



TENDERIO

Improving SME's access to public procurement

Guide to country specific elements on public procurement: Greece



Co-funded by the COSME
programme of the European Union

WWW.TENDERIO.COM



Deliverable 2.4

GUIDE TO COUNTRY SPECIFIC ELEMENTS ON PUBLIC PROCUREMENT: GREECE

Deliverable type

Report

Dissemination level

Public

Month and date of Delivery

10 September 2017

Organization

Q-PLAN INTERNATIONAL

Authors

**Eleni Karachaliou
Kostas Giagtzoglou
Katakalos Stroikos**

TENDERIO

IMPROVING SMES ACCESS
TO PUBLIC PROCUREMENT

Programme

**COSME – Europe's programme for
small and medium-sized enterprise**

Contract Number

739966

Duration

18 Months

Start

10th April 2017

www.tenderio.com

blog.tenderio.com



Co-funded by the COSME
programme of the European Union

List of Acronyms

Acronym	Title
EU	European Union
SME	Small and Medium – sized Enterprise
HSPPA	Hellenic Single Public Procurement Authority
CERPP	Central Electronic Public Procurement Registry
NEPPS	National Electronic Public Procurement System
CPV	Common Procurement Vocabulary
ESPD	European Single Procurement Document
VAT	Value Added Tax
LCC	Life-Cycle Costing
MEAT	Most Economically Advantageous Tender

The current guide was prepared under the Task 2.5 of the TENDERIO project which is funded by the COSME programme of the European Union (Grant Agreement No 739966) and aims to increase SME's access to public procurement in EU.

Within this concept, a series of national guides on public procurement was developed for Czech Republic, Estonia, Greece, Ireland, Latvia, Lithuania, Portugal, Slovakia, Spain and United Kingdom targeting to support in particular SMEs who are interested in participating in public procurement processes in EU Member States and need to know more regarding the national procedures.

National guides are available in the project's official website: www.tenderio.com

Table of Contents

LIST OF ACRONYMS	3
TABLE OF CONTENTS	4
INDEX OF TABLES	5
INDEX OF FIGURES	5
EXECUTIVE SUMMARY	6
1 INTRODUCTION	7
2 PUBLIC PROCUREMENT IN EU	8
3 PUBLIC PROCUREMENT IN GREECE	12
4 NATIONAL PROCEDURES ON PUBLIC PROCUREMENT	16
4.1 CONTRACTING AUTHORITIES & CONTRACTING ENTITIES	17
4.2 THRESHOLD AMOUNTS.....	18
4.3 AWARD PROCEDURES	19
4.4 WHO IS ELIGIBLE TO PARTICIPATE?	20
4.5 PUBLICATION OF PUBLIC CONTRACT NOTICE.....	21
4.6 TIME LIMIT OF SUBMITTING AN OFFER FOR A PUBLIC CONTRACT	22
4.7 PUBLIC CONTRACT NOTICE CONTENTS	23
4.8 HOW TO SUBMIT A BID	24
4.9 WHAT ARE THE KEY PHASES AFTER SUBMITTING THE BID	27
4.10 AWARD CRITERIA	28
4.11 COMPLAINTS/PREJUDICIAL OBJECTIONS.....	29
5 KEY POINTS WHEN SUBMITTING A TENDER IN GREECE	30
6 WHAT TENDERIO OFFERS	31
7 REFERENCES	32



Index of Tables

Tables

Table 1: The authority responsible for public procurement in Greece and the available electronic tools.....	12
Table 2: Number and value of direct and indirect cross-border awards, 2009-2015, Greece.....	15
Table 3: Contracting Authorities & Contracting Entities implementing public procurement in Greece.....	17
Table 4: Thresholds triggering EU-wide rules on public procurement contracts.....	18
Table 5: Types of award procedure.....	19
Table 6: Minimum time limit for submitting an offer for public contracts above the EU thresholds.....	22
Table 7: Minimum time limit for submitting an offer for public contracts below the EU thresholds.....	22
Table 8: Actions towards bid's submission.....	26
Table 9: Actions that follows the bid submission.....	27
Table 10: Contract Award Criteria.....	28
Table 11: Submission of a complaint/prejudicial objection.....	29

Index of Figures

Figures

Figure 1: How European SMEs can participate in cross border public procurements.....	9
Figure 2: Main obstacles that SMEs face when they participate in cross-border public procurement.....	10
Figure 3: Objectives of the new EU directives on public procurement.....	11
Figure 4: Public procurement market-size in Greece.....	13
Figure 5: Statistics regarding public contract notices between 2014-2016, National Electronic Public Procurement System (NEPPS).....	13
Figure 6: Distribution of contract notices per supplies, services, works (value and number), NEEPPS.....	14
Figure 7: Top 10 CPV codes in Greece in value of contract notice (2016), National Electronic Public Procurement System (NEPPS).....	14
Figure 8: Foreign bidders in Greece 2009-2016 (top 10), TED database*.....	15
Figure 9: Types of public contracts:.....	16
Figure 10: Public Procurement life-cycle.....	16
Figure 11: Contracting authorities/entities' role in a public procurement procedure.....	17
Figure 12: General structure of a public contract notice.....	23
Figure 13: Bid's Preparation & Submission workflow.....	24
Figure 14: Key phases after submitting the bid.....	27



Executive Summary

The current guide aims to support European SMEs to access the Greek public procurement market. In particular, it presents data and specific elements of public procurement in Greece along with the procedures to be followed in order to submit a bid for a Greek public contract.

Despite the financial crisis which hit the Greek economy the past years, the public procurement market in Greece currently follows a steady growth revealing a great potential for foreign SMEs to participate in Greek public contracts. Between 2015 to 2016 the market size of public contracts presented an increase of:

- 18% in terms of contract value and
- 55% in terms of number of contract notices.

In addition, the aggregate value of public contracts in 2016, reached the 5.5 billion euros with the public supply sector to share the 48% of this value.

So far, particular obstacles such as the unfamiliar legal framework, the greek language, the difficulty to find local partners and the limited knowledge about the tender procedures inhibited foreign SMEs to bid in Greek public contracts. Due to this reasons, in the time period between 2009 to 2016 the majority of the winners came from the domestic market (89% of the awarded contracts accounted for Greek companies against 11% for foreign bidders).

However, this situation is about to change. The new EU directives on public procurement (2014) have already been transposed into the Greek legal framework (law 4412/2016). The latter, has significantly simplified the tender procedures facilitating European SMEs to access Greek public contracts. On top of that, the establishment of the Hellenic Single Public Procurement Authority, in line with the operation of the National Electronic Public Procurement System and the implementation of end-to-end e-procurement processes, have considerably increased the transparency of the procedures, the equal and non-discriminatory treatment of the candidates and thus the opportunities for cross-border procurement contracts, i.e. the implementation of Greek public contracts by companies located in another EU Member State.

All in all, by fully adopting and implementing the latest EU common rules on public procurement, Greece is now in better place to attract foreign SMEs to participate in its domestic public procurement market, trigger their collaboration with local partners and in general take advantage of the skills and offerings of a broader pool of potential suppliers, i.e. that of European SMEs.



1 Introduction

The current guide was elaborated under the activities of the TENDERIO project. TENDERIO project is funded by the COSME program of the European Union (Grant Agreement No 739966) and aims to increase SMEs' access to public procurement in EU.

This guide is addressed to SMEs and to any other economic operator interested in participating in Greek public contracts and wishes to know more about the public procurement procedures in Greece.

