



HELLENIC REPUBLIC
MINISTRY OF MARITIME AFFAIRS & INSULAR POLICY
GENERAL DIRECTORATE OF FINANCIAL SERVICES
PROCUREMENT DIVISION

Piraeus, 07/07/2017

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TO : All interested parties

SUBJECT: "Announcement of an invitation to conduct public consultation on the technical specifications regarding the **Development of the National Integrated Maritime Surveillance System (NIMSS)**"

1. The competent Procurement Division of the General Directorate of Financial Services of the Hellenic Ministry of Maritime Affairs and Insular Policy (MMAIP) announces the opening of a public consultation on the draft technical specifications regarding the **Development of the National Integrated Maritime Surveillance System (NIMSS)**, with a budget of € 60.000.000 (VAT incl.) in order to collect constructive comments and remarks. Please note that the participation of the economic operators to this procedure is non-binding.

2. In this framework, the draft technical specifications present the operational and technical requirements/specifications for the upcoming procurement, which may be modified during the evaluation of the results of the public consultation. Consequently, it should be noted that all proposals - comments submitted as part of the public consultation process will be assessed by the competent bodies of the Ministry of Maritime Affairs & Insular Policy when finalising the technical specifications, in order to fulfil optimally the requirements of the Hellenic Coast Guard HQs as well as to ensure the wider possible participation and safeguard fair competition. For this reason, to facilitate economic operators, the draft technical specifications will be available in Greek and English, whereas comments and remarks can be made in either language. It should be noted that in case the two language versions of the draft technical specifications differ, the Greek text prevails.

3. Economic operators may propose alternative technical solutions to the ones described in the draft technical specifications, provided they substantiate adequately their views and demonstrate that an equivalent result can be achieved. Moreover, economic operators are kindly requested to express views on the feasibility of the project, in light of the available budget and to present costing data using catalogue prices.

4. Given the nature of the information presented in the technical specifications, the draft of the technical specifications is a classified document marked as CONFIDENTIAL and consequently cannot be posted on the internet, but can be handed over to the interested economic operators at office n° 323 or 423 of the Ministry of Maritime Affairs & Insular Policy (Akti Vassiliadi, Gate E1-E2, GR-18510 inside the Port of Piraeus), **upon request submitted** to email address dipea.d@yna.gov.gr and/or to the fax number (+30) 2131371361 of the Procurement Division and/or to diavoulefsi@eprocurement.gov.gr of the National System for Electronic Public Contracts, **no later than Monday 21/08/2017**. **Interested economic operators may collect a copy of the technical specifications provided that they sign the relevant Non-Disclosure Agreement (NDA) and they meet the facility security requirements in line with the provisions of the National Regulation on Industrial Security**. **Requests submitted after 21/08/2017 will not be taken into consideration**.

5. More precisely, the following economic operators are eligible to participate in the process:
- those whose registered offices are in Greece and hold a Facility Security Clearance Certificate issued pursuant to the National Regulation on Industrial Security.



- those whose registered offices are in a Member State of the European Union and hold an equivalent Facility Security Clearance Certificate issued by the competent National Security Authority of their country.
- those whose registered offices are in countries outside the E.U. which have signed a bilateral security agreement with Greece and hold an equivalent Facility Security Clearance Certificate issued by the competent National Security Authority of their country.

6. For the convenience of economic operators, interested parties will send beforehand by email to dipea.d@yna.gov.gr and/or to the fax number (+30) 2131371361 of the Procurement Division and/or to the email diavoulefsi@eprocurement.gov.gr of the National System for Electronic Public Contracts, the necessary documentation relating to the facility security clearance and to the legal representation of the economic operator (see paragraph 7 and 8) in order to enable the signature of the NDA. After the relevant checks and any supplementary information or clarifications that may be required by the competent service, the date for submission in hard copy (originals or copies in accordance with the conditions described below and the relevant legislation) will be set, so that the relevant NDA may be signed.

