

17PROC002487454 2017-12-24



HELLENIC REPUBLIC ASSET
DEVELOPMENT FUND

HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.

Athens, 21.12.2017

AMENDMENT

TO THE INVITATION TO SUBMIT AN EXPRESSION OF INTEREST

**FOR THE AWARD OF A SERVICE CONCESSION AGREEMENT
IN RELATION TO FINANCING, OPERATION, MAINTENANCE AND EXPLOITATION OF
EGNATIA ODOS MOTORWAY AND THREE VERTICAL ROAD AXES**

Notice number in the OJ S: 2017/S 220-457924

Notice number in KIMDIS: 17PROC002256692

Notice Corrigendum number in the OJ S: 2017/S 247-521231

Notice Amendment number in KIMDIS: 17PROC002487451

Procurement number in KIMDIS: 17PROC002258653

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1. The Hellenic Republic Asset Development Fund S.A. (the “Fund”) by virtue of a decision dated 21.12.2017 of its Board of Directors has approved the amendment of the Invitation to submit an Expression of Interest for the award of service concession agreement in relation to financing, operation, maintenance and exploitation of Egnatia Odos and three vertical road axes dated 14.11.2017 (the “Invitation”) as follows:
 - (i) In the 1st, 2nd, 3rd and 4th sentences of paragraph 8.6 of the Invitation references to an “Affiliate” deleted and replaced by references to a “third party” respectively and, consequently, paragraph 8.6, following its amendment as per the aforementioned, applies as follows: “An Interested Party or a Consortium member may rely on the financial eligibility of a third party. In such case, the Interested Party or Consortium member must demonstrate that the respective third party shall provide it with all the financial resources necessary for the completion of the Transaction and for the financing, operation, maintenance and exploitation of the Road Axis. The inclusion in the Expression of Interest of a solemn declaration pursuant to Law 1599/1986, signed by the legal representative of the third party, declaring that the third party undertakes to make available to the Interested Party (or in the case of a Consortium, a member thereof) all necessary financial resources and that it will be responsible towards the Fund where the conditions set out in this paragraph are not met (Annex C - Template 1), shall be deemed in all events to be adequate means of proof. Moreover, the aforementioned third party must fulfill the provisions of paragraph 5.10 and meet the Personal Situation Criteria of Article 7, whereas all documents specified in paragraphs 10.5 and 10.6 hereof, should be also submitted regarding such third party”.
 - (ii) In paragraph 7.7 of the Invitation the words “Affiliate or”, where found, are deleted and, consequently, paragraph 7.7, following its amendment as per the aforementioned, applies as follows: “Where the Interested Party (or Consortium member) relies on the financial standing or the technical capacity of a third party to meet the Financial Eligibility or Technical Eligibility Criterion respectively, in accordance with paragraphs 8.6 and 9.4 below, the Personal Situation Criteria as defined above must also be met by said third party”.
 - (iii) In paragraph 10.6 (i) of the Invitation the word “Affiliate”, where found, is replaced by the words “third party” and, consequently, paragraph 10.6 (i), following its amendment as per the aforementioned, applies as follows: “Each Interested Party must submit in Section III of the Expression of Interest copies of published, audited consolidated financial statements of the last three (3) financial years, and, to the extent that the Interested Party relies on the financial resources of a third party, copies of the published, audited consolidated financial statements of the last three (3) financial years for the said third party. Where publication of financial statements is not required under the law, the Interested Party must also submit along with the documents required by the Invitation, unpublished financial statements, a solemn declaration pursuant to Law 1599/1986 confirming that such publication is not required (Annex F - Template 1)”.
 - (iv) Template 1 of Annex C of the Invitation is replaced as follows:

“ANNEX C

TEMPLATE 1

RELIANCE ON THE FINANCIAL RESOURCES OF THIRD PARTIES

SOLEMN DECLARATION
pursuant to Law 1599/1986

To: HELLENIC REPUBLIC ASSET DEVELOPMENT FUND S.A.

I, the undersigned,, son/daughter of (*father's name and surname*) and (*mother's name and surname*), holder of Passport No. which was issued by (*issuing authority*), on (*issue date*), citizen, born in (*place of birth - country and town*) on (*date of birth*), resident of (*country, town, street, postcode*) {and in the case where the signatory is the legal representative of a company}, acting as legal representative of the company {in the case where there is more than one legal representative of the company, the particulars of all persons representing it who sign the document must be provided}, fully aware of the consequences laid down in Greek Law 1599/1986 on false solemn declarations, I/we hereby declare in relation to the submission of the Expression of Interest by (*name of Interested Party*) for the award of a services concession agreement in relation to the financing, operation, maintenance and exploitation of the Road Axis (as defined in the Invitation) in accordance with the Invitation issued by Hellenic Republic Asset Development Fund S.A., that:

- (i) The company (*corporate name of company which will provide financial standing to the Interested Party / to a member of the Consortium*), which I/we represent will unconditionally make available all necessary financial resources to (*corporate name of Interested Party / member of Consortium*) during the Tender Process and during such time as is required under the Concession Agreement (as defined in the Invitation) and
- (ii) The company (*corporate name of the company which will provide financial standing to the Interested Party / member of the Consortium*) which I/we represent, will be liable towards the Hellenic Republic Asset Development Fund S.A. on a joint and several basis with the Interested Party, in the case the terms set out in Article 8 of the said Invitation are not met.

_____(place), _____(date)

(Signature/s)

[Attestation of the signatory's signature] ”

2. Notwithstanding the above, all other provisions of the Invitation remain the same.