Chapter one, introduces the scope and the content of this guide and lays out the concept within which it was developed.

The second chapter focuses on the potential of EU public procurement market, emphasizing the performance of European SMEs' in the cross-border procurement contracts and briefly presenting the key points of the new EU legislative framework (2014) on public procurement.

Moreover, the third chapter sets light on the current status of public procurement in Greece. In particular, it provides an overview of the public procurement framework in Greece along with a summary of key data regarding the Greek market size, i.e. the value of contract notices, the number of contract notices, the market share among supplies, services, works, the top sectors, as well as data regarding the cross-border procurement i.e. the implementation of Greek public contracts by companies located in another EU Member State.

Chapter four, briefly comments on the national procedures of public procurement in Greece. More specifically, it includes information regarding:

- the contracting authorities/entities;
- the award procedures;
- the eligibility of the potential bidders;
- the publication of the contracts notices;
- the time limits for the submission of an offer;
- the bid's submission and the bid's evaluation procedure;
- the award criteria;
- the complaints and the prejudicial objections.

In addition, the fifth chapter lists key points for the SMEs that are interested in submitting offers in Greek public contracts.

The guide concludes with a reference on how TENDERIO platform could support European SMEs in applying for a public contract abroad.



2 Public Procurement in EU

According to European Commission, the term “Public Procurement” refers to the process by which public authorities, such as government departments or local authorities, purchase work, goods or services from companies, i.e. the building of a state school, purchasing furniture for a public prosecutor’s office, contracting cleaning services for a public university etc¹.

Public procurement market in EU



Every year nearly 2 trillion euros are paid in Europe for public contracts, i.e. 14% of EU GDP.



At least 250.000 public authorities conduct public procurements annually.



Public authorities are the major buyers in sectors such as energy, transport, waste management, social protection and the provision of health or education services.



The estimated value of general government expenditures on works, goods, and services -excluding utilities- has increased by 4,2% in 2015. Almost all EU Member States increased their expenditure on public contracts between 2014 to 2015².



The estimated value of tenders published in the Tenders Electronic Daily³ (TED) in 2015 was 450.21 billion euros which stands for 6.9% more than it was in 2014.

Overall, the public procurement represents a substantial portion of the EU economy offering lot of opportunities and innovation prospects for the European SMEs.

¹ <http://ec.europa.eu/growth/single-market/public-procurement/>, 2017

² DG GROW G4, 2016. *Public Procurement Indicators 2015*.

³ The online version of the 'Supplement to the Official Journal' of the EU, dedicated to European public procurement.

European SMEs’ participation in cross-border procurement

The term “cross-border procurement” refers to a procedure by which a public contract in a Member State is partly or fully performed by firms located in another EU Member State.

SMEs account 99,8% of the registered enterprises in Europe (20,8 million SMEs) and they are considered to be the backbone of the EU28 economy. European SMEs could participate in procurements across borders either directly or indirectly through its local subsidiaries (Figure 1). However, the past years the overall participation of European SMEs in public procurement across borders is considered to be low.

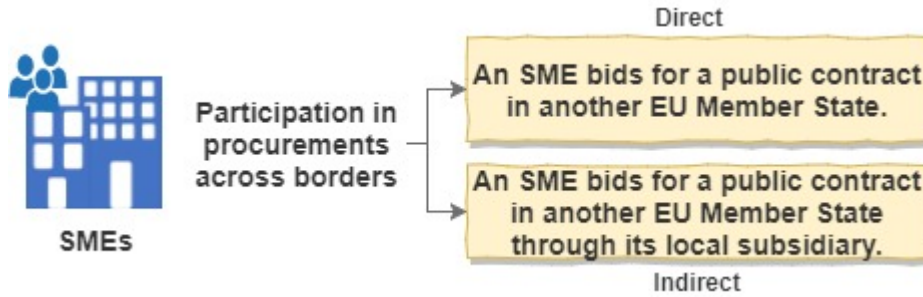


Figure 1: How European SMEs can participate in cross border public procurements



The share of European SMEs in direct cross-border procurement accounts for 27% in terms of number of awards and 24,5% in terms of the value of awards, which is significantly lower compared to their contribution to the European GDP (58%)⁴.

The share of European SMEs in indirect cross-border procurement is estimated at 3% both in terms of number and value of awards⁵.

⁴ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, 2017. *Measurement of impact of cross-border penetration in public procurement.*

⁵ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, 2017. *Measurement of impact of cross-border penetration in public procurement.*

Obstacles to SMEs’ participation in cross-border procurement

The low level of SMEs’ participation in cross-border procurement the past years was due to (Figure 2):



Figure 2: Main obstacles that SMEs face when they participate in cross-border public procurement

Despite the fact that SMEs are facing difficulties in their participation to cross-border public procurement, however the contracting authorities/entities see high potential in cross border contractors as they could benefit by having a better choice in terms of quality and price and by concluding contracts when there is absence or limited availability of suppliers at national level.



European Commission has introduced legislative measures to improve SMEs’ access to public contracts, aiming to open up national public procurement markets and increase the levels of cross-border public procurement.



Legislative Framework

In 2014, the EU Parliament and the European Council introduced a new common legislative framework on public procurement and concessions aiming to simplify the procedures and encourage the SME's to access public contracts and concessions contracts. The reform included the following directives:

- 2014/23/EU on the award of concession contracts;
- 2014/24/EU on public procurement;
- 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors.

More specifically the new EU directives aim to (Figure 3):

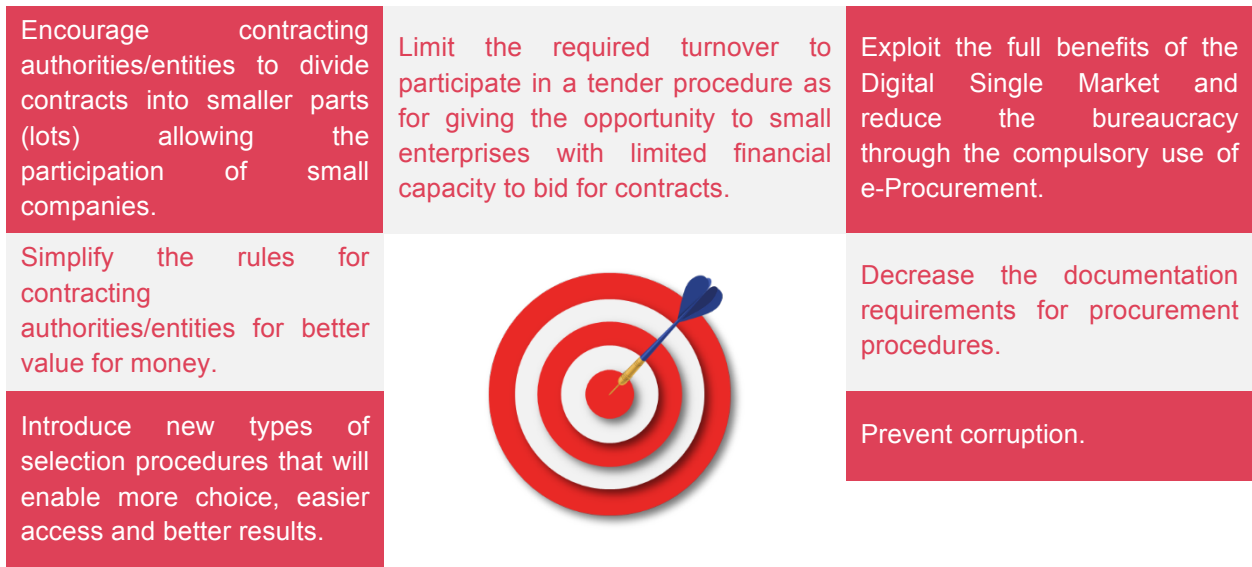


Figure 3: Objectives of the new EU directives on public procurement

The reform of public procurement legislation reduces the bureaucracy and makes public procurement in Europe more efficient within a single market facilitating that way the SMEs' participation in public contracts.



