

Thessaloniki, 17th of August 2023

General Commercial Division of ThPA S.A.
Real Estate Department

OPEN CALL FOR THE EXPRESSION OF INTEREST FOR THE SUBCONCESSION OF WAREHOUSE B2 AT PIER 1 OF PORT OF THESSALONIKI FOR THE OPERATION OF AN ALL-DAY NON-SEASONAL FOOD & BEVERAGE ESTABLISHMENT (Bar Restaurant)

Thessaloniki Port Authority Société Anonyme (ThPA S.A.) invites the interested parties to express their interest for the sub-concession of Warehouse B2 at Pier 1 of ThPA S.A. for the operation an all-day non-seasonal food & beverage establishment (restaurant-bar).

1. Description of Warehouse B2

- 1.1** The building is located in a privileged location, near quay N. 1, in the city center at Pier 1 which, with its redevelopment and the existing cultural, touristic, and commercial uses, is a pole of attraction for the residents and the visitors of Thessaloniki. "Macedonia" Passenger Terminal of ThPA S.A. operates in close proximity to the building serving cruise ships and domestic passenger ships and supports tourist traffic at Pier N.1. Also, the two commercial car parking areas of ThPA S.A., Passenger Terminal Parking Area and Gate 6 Parking Area are located at a short distance from the building.
- 1.2** The building was internally reconstructed in 1998 and acquired its current form in 2003. It has two entrances from the main street of the pier and two entrances from the seaside. The building has a frontage of 20.70 m and a depth of 25.80 m, consists of three levels and has an elevator with maximum capacity 5 people. It covers an area of 1010 m² and 151 m² of outdoor space on the seaside.
- 1.3** Specifically, Warehouse B2 consist of:
- ground floor of approximately 534 sqm
 - mezzanine of approximately 112sqm,
 - floor of approximately 364sqm
- The dimensions and areas include the masonry and the load-bearing elements of the construction. The outdoor space includes the space along the Warehouse towards the sea and up to about a distance from the edge of the quay.
- 1.4** The building is located within the area designated as the "Historic Centre of Thessaloniki" and therefore the corresponding restrictions and obligations of the applicable legislation apply.
- 1.5** The building has been declared historic/preserved and therefore the corresponding restrictions and obligations arising of the applicable legislation apply.
- 1.6** As of today the building is used and operated as a Food and Beverage establishment (bar restaurant). The Call for the Expression of interest concerns the building as described above and without mobile equipment for the sub-concession of the use for the operation of an all-day non-seasonal food & beverage establishment (restaurant-bar) for seven (7) years.

2. Right of participation / Condition of participation

Participants shall:

- 2.1 Not be in bankruptcy, winding up, having its affairs administered by the courts, cessation of payments, bankruptcy settlement, suspension of works and have not been subject to bankruptcy, winding up, special administration by the courts or other similar proceedings, and not be subject to any other legal operating restrictions.
- 2.2 Not have been irrevocably convicted in case of participation of natural persons and the managers in case of participation of general partnerships (G.P.), limited partnerships (L.P.), private capital companies (P.C.) and limited liability companies (L.P.), the chairman and the managing director in case of participation of Société Anonyme (S.A.) and the natural persons who exercise their management in any other case for:
 - a) Participation in a criminal organization as defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300).
 - b) Bribery as defined in Article 3 of the Convention on the fight against corruption involving EU officials or officials of EU countries (EU C 195) and in Article 2 (1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192) as well as in the way defined in the Greek laws and / or national legislation of the tenderer.
 - c) Fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (EE C 316) ratified by Law 2803/2000 (GG A' 48).
 - d) Terrorist crimes or offenses related to terrorist activities as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA of 13 June 2002 (OJ L 164), respectively, or incitement, complicity or attempted crime, as referred to in Article 4 of the same 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 of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309), which was incorporated by law 3691/2008 (GG A '166), replacing the relevant provisions of law 2331/1995 (GG A' 173) and/or
 - f) 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, and replacing Council Framework Decision 2002/629/JHA, which was incorporated by Law 4198/2013 (GG A' 215).
 - g) embezzlement (PC 375), fraud (PC 386-388), extortion (PC 385), forgery (PC 216-218), perjury (PC 224), bribery (PC 235-237), fraudulent bankruptcy (PC 398), or crimes similar to their objective nature according to the provisions of any foreign legal orders.
- 2.3 To hold a tax and insurance awareness certificate.
- 2.4 To have at least 5 years of continuous operation of an all-day non-seasonal restaurant – bar
- 2.5 To have turnover of at least 2 mil euro during the previous year of the operation of the all-day non-seasonal restaurant- bar.
- 2.6 To have experience in operating an all-day non-season restaurant-bar which requires more than 80 employees.

3. Content of the Envelope

Interested parties shall include in their envelopes at least the following documents:

- 3.1 Appropriate documents constituting establishment and legal representation (such as Articles of Association, General Commercial Registry (GEMI), representation Government Gazette, etc.) based on the legal form of the participant and evidencing legal establishment, the person who binds the interested party with his signature on the date of the expression of interest and his/her term of office, the decision of a competent body on expression its interest in this Call and his/her authorization in case of granting to a third party the power of representation.
- 3.2 Certificate of registration with the relevant Chamber if there is obligation to register.
- 3.3 Solemn declaration of the participating natural person or the legal representative of the participating legal person/financial entity, that there are no grounds for the person and/or for the person of the company/financial entity he represents, as well as those exercising its management, as these persons are defined in 2.2, those defined in articles 2.2. reasons for exclusion as well as

that there are no reasons to believe that these obstacles will occur during the validity of the concession.