7. In order to collect the confidential technical specifications document and sign the NDA, economic operators must submit the following as regards the facility security clearance :

- a) Greek economic operators : a **copy attested by the issuing authority of the Facility Security Clearance Certificate**, issued under the applicable National Regulation on Industrial Security, and the list of the economic operator's personnel authorised to handle confidential material.
- b) Foreign economic operators : authentication will be performed via the National Security Authorities of the countries concerned without submitting the certificate, provided that the operators submit a certificate of their security officer with their legal name and the data of the natural person authorised to handle confidential materials as well as with a **transportation plan attached when needed**.

8. It should be noted that **the person signing the NDA must be the same person authorised to handle confidential material** and - in addition to the above mentioned conditions - must appear in person at our premises if a natural person, or in the case of an economic operator which is a legal person from Greece or abroad, the legal representative(s) of the economic operator, namely the person(s) empowered to represent and bind the economic operator, must appear in person at the said address, and must also submit, in addition to the documents enumerated in par. 7, the following legalising documentation:

A) if the participant is a Greek legal entity (such as a societe anonyme, limited liability company, general or limited partnership, private company, etc.):

(i) a certificate from the competent judicial or administrative authority (such as the General Commercial Registry) on the incorporation, amendments to the articles of association, and non-winding up of the company (depending on the company's legal form), which must be issued at the latest 1 month prior to the date on which the NDA is signed.

(ii) a certificate from the competent judicial or administrative authority (such as the General Commercial Registry) clearly stating the representation of the legal person pursuant to the articles of association and any specific power of representation due to the delegation of powers - competences.

(iii) representation documentation (such as minutes of the Management Board, minutes of the meeting of partners, authorisation from the administrator, authorisation from the legal representative who is entitled to delegate to another natural person and such power is based on the documents submitted) concerning approval for participation in the public consultation and signing of the NDA by the specific natural person, who must be the same person referred to in the Facility Security Clearance Certificate. **This authorisation must expressly indicate that the said person is authorised to sign the NDA which is attached to this notice.**

B) Where the participant is a grouping/joint venture:

(i) All the supporting documents above must be submitted for each member of the grouping/joint venture accordingly.

(ii) The minutes containing a decision of the managing body of each partner approving the partnership with the other members of the grouping/joint venture in order to participate to the public consultation process and to sign



the NDA by a specific natural person.

C) Where the participant is established abroad, the proof of representation must be issued in line with the applicable legislation in the country in which it is established. To confirm the legal regime applicable in foreign countries, participants must submit an affidavit before a notary public or other competent authority (if no affidavit is foreseen under the law of that country, a solemn declaration made before a competent judicial or administrative authority, notary public or competent professional or commercial organisation of the country in which the supplier is established) from the legal representative, indicating the legal regime applicable to the company and declaring the authorities which issue the relevant legalising documentation. Note that “legal regime” refers to the company’s legal form and its characteristics in that foreign legal system. More specifically, the affidavit must declare the conditions laid down by the law of the company’s seat on the acquisition of legal personality (e.g. whether a notarial deed is required and whether specific publicity requirements must be complied with in order to incorporate a company of the specific legal form, etc.), which body can represent the company (such as the Management Board, the administrator), whether the power of representation can be delegated to a third party and under what conditions (for example is a decision of the Board required which meets specific publicity requirements?). Finally, the affidavit must declare the foreign authority which supervises companies of that specific legal form, and is responsible for issuing the relevant legalising documentation.

In any case, the Ministry of Maritime Affairs & Island Policy is entitled to check whether the information declared is correct.

Foreign legal entities must also submit representation documentation (such as minutes of the Management Board, authorisation from the legal representative who is entitled to represent another natural person, and such power is based on the documents submitted) concerning approval for participation in the public consultation and signing of the NDA by the specific natural person, who must be the same person referred to in the certificate from the security officer mentioned above. **This authorisation must expressly indicate that the said person is authorised to sign the NDA which is attached to this notice.**

The documents submitted must be prepared in Greek or accompanied by an official translation into Greek. The Hague Convention of 5 October 1961, ratified in Greece by Law 1497/1984 (Government Gazette 188/A) applies to foreign public documents and supporting documentation. In all events, the Greek text is considered to be the main text and prevails over any corresponding foreign language text.