3 Public Procurement in Greece

Current legal framework

Up until 2016, public procurement in Greece consisted of a multi-layered structure of legal acts. In August 2016, the EU directives on public procurement, namely 2014/24 and 2014/25, have been totally transposed into the Greek legal system with the law 4412/2016. The law 4412/2016 sets a unified platform on public procurement and covers all public procurement contracts irrespective of their value aiming to ensure transparency and publicity of the procedures, equal and non-discriminatory treatment of the candidates and protection of the environment.

Under the umbrella of this new legal framework, a new independent authority has been established along with an integrated information system and an electronic registry (Table 1).

	Name	General scope
Authority	Hellenic Single Public Procurement Authority- HSPPA (ΕΑΑΔΗΣΥ)	<ul style="list-style-type: none"> Responsible for development and promotion of national guidelines on public procurement. Assures the transparent execution of a tender as well as the better harmonization of national legal framework with EU directives.
Integrated Information System	National Electronic Public Procurement System- NEPPS (ΕΣΗΔΗΣ)	<ul style="list-style-type: none"> Process and follow-up the entire tender procedure electronically.
Electronic Registry	Central Electronic Public Procurement Registry- CEPPR (ΚΗΜΔΗΣ)	<ul style="list-style-type: none"> Includes all pertinent information in awarding a contract. Provides ways in which an offer is submitted. Publishes all tenders (irrespective of their value).

Table 1: The authority responsible for public procurement in Greece and the available electronic tools



Public Procurement in Greece

Greek economy has overcome the negative effects of economic crisis and now is expanding public funds so as to fully recover public sector which has faced severe financial shortages during past years. A good example which showcases the abovementioned, is that government expenditures addressing public contracts have displayed a steady growth during the period 2014-2016, as Figure 4 illustrates.

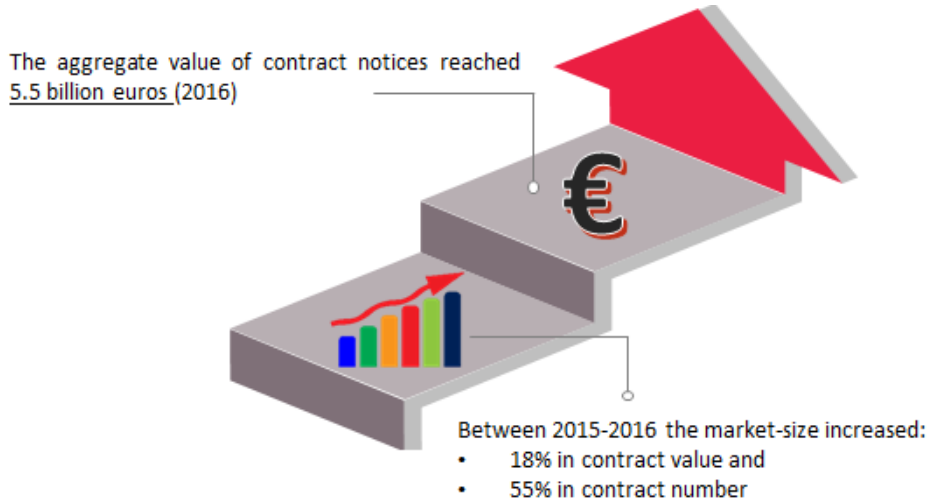


Figure 4: Public procurement market-size in Greece

Therefore, the Greek public procurement market reveals great potential not only for national businesses but also international ones to invest in public contracts.

Data regarding Public Procurement Contract Notices

The graph below depicts the public procurement evolution in Greece during the past 3 years in monetary values as well as number of contracts (Figure 5).

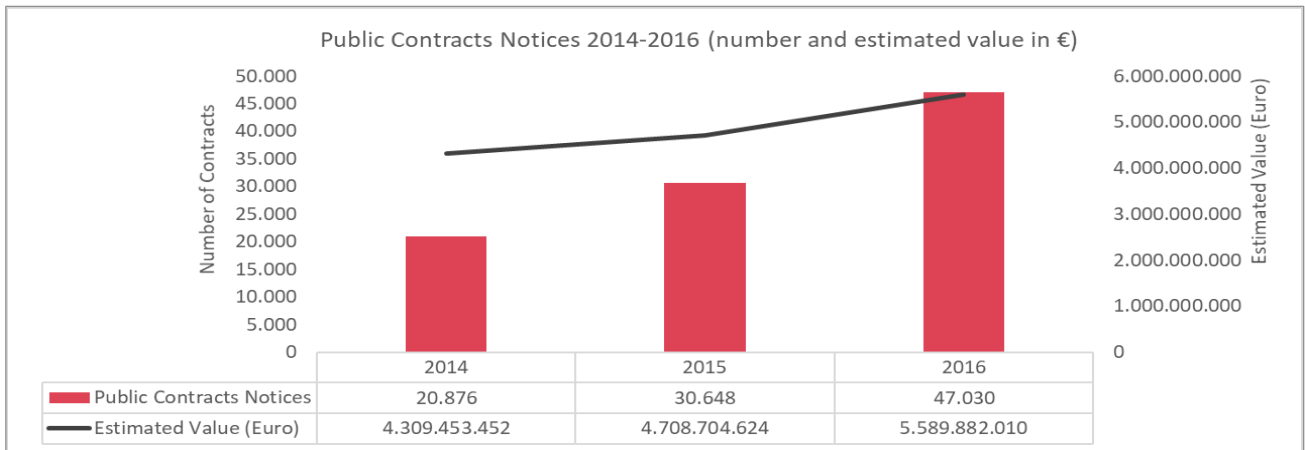


Figure 5: Statistics regarding public contract notices between 2014-2016, National Electronic Public Procurement System (NEPPS)

As it is observed, both the number and the value of contracts have increased and this illustrates the fact that Greek government is trying to fully supply public authorities so as to overcome their problems. Explicitly, in 2016 the value and the number of contracts have reached 5,5 trillion euros and 47,000 respectively.

As for the type of public contracts that are announced in Greece, in terms of value and number, public supply contracts come first while services and works contracts follow (Figure 6).

