement (b) under this Solemn Declaration (refer exclusion criteria of paras 4.1.3 and 4.1.5) however does not full align with what is mentioned in Clause 2.3.2 of the RFP, where it is stated that criterion 4.1.3 shall be fulfilled by (at least) the lead party within a JV / Consortium, while criterion 4.1.5 shall be fulfilled by the combination of the parties within the JV / Consortium. Could the Client please confirm that the stipulations included in Clause 2.3.2 of the RFP are ruling?

Answer: It is confirmed that the requirements included in para 2.3.2 of the Call are ruling. According to para 2.3.2, the criterion prescribed in para 4.1.3 (Economic and Financial Standing Criterion) should be fulfilled by the lead party within a JV/ Consortium (i.e. the company that has a degree of participation in the JV/ Consortium of at least 51%). The criterion prescribed in para 4.1.5.1 (Suitability to pursue the professional activity) should be fulfilled by each one of the companies consisting the JV/ Consortium. The criteria of paras 4.1.5.2 (previous experience) and 4.1.5.3 (similar projects) should be fulfilled by combination of the parties consisting the JV/ Consortium. Therefore, in the case of a JV/ Consortium:

- (i) The lead party should state in its Solemn Declaration that:
 - meets the exclusion criteria of paras 4.1.3 (economic and financial standing criterion) and 4.1.5.1 (Suitability to pursue the professional activity);
 - meets the exclusion criteria of paras 4.1.5.2 (previous experience) and 4.1.5.3 (similar projects) in combination with the other parties of the JV/ Consortium;
- (ii) Each one of the other parties should state in its Solemn Declaration that:
 - meets the exclusion criteria of para 4.1.5.1 (Suitability to pursue the professional activity);
 - meets the exclusion criteria of paras 4.1.5.2 (previous experience) and 4.1.5.3 (similar projects) in combination with the other parties of the JV/ Consortium.

35. Question: Article 4.1.5.2 refers to 15 years of experience, whereas Articles 4.1.5.3 / 4.2.iv refer to 10 years respectively. Please clarify the number of years of experience.

Answer: Para 4.1.5.2 of the Call refers to the exclusion criterion (pass/ fail process) of “Previous experience” which should be fulfilled based on the documents included in the “Sub-folder of Participation Supporting Documentation”, in accordance with para 5.3.A.

Para 4.2.iv of the Call refers to section “Track Record & Experience” of the “Sub-folder of Technical Proposal” which is to be evaluated (Technical Score) by the Evaluation Committee, in accordance with para 6 (Selection and award process).

36. Question: With reference to Article 5.3 (v), please confirm that companies based in Greece can provide the respective competent management body’s decision in Greek.

Answer: It is confirmed that companies based in Greece can provide the respective competent management body’s decision in Greek.

37. Question: It is stated that the Environmental Terms are valid until 31.12.2022 (Appendix B, para 2.5 Environmental Approval). Taking into consideration the time-schedule of the Project, the works and the services of DPM will be completed within 48 months after the signing of the Contract between DPM and ThPA S.A. (as para 3.3.1). Even in the case that we assume that the Contract will be signed on 30.06.2019, there will be 48 months for the conclusion of the Project, which is a longer period than the period of the validity of the Environmental Terms in force (only valid for 42 months until 31.12.2022). Therefore, the following question applies: Is within the DPM obligations to compile the Extension or Modification Folder of the existing Environmental Terms, for the duration that exceeds its current validity.

Answer: No, it is not within the DPM obligations to compile the Extension or Modification Folder of the existing Environmental Terms, for the duration that exceeds its current validity.

38. Question: Please clarify the type of availability of the existing studies as listed in Appendix B, para 2.4 (i.e. on line publication on ThPA S.A. website, via e-mail on an electronic format to the Candidates).

Answer: According to para 3.1.3.d of the Call, the existing studies for the project of the expansion of the marine works infrastructure of Quay 26 of Pier 6 shall be available only to the DPM (successful Tenderer).

39. Question: Taking into consideration that the first geotechnical investigation was undertaken in 1997, was supplemented on 2001, whereas the soil improvement works were concluded on 2010, we would like to request if there is available monitoring data (settlements), on the quay wall front at the berthing position No. 26. If so, we would like a copy (Appendix B, para 2.4 Data and Studies Available).

Answer: Settlement monitoring data on the quay wall front at the berthing position No 26 are not available.

40. Question: According to para 3.4.4 of the Call for Tender, it is stated that: *“The DPM, their representatives and their employees must not have any direct or indirect relation with the IE, which may give rise to a conflict of interest.”*

On the above, the following Question and Answer was provided on previous clarifications by ThPA S.A. (Clarification No. 8):

“Question: The DPM, their representatives and their employees must not have any direct or indirect relation with the IE, which may give rise to a conflict of interest. (para 3.4.4): Please clarify if any of the following cases give rise to a conflict of interest:

a) A sub-contracting natural person who doesn't have any current relation with the IE, but used to have a direct or indirect relation with the IE in the past.

b) A sub-contracting natural person who has a direct or indirect relation with an affiliated entity of the IE, and not with the legal entity related to the project in subject.

c) A sub-contracting natural person who has a direct or indirect relation with the IE, however working on a different department of the IE and having no relation to the project in subject.

d) A subcontracting natural person with a finite duration contract for a different project that will

have finished by the construction supervision phase of this assignment.

Answer: It is clarified that case (a) does not give rise to a conflict of interest. On the contrary, cases (b), (c) and (d) give rise to a conflict of interest."

Our query is the following:

Does the above (d) restriction apply only to natural persons or also to Companies? This query arises from the fact that the Companies that represent the Independent Engineer are in fact Large Consulting Engineering Companies acting and offering their services Globally and most likely cooperating with other possible DPM Candidates, on other no inter-related Projects.

On the other hand, if according to the clarifications provided, a subcontracting natural person has conflict of type (d), how is it explained that a participating Candidate does not have conflict.

Please clarify, as this has created delays in the selection of a suitable Partner.

Answer: As regards Answer No 8 (<https://www.thpa.gr/index.php/en/diagonismo/2086-clarifications-6th-pier-ii-en>), it is clarified that case (a) does not give rise to a conflict of interest. On the contrary, cases (b), (c) and (d) may give rise, according to the Contracting Authority's (ThPA S.A.) opinion, to a conflict of interest. The above mentioned apply both to natural persons and legal entities.

Therefore, concerning the comment *"On the other hand, if according to the clarifications provided, a subcontracting natural person has conflict of type (d), how is it explained that a participating Candidate does not have conflict."*, it is obvious that all the above mentioned applies both to subcontractors and Candidates.

Important note

Please visit regularly ThPA S.A. website <http://www.thpa.gr/> in order to be promptly informed about the "Call for Tender: Update Study and Project Management for the Expansion of the Marine Works Infrastructure of Pier 6".

Previous links related to the "Call for Tender: Update Study and Project Management for the Expansion of the Marine Works Infrastructure of Pier 6"

1. https://www.thpa.gr/index.php/en/diagonismo/2076-pier6_expansion-2
2. https://www.thpa.gr/index.php/en/diagonismo/2082-clarifications_sixth_pier-2
CANCELLED
3. <https://www.thpa.gr/index.php/en/diagonismo/2084-extension-pier6-en>
4. <https://www.thpa.gr/index.php/en/diagonismo/2086-clarifications-6th-pier-ii-en>
5. <https://www.thpa.gr/index.php/en/diagonismo/2104-clarifications-part-iii-2>
6. https://www.thpa.gr/index.php/en/diagonismo/2108-2nd_extension-2_en