- 3.4 A solemn declaration by the participant or the legal representative of the participating legal person that the participant and/or the participating legal entity and the persons exercising management are not bankrupt, being wound up, or having their affairs administered by the courts.
- 3.5 Audited Financial Statements of the of the previous financial year.
- 3.6 Proof of Tax awareness.
- 3.7 Proof of insurance awareness.
- 3.8 Description of the intended operation of the all-day non-seasonal food & beverage establishment (restaurant-bar) including any technical works to be performed by the participant.
- 3.9 Permit for the operation of an all-day, non-seasonal operation food and beverage establishment (restaurant-bar) valid for at least the last five years before the date of expression of interest (filing of the file) in the name of the participating natural or legal person. The valid permit to operate a food and beverage establishment must have the participating interested party as the beneficiary. The required experience must be obtained independently from the operation of a food and beverage establishment of the participant and cannot be the sum of the operation of several establishments of the same person.
- 3.10 Submission of personnel tables of the last year prior to the date of expression of interest (submission of the envelope) from which the employment of personnel of more than 80 people in a food and beverage establishment with all-day non-seasonal operation (restaurant-bar) of the interested party can be obtained. The required experience must be obtained independently from the operation of a food and beverage establishment of the participant and cannot be the sum of the operation of several stores of the same person.
- 3.11 Proof of expertise in organizing establishments and existing establishments of a specific from of business as presented through a summary report of its existing operating businesses.
- 3.12 The information document on the processing of personal data attached in Annex 1, signed by the participating natural person or the legal representative of the participating legal person.

4. Tender submission process

- 4.1 Envelopes shall be submitted by the participants no later than, Friday **September 1st 2023 at 15:00, not subject on any other term, condition, proviso or reservation** in the following email addresses nypsilantis@thpa.gr and realestate@thpa.gr by sending a locked file folder. The password shall be sent to the above email addresses after the deadline for submission of bids, upon notice to the participants.

Alternatively, they can be submitted in a physical/hard copy envelope with the indication *“OPEN CALL FOR THE EXPRESSION OF INTEREST FOR THE AWARD OF A CONTRACT FOR THE SUBCONCESSION OF WAREHOUSE B2 AT PIER 1 OF PORT OF THESSALONIKI FOR THE OPERATION OF AN ALL-DAY NON-SEASONAL FOOD & BEVERAGE ESTABLISHMENT (Bar Restaurant)”* to the Corporate Governance Department of ThPA S.A., Technical Services Building, ground floor, Gate 11 (in the Port), PC 54625 Thessaloniki, 2310-593118, in any case within the aforementioned deadline. Participants also provide an electronic data storage medium (USB) with the contents of the envelope.

- 4.2 After the expiry of this date and time, it shall no longer be possible to submit envelopes. Envelopes not submitted on time will not be considered.
- 4.3 The participants accept the risk and undertake the full responsibility for any event, including force majeure events, that may result to a non-timely, non-full or non appropriate submission of their envelope.
- 4.4 It is expressly clarified that:
 - this does not constitute an invitation to prepare a contract and submitting a bid in no way implies its acceptance.

- The present call is non binding for ThPA, who bears no responsibility whatsoever towards the participants who will express their interest.
- No compensation claims can be substantiated from the present call, by the participants who will express their interest
- The Expression of Interest does not bind the interested parties.
- The participants take part in the process, at their own responsibility and they are not entitled to any compensation for expenses relevant to their participation in the Call process or relevant to the preparation of the envelope for the participation in the Call process.
- ThPA reserves the right to, freely and at its own absolute discretion, decide the extension or suspension of the deadline for the submission of the envelopes, to amend or add to the Call documents, to decide the termination, postponement, repeat, cancellation or annulment of the Call process.
- ThPA reserves the right, based on the results of the present Call, to conduct a pre-selection tender, based on the criteria determined by ThPA.

5. Clarifications on the Call

- 5.1 Requests for clarification shall be submitted electronically no later than five working days before the deadline for submission of envelopes at the following e-mail addresses: nypsilantis@thpa.gr and realestate@thpa.gr.
- 5.2 No consideration shall be given to requests for clarification submitted otherwise.
- 5.3 Requests for clarification sent after the expiry of the above deadline will not be answered.

6. Evaluation

- 6.1 During the evaluation, ThPA S.A. may address requests to the participants for clarifications and/or additional evidence and the participants must provide the clarifications within the time limits set for them.
- 6.2 ThPA S.A. will evaluate all the envelopes, that will be submitted in a timely and appropriate manner by the participants.
- 6.3 The envelopes whose content, at the absolute discretion of ThPA S.A., are vague and cannot be evaluated, are excluded as inadmissible.
- 6.4 If ThPA concludes that the content of any envelope does not comply fully with the terms and conditions of the present Call, the submitting participant will be excluded from the evaluation process.

Thessaloniki 17/08/2023

THE EXECUTIVE CHAIRMAN OF THE BOD & MANAGING DIRECTOR OF THPA S.A.

ATHANASIOS LIAGKOS

ANNEX 1: (Information document on the processing of personal data)

ANNEX : INFORMATION DOCUMENT FOR THE PROCESSING OF PERSONAL DATA

UPDATE ON THE PROCESSING OF PERSONAL DATA, pursuant to Article 13 of the GDPR 679/2016

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, the General Regulation EU 679/2016 in particular, **in its capacity as a "Data Controller"**, the natural person (*hereinafter the "Data Subject"*), who signs the Application Form, the Offer or other similar form 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 fulfilment 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 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. 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 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 fulfilment 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 Subconcession 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** 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, ___ / ___ /20___

I have become aware of this Update (*signature and in full letters*):