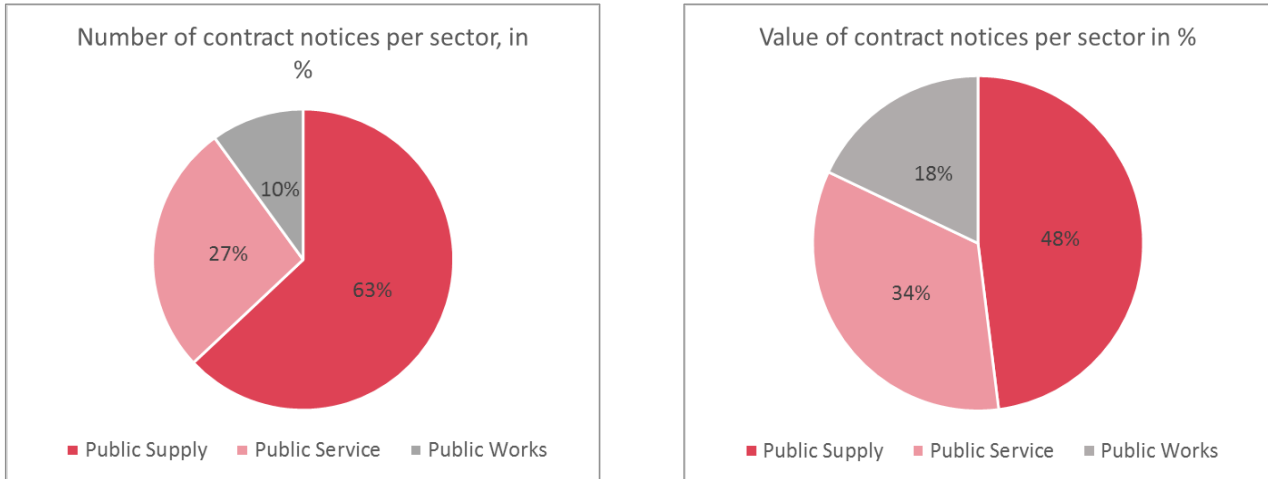


Figure 6: Distribution of contract notices per supplies, services, works (value and number), NEEPPS

Public procurement contracts follow a single classification system which is common for all EU Member States. All codes are described in the EU Common Procurement Vocabulary and are widely known as CPV codes. The following chart (Figure 7) illustrates the top 10 CPV codes in Greece as well as the amount of money distributed in the remaining sector.

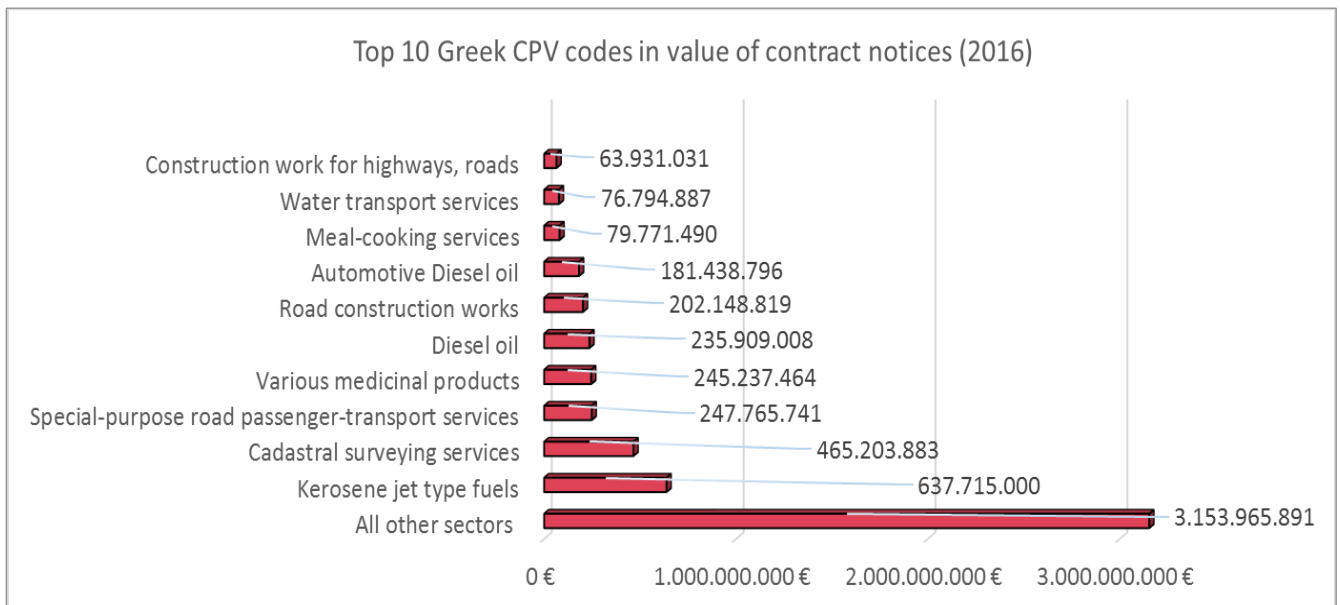


Figure 7: Top 10 CPV codes in Greece in value of contract notice (2016), National Electronic Public Procurement System (NEPPS)

As the above figure shows, kerosene jet type fuels account for the largest share of public contract value. On top of that, Greece has spent money in sector such as, cadastral surveying services, special-purpose road passenger-transport services as well as various medicinal products. On the other hand, plenty of other sectors have received public funds which aggregately reach 3 trillion euros. Therefore, Greece distributes public funds in multiple sector and any business can be awarded in public contracts.

Data regarding Cross-Border Procurement

In Greece, the main contractors come from the domestic market. As the European data base “[Tenders Electronic Daily](#)” (TED)⁶ reveals, between 2009 to 2016 Greek companies and agencies account for almost 89% of Greek public procurement winners in public tenders. On the other hand, and despite the large share of Greek bidders, businesses from 36 different countries from all over the world have been successfully awarded in public contracts, most of which were European ones. The following chart (Figure 8) illustrates the top 10 foreign countries of companies origin that have awarded in any public procurement in Greece.

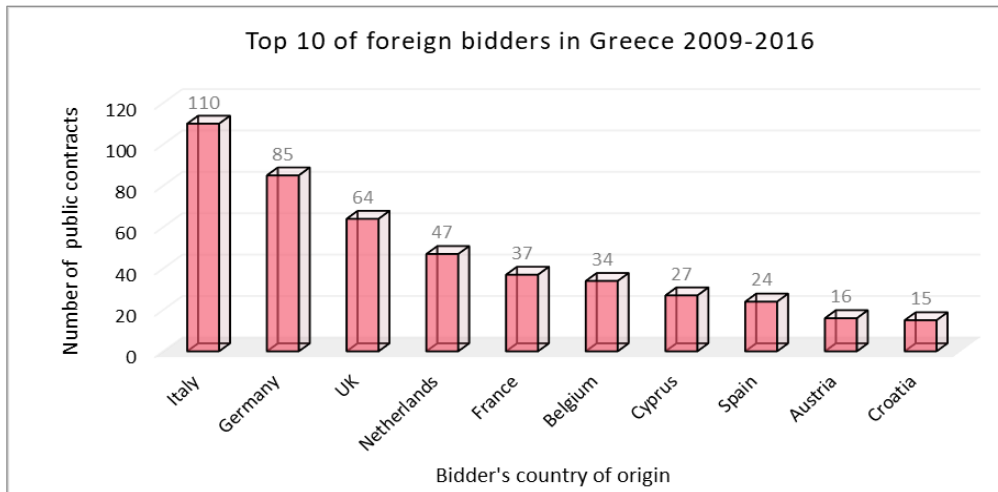


Figure 8: Foreign bidders in Greece 2009-2016 (top 10), TED database*

Moreover, Table 2 presents the direct and indirect cross-border value and number of award contracts (in percentage share).

		Direct cross-border share	Indirect cross-border share
Total number of contracts	27.648	1.2%	15.4%
Total value (million euros)*	12.233	3.4%	11.5%

Table 2: Number and value of direct and indirect cross-border awards, 2009-2015, Greece⁷.

The above table reveals the fact that indirect cross-border contracts have larger shares than direct ones regarding Greek public contracts.

⁶ TED (Tenders Electronic Daily) is the online version of the 'Supplement to the Official Journal' of the EU, dedicated to European public procurement (<http://ted.europa.eu/TED/main/HomePage.do>).