More specifically, all public documents for foreign economic operators submitted by persons participating in this process, must be duly attested, and translation of the aforementioned documents may be done by the translation service of the Ministry of Foreign Affairs or by the competent Consulate or by a lawyer in the sense of the Article 454 of Hellenic Code of Civil Procedure and Article 53 of Lawyer’s Code or by a sworn translator in the country of origin, if that service is available in that country.

Any public document or supporting documents relating to a foreign undertaking in the form of an attested photocopy may also be submitted where it is from a document lawfully attested by the competent consulate of the tenderer’s country, or from an original document bearing an Apostille in accordance with the Hague Convention of 5 October 1961. Attestation must be done by a lawyer in the sense of the Article 454 of Hellenic Code of Civil Procedure and Article 53 of Lawyer’s Code.

D) In all other respects, the provisions of Article 1 of Law 4250/2014 on the acceptance of ordinary or attested copies shall apply.

E) Generally speaking, in addition to the above documents, interested economic operators, irrespective of their legal form, **must submit any other legalising documentation requested by way of clarification by the Ministry of Maritime Affairs & Insular Policy concerning their representation.**

F) Economic operators who have submitted one or more documents required by this notice to the competent services of the Ministry, may where such documents remain in effect and their content and substance has not been modified, refrain from re-submitting them in this phase, and can merely submit an affidavit (or solemn declaration, depending on the law of the country they come from) expressly referring to the specific document, the time at which it was submitted and the reason for doing so, and that it has not changed and remains in effect at the time the NDA is signed.



9. In order to exchange technico-economic data about the upcoming procurement, informative meetings - presentations by economic operators to the competent officials of the Ministry of Maritime Affairs & Insular Policy can be arranged, following a request made by the economic operators which must be submitted no later than **Friday 01/09/2017** to the email address dipea.d@yna.gov.gr and/or the fax number: 213-1371361 of the Procurement Division and/or to the email address diavoulefsi@eprocurement.gov.gr of the National System for Electronic Public Contracts. Those meetings/presentations can only be held in the period from **28/08 to 08/09/2017** and only for prospective contractors who intend to present a comprehensive proposal.

10. Interested parties may submit the Public Consultation Form (in hard copy or electronic format) attached hereto, duly filled out in Greek or English, to Office 433 of the Procurement Division / Ministry of Maritime Affairs & Island Policy (address: Akti Vassiliadi, Gate E1-E2, GR-18510 inside the Port of Piraeus) **by Friday, 08-09-2017, which is the last day of the technical specifications public consultation process.**

11. After the end of the technical specifications public consultation, a notice will be posted on the website of the Hellenic Coast Guard HQs (www.hcg.gr) and the Ministry of Maritime Affairs & Insular Policy (www.yen.gr) with the particulars of economic operators that took part in the process. For the reasons cited in paragraph 4 above, the proposals submitted by economic operators will not be made public.

12. Economic operators should be aware that they should avoid posting proposals and any other confidential information/data directly via the online form of the National System for Electronic Public Contracts, since that information is posted directly 'as is' on the web portal of the system as comments relevant to the technical specifications public consultation notice.

13. The present announcement will be published on the web portal of the national system of electronic public contracts (<http://www.eprocurement.gov.gr>) in the link "Consultations", on the website of HCG Headquarters (www.hcg.gr) in the link "Consultation of Technical Specifications" and on the website of the Ministry of Maritime Affairs and Insular Policy (www.yen.gr) in the link Tenders -> Public Consultations. This announcement will be also posted in the web portal for transparency of the public administration (DIAVGEIA) (https://diavgeia.gov.gr/f/nautilias_new).

14. We kindly request your participation in this technical specifications public consultation process.

THE MINISTER

Panagiotis KOUROUMPLIS

ATTACHMENTS :

1. Technical specifications public consultation form (pages 02)
2. Non-Disclosure Agreement (pages 03)