⁷ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, 2017. *Measurement of impact of cross-border penetration in public procurement.*

4 National Procedures on Public Procurement

The EU directives on public procurement i.e. 2014/24 and 2014/25, have been transposed in the Greek legal system with the law 4412/2016, taking effect from August 2016. The new law is harmonized with the objectives of the European Strategy on public procurement and sets out the rules on the implementation of all type of public procurement contracts in Greece irrespective their value.

Public contracts are divided into the following types (Figure 9):

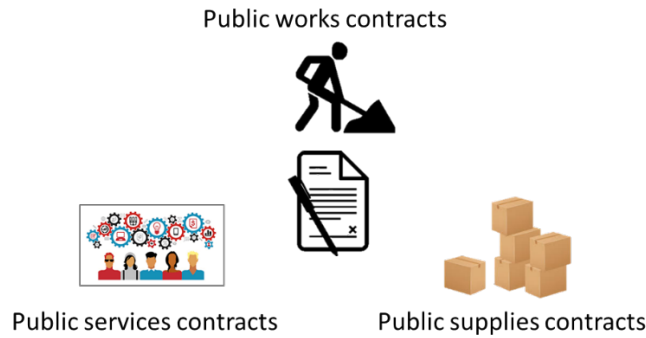


Figure 9: Types of public contracts:

The procurement life cycle in Greece follows the steps presented in Figure 10 below:

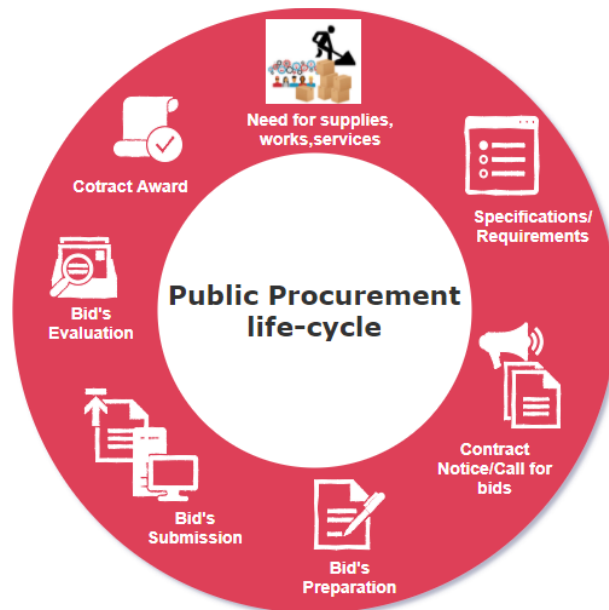


Figure 10: Public Procurement life-cycle

The chapters to follow constitute a brief guide on specific elements of public procurement in Greece and its procedures, as they are regulated by the new law 4412/2016 on public contracts.

4.1 Contracting Authorities & Contracting Entities

The terms “contracting authorities” and “contracting entities” refer to the bodies that may conduct a public procurement to ensure the execution of works, the supply of products or the provision of services. Contracting authorities/entities define the specifications of the works/products/services along with the terms of reference and they carry out the procedure of a public contract award (Figure 11). In other words, within the concept of a public procurement, the contracting authorities and the contracting entities are the purchasers (Table 3).

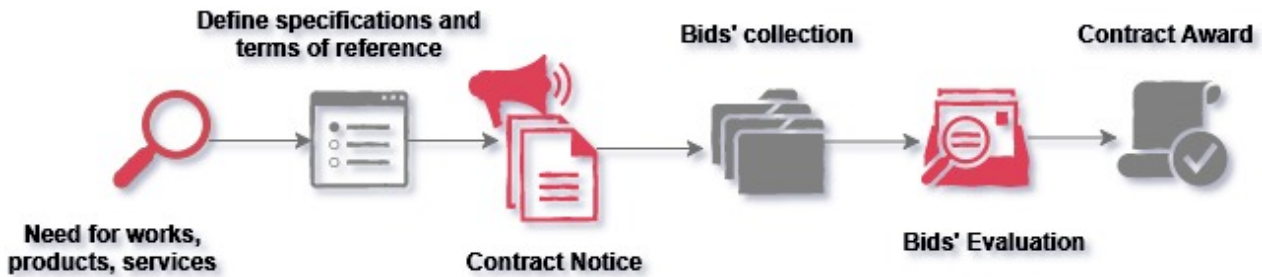


Figure 11: Contracting authorities’/entities’ role in a public procurement procedure

Contracting Authorities (Central Government Authorities & Sub-central Contracting Authorities)	Contracting Entities
<ul style="list-style-type: none"> i. The Greek State ii. Regional and local authorities (i.e. Prefectures and Municipalities) iii. Bodies governed by public law iv. Associations formed by one or more of the above authorities (i, ii, iii) 	<ul style="list-style-type: none"> i. Contracting authorities or public enterprises who carry out activities in the fields of gas, heat, electricity, water, transport, postal services, mining and oil collection, carbon and other solid fuels as well as activities relevant to the disposition of port and airport sites. ii. Entities that are neither contracting authorities nor public enterprises but they are active in the fields of gas, heat, electricity, water, transport, postal services, mining and oil collection, carbon and other solid fuels, disposition of port and airport sites, and they operate on the basis of specific rights granted by a Greek authority.

Table 3: Contracting Authorities & Contracting Entities implementing public procurement in Greece



4.2 Threshold Amounts

The latest EU Directives on public procurement have set minimum thresholds for public contracts and as a result the public procurement can be divided into two categories:

- v. Public contracts whose value is equal to or greater than the EU thresholds (Table 4) which are presumed to be of cross-border interest. In this case the detailed provisions of the EU directives (which have been transposed in the national law 4412/2016) must be followed.
- vi. Public contracts whose value falls below the EU thresholds. In this case the law 4412/2016 include specific provisions regarding the procedures to be followed for their proper implementation.

Type of contract		Lowest Threshold Amount (net of VAT)
<i>Directive 2014/24/EU on public procurement</i>		
Works contracts, subsidised works contracts		5.225.000€
All services concerning social and other specific services listed in Annex XIV of the 2014/24/EU		750.000€
All subsidised services		209.000€
All other service contracts and all design contests.		135.000€
All supplies contracts awarded by contracting authorities/entities not operating in the field of defence.		135.000€
Supplies contracts awarded by contracting authorities/entities operating in the field of defence	Concerning products listed in Annex III of the 2014/24/EU	135.000€
	Concerning other products	209.000€
All other service contracts, all design contests, subsidised service contracts, all supplies contracts		209.000€
<i>Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors</i>		
Works contracts		5.225.000€
All services concerning social and other specific services listed in Annex XVII of the 2014/25/EU		1.000.000€
All other service contracts, all design contests, all supplies contracts		418.000€

Table 4: Thresholds triggering EU-wide rules on public procurement contracts



Every two years the European Commission shall revise the lowest thresholds amounts presented in Table 4.

4.3 Award procedures

The term “award procedures” refers to the process followed during a public procurement in order to evaluate the submitted offers and select the best one.

The available types of award procedures that a contracting authority/entity could use towards the implementation of a public procurement are listed in the Table 5.

Type of Procedure	Short Description
Open Procedure	It is considered as the most common award procedure. A notice that the contract is being tendered is announced and any economic operator may submit an offer.
Restricted Procedure	Stage 1: Any economic operator may submit a request to participate in response to a call for competition containing the information requested by the contracting authority/entity.
	Stage 2: Only those economic operators invited to do so by the contracting authority/entity following its assessment of the information provided, may submit an offer.
Competitive Procedure with negotiation	Stage 1: Any economic operator may submit a request to participate in response to a call for competition containing the information requested by the contracting authority/entity.
	Stage 2: Only those economic operators, invited to do so by the contracting authority/entity following its assessment of the information provided, may submit an offer. Contracting authorities/entities open a dialogue with the participants selected, aiming to identify and define the means best suited to satisfying their needs.
Competitive Dialogue	Stage 1: Any economic operator may submit a request to participate in response to a call for competition containing the information requested by the contracting authority/entity.
	Stage 2: Contracting authorities/entities open a dialog with the participants selected, aiming to identify and define the means best suited to satisfying their needs.
Innovation Partnership	The contracting authority/entity identifies the need for an innovative product, service or works that cannot be met by purchasing products, services or works already available on the market.
	Stage 1: Any economic operator may submit a request to participate in response to a call for competition containing the information requested by the contracting authority/entity.
	Stage 2: The contracting authority/entity invites the selected candidates to participate.
Negotiated procedure without prior publication	In specific cases and circumstances contracting authorities/entities may award public contracts by a negotiated procedure without prior publication. In this case the contracting authorities/entities negotiate the terms of the contract with one or more economic operator of their choice.
Draft Tender Procedure	It refers to the procedure followed when the value of the contract is equal to or less than 60.000€.
Direct award	It refers to the procedure followed when the value of the contract is equal to or less than 20.000€.

Table 5: Types of award procedure

All stages of public procurement contracts (i.e. publication of a contract notice, submission of tenders/bids, evaluation and award of the contract) whose value is greater than 60.000€ (net of VAT) are processed electronically through the National Electronic Public Procurement System (www.promitheus.gov.gr).

4.4 Who is eligible to participate?

A potential bidder could be any economic operator (i.e.: individual, legal person, partnership, cooperative, SME, etc.) who meets the specifications defined in the relevant public contract notice and does not fall under the exclusion criteria.

Contracting authorities/entities can exclude any economic operator from participating in a public procurement procedure where they have established or are aware that the economic operator has been subjected of a conviction for participation in:

- i. a criminal organisation;
- ii. corruption;
- iii. economic fraud;
- iv. terrorists offences or offences linked to terrorist activities;
- v. money laundering or terrorist financing;
- vi. child labour;
- vii. other forms of trafficking of human beings.

Above that, any economic operator may be excluded in case:

- i. is bankrupt or being wound-up;
- ii. has not paid taxes or social security contributions;
- iii. has been found guilty of grave misconduct;
- iv. has made false declaration to the contracting authority/entity;
- v. has entered into agreements with other economic operators aimed at distorting competition;
- vi. has violated environmental, social or labour law.

Bidders can be excluded at any stage during the procedure when it turns out that any abovementioned criteria are valid. On the other hand, any bidder that is in one of the above situations may provide evidence in order to demonstrate its reliability to participate in a public or concession contract.

4.5 Publication of public contract notice

All the Greek public procurement contract notices irrespective of the award procedure and whether their value is above or below the EU thresholds, are published in the following repository:



[Central Electronic Public Procurement Registry \(CERPP\)](http://www.eprocurement.gov.gr)

<http://www.eprocurement.gov.gr>

The public contracts whose value is above the respective EU thresholds are also published, in full, in the following repository:



Tenders Electronic Daily -[TED](http://ted.europa.eu)- page of the Official Journal of the EU

<http://ted.europa.eu>

With the publication of the contract notice, the contracting authority/entity may invite the potential bidders to participate in a consultation regarding the contract at a specific place/date/time at least thirty (30) days before the deadline for submission of bids or requests to participate. Within ten (10) days of the consultation any interested party may submit comments on the contract indicating any technical, financial or contractual errors/inaccuracies.



In the case that the comments are valid, the contracting authority/entity publishes an issue of amendments to the initial contract notice within five (5) days from the last day of comments' submission.

The amendments issue will include:

- the new requirements/specifications of the contract;
- a new invitation to interested parties to submit a bid or to modify any already submitted offers in accordance with the new requirements.

Access to public contracts all around the EU is provided also by the [TENDERIO](http://www.tenderio.com/) platform (<http://www.tenderio.com/>). SMEs can access public procurement in their country or abroad by using a tender search engine that aligns live tender opportunities most suited to their business needs and expertise.

4.6 Time limit of submitting an offer for a public contract

The minimum time limit set for the submission of offers starts from the publication date of the contract notice and depends on the type of the award procedure and on the contract value (whether it's above or below the EU thresholds).

Table 6 & Table 7 below present the minimum time limits for submitting an offer.

Type of Procedure	Minimum time limit for submitting an offer for public contracts above the EU thresholds (from the date of the publication of the contract notice in the EU Publications Office)	
Open Procedure	35 days to submit the offer	
Restricted Procedure	Stage 1	Stage 2
	30 days to submit an application form	30 days to submit an offer if you have been selected in stage 1
Competitive Procedure with negotiation	Stage 1	Stage 2
	30 days to submit an application form	30 days to submit an offer if you have been selected in stage 1
Competitive Dialogue	Stage 1	Stage 2
	30 days to submit an application form	Specified in the respective documents that follow the contract notice
Innovation Partnership	Stage 1	Stage 2
	30 days to submit an application form	Specified in the respective documents that follow the contract notice

Table 6: Minimum time limit for submitting an offer for public contracts above the EU thresholds

Type of Procedure	Minimum time limit for submitting an offer for public contracts below the EU thresholds (from the date of the publication of the contract notice in CERPP)	
Open Procedure	22 days to submit an offer	
Restricted Procedure	Stage 1	Stage 2
	15 days to submit an application form	10 to submit an offer if you have been selected in stage 1
Competitive Procedure with negotiation	Stage 1	Stage 2
	15 days to submit an application form	10 to submit an offer if you have been selected in stage 1
Draft Tender Procedure	12 days to submit an offer	

Table 7: Minimum time limit for submitting an offer for public contracts below the EU thresholds



4.7 Public Contract Notice Contents

The structure of a Greek public contract notice generally follows a pre-specified pattern which informs the audience about the actions that should be proceeded (Figure 12). The structure may be different given the specific characteristics, the type of the contract and the type of the award procedure.

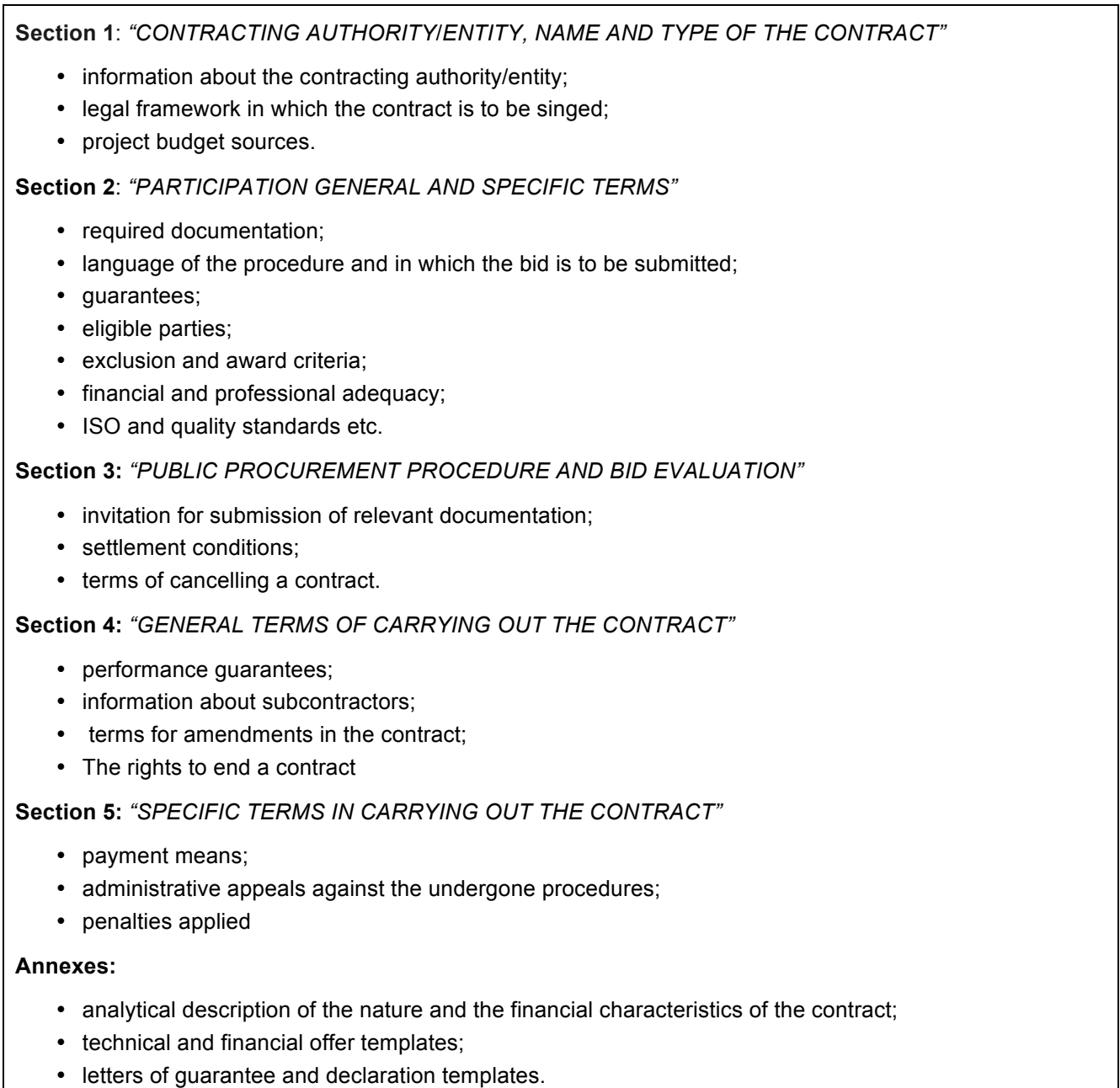


Figure 12: General structure of a public contract notice



4.8 How to submit a bid

When a contracting authority/entity publishes a contract notice, any interested candidate may prepare and submit an offer (Figure 13).

The interested bidder should check if he is an eligible candidate and make sure that he does not fall under the exclusion criteria. Then he could start collecting all the relevant to the contract notice documents as well as search for partners/consultants (especially in his first attempt). Finding local partners/consultants would help him overpass barriers related to the language or other bureaucratic specificities.

Throughout the bid's preparation the bidder should prepare his offer ensuring that his bid focuses on the requirements set out in the specifications and that his experience is well documented.

The bid is submitted to the Tender Committee who will evaluate it. Before the submission of the bid electronically or by any other mean indicated in the contract notice, the candidate should assure that he has included all the necessary documents.



Figure 13: Bid's Preparation & Submission workflow



4.8.1 What are the specific elements that a bid must include

All the documents that must be enclosed with the offer are specified in the contract notice. More specifically the bid to be submitted should include:

- a) The necessary supporting documents as they are specified in the contract notice.
 - For the public contracts above the EU thresholds (Table 4) it is required to submit:
 - ✓ the European Single Procurement Document (ESPD) which is a self-declaration form used in public procurement procedures by public buyers and businesses in the EU;
 - ✓ the participation guarantee, the amount of which is specified in the contract notice and should not exceed 2% of the contract value (net of VAT).
 - For public contracts below the EU thresholds (Table 4) it is required to submit:
 - ✓ declaration document stating that you are not in one of the situations giving rise to exclusion from the procedure;
 - ✓ the participation guarantee, the amount of which is specified in the contract notice and should not exceed 2% of the contract value (net of VAT);
 - ✓ evidence of the applicant's legitimacy.

Moreover, apart from the aforementioned documents, the contracting authority/entity may request different kind of letters of guarantee depending on the award procedure.

- b) The technical offer. In the technical offer the bidder enfold all the documents that are specified in the contract notice and prove his technical adequacy. In some cases, ISO certification is required.
- c) The financial offer. In the financial offer the bidder enfold the value of his offer in euro (€) calculated and presented as it is specified in the contract notice and depending on the type of contract and the selection criteria.

e-Certis



Tool for mapping of certificates issued as evidences in public procurement procedures across the EU where the data are verified and updated by national ministries in charge.

<http://ec.europa.eu/growth/ecertis>.

4.8.2 Where you submit the tender and what are the steps

Contract Value above 60.000€ (net of VAT)

All stages of the public contracts whose value is above 60.000€ (net of VAT) are implemented electronically through the online portal of the National Electronic Public Procurement System (www.promitheus.gov.gr). Any economic operator that is interested in submitting an offer should follow the steps:



Thereafter, the bidder is able to submit the supporting documents electronically in .pdf format within the indicated time limit and the whole process is carried out electronically without his physical presence.

Contract Value below 60.000€ (net of VAT)

If the value of the public contract is below the amount of 60.000€ (net of VAT) and the award procedure will not be conducted electronically, then the steps towards the submission of the bid are specified in the contract notice. Usually, it is indicated that the bidder submits the respective folders of the offer by the indicated deadline either:

- a) by submitting them to the Tender Committee, or
- b) by posting them to the contracting authority/entity, or
- c) by submitting them in person in the contracting authority's/entity's protocol office.

The actions to be taken towards the bid's submission are presented in Table 8.

Bid's Submission		
Action	Who	Short Description
Public Contract Notice	Contracting Authority/Entity	Public Contract Notice is announced in the Publications Office of the EU (for contract value above the EU the thresholds) and in the Central Electronic Public Procurement Registry (CERPP) (for all contracts irrespective the value and the award procedure).
Questions	Bidders	Up until 6 days before the submission deadline, bidders could ask for clarifications on the contract notice.
Bid's Submission	Bidders	The bidders should submit: i) the supporting documents, ii) the technical offer and iii) the financial offer.
Bids' receipt	Tender's Committee	Upon the submission deadline, the Tender's Committee records all the submitted offers along with the supporting documents and issues minutes of the action.

Table 8: Actions towards bid's submission

The candidates have the right to challenge any action of the Tender Committee by submitting a complaint (for the public contracts below 60.000€) or a prejudicial objection (for the public contracts above 60.000€).

For more information regarding the complaints and the prejudicial objections see chapter 4.11.

4.9 What are the key phases after submitting the bid

The procedure that follows the bid's submission towards the award of the contract includes the opening of the offers, the verification of the submitted supporting documents and the evaluation of the technical and financial offer according to the contract award criteria (Figure 14 & Table 9).

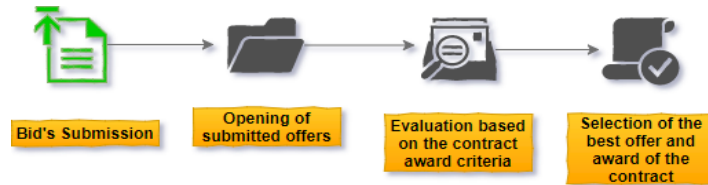


Figure 14: Key phases after submitting the bid

Award Criteria: Low Price			Award Criteria: Best price-quality ratio		
Action	Who	Description	Action	Who	Description
Opening of financial offers	Tender Committee	The Tender Committee opens the financial offers and issues minutes of the action.	Opening of supporting documents and technical offers	Tender Committee	The Tender Committee opens the technical offers and the folder with the supporting documents and issues the minutes of the action.
Verification of the supporting documents starting from the lowest bid		The Tender Committee classifies the financial offers and proceeds to the verification of the supporting documents starting from the lowest bid. It issues minutes of the action.	Evaluation of the submitted technical offers		The Tender Committee evaluates the submitted technical offers and issues the minutes including both the accepted and the rejected offers.
Completion of the procedure and recommendation on the award of the contract	Tender Committee to the Financial Committee	The Tender Committee finalizes the procedure, issues the minutes and submits the results to the Financial Committee.	Opening of the financial offers of the accepted technical offers.		The Tender Committee opens the financial offers of the accepted technical offers.
Approval of the result	Financial Committee	The Financial Committee approves the result.	Results	Financial Committee	The results are validated from the Financial Committee and they are communicated to the participants.
The contracting authority/entity asks the selected bidder to submit supporting documents to the Tender's Committee within 20 days					
The Tender's Committee verifies the supporting documents, issues the minutes and sends the respective folder in the Financial Committee.					
The Financial Committee awards the contract to the successful contractor.					

Table 9: Actions that follows the bid submission

Upon the completion of every action listed in Table 9, the candidates have the right to challenge the results and the decisions of the Tender's Committee and of the Financial Committee by submitting a complaint (for the public contracts below 60.000€) or a prejudicial objection (for the public contracts above 60.000€).

For more information regarding the complaints and the prejudicial objections see chapter 4.11.

4.10 Award Criteria

The contracting authority/entity evaluates the bids based on MEAT, which stands for the “Most Economically Advantageous Tender”. The MEAT is determined using the following award criteria (Table 10):

Contract Award Criteria	Description
Price	<ul style="list-style-type: none"> • Most common award criterion • Lowest price considered
Cost	<ul style="list-style-type: none"> • Cost-effectiveness approach • Notion of life-cycle costing: costs associated with the contracting authority/entity as well as external costs (e.g. environmental factors that affect the execution of the contract)
Price – Quality ratio	Depends on various criteria linked to the subject matter of the public procurement in question such as technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, after-sale service and technical assistance, etc.

Table 10: Contract Award Criteria

The contracting authority/entity defines in the contract notice which one of the 3 above mentioned criteria will be used to evaluate and award an offer. On top of that, the contracting authority/entity also considers the compliance of the bidders with all formal requirements (e.g. suitability of the candidate, economic and financial standards and/or technical and professional ability).



4.11 Complaints/Prejudicial Objections

Any economic operator interested in participating in a public procurement bidding procedure can challenge an action undertaken by the contracting authority/entity if it finds that this action violates its rights or harms its interests.

Regardless the type of the procurement, the challenge can be submitted at any stage of the process but not after the award of the contract (Table 11). More specifically:

- vii. In case the value of a public procurement is **below** 60.000€, the economic operator can submit a **complaint**.
- viii. In case the value of the public procurement is **above** 60.000€, the economic operator can submit a **prejudicial objection**.

Contract Value below 60.000€					
Where to submit	Complaint against	Submission time limits	Decision maker	Decision time limits	Commission paid
To the relevant contracting authority/entity	Contract notice	5 days before the deadline of submission of bids	Relevant contracting authority/entity	10 days	1% of the estimated value of the contract
	Contracting authority's/entity's act	5 days after the notification of the act			
Contract Value above 60.000€					
Where to submit	Complaint against	Submission time limits	Decision maker	Decision time limits	Commission paid
Authority of the Hearing of Prejudicial Objections (AHPJO)	-Contract notice -Contracting authority's/entity's act	10 days If contested act is published by electronical means 15 days If contested act is published by other means of communication	Relevant contracting authority/entity	10 days	1% of the estimated value of the contract
	Omission regarding EU and national legal framework	15 days After omission			

Table 11: Submission of a complaint/prejudicial objection



5 Key points when submitting a tender in Greece

Here are ten of the most important things to remember when responding to a tender in Greece:

- 01 Make sure that you are an eligible candidate – check the requirements and the bidder's profile.
- 02 What are the technical and other specifications and requirements of the public contract? Ensure that your bid focuses on the requirements set out in the specification and meets the selection and evaluation criteria and that your experience is adequately documented.
- 03 What are the qualifications and specifications that the bidder must have? Can you respond to them?
- 04 Make sure you respond to the special requirements e.g. ISO certifications and that you can provide all of the requested documentation for those.
- 05 Read carefully the terms and conditions and in particular the exclusion, selection and award criteria.
- 06 Mark the time limits for submission of the offer. Examine all the application forms thoroughly and make sure you collect all the required supporting documents on time.
- 07 It is recommended to read the contract notice carefully along with the terms and conditions and in case you need any clarifications contact the contracting authority/entity on time.
- 08 Pay special attention to the issuance of letters of guarantee and complete the declaration documents in order to comply with the standards set out in the contract notice.
- 09 Beware of tax clearance certificates and social security certificates if applicable.
- 10 Ensure that you attach all the necessary compulsory documents.



6 What Tenderio offers

TENDERIO project is funded by the COSME program of the European Union (Grant Agreement No 739966) and aims to increase SMEs' participation in public procurement in EU through the development and the implementation of innovative activities that will inform, educate and support European SMEs to access international tenders.

TENDERIO helps SMEs to overcome the barriers that inhibit their participation in cross-border procurement, i.e. the language, the bureaucracy, the difficulties in finding local partners and the lack of knowledge about local tender procedures, by providing the following tools and services:

- a tender search engine which allows access to 1.500 new tenders in Europe every day;
- a benchmarking model on public procurement;
- national training sessions;
- business-to-procurers days and matchmaking opportunities;
- tailored coaching and mentoring services;
- e-conference and webinars on “how to win a tender abroad”.

Other services include a helpdesk, through which companies can access valuable information about specific tenders, country guides on public procurement, regular workshops, and an innovative “bidding laboratory” where guidance on developing successful bids is delivered.

TENDERIO also identifies possible partners and recommends expert consultancies to help you write bids and translate materials into the appropriate language for each offer.

Registration to Tenderio is free and is performed through the project's official website: www.tenderio.com



7 References

Documents

- ix. European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, 2017. *Measurement of impact of cross-border penetration in public procurement*. Available at: <https://publications.europa.eu/en/publication-detail/-/publication/5c148423-39e2-11e7-a08e-01aa75ed71a1>
(last access August 2017).
- x. European Commission, DG Internal Market and Services, 2011. *Final report cross-border procurement above eu thresholds*. Available at: http://www.eipa.eu/files/topics/public_procurement/cross_border_procurement_en.pdf
(last access August 2017).
- xi. DG GROW G4, 2016. *Public Procurement Indicators 2015*. Available at: <http://ec.europa.eu/DocsRoom/documents/20679/attachments/1/translations/en/renditions/native>
(last access August 2017).
- xii. Greek Law 4412/2016 on public procurement contracts. Available at: <http://www.eaadhsy.gr/n4412/n4412asfek147.html> (last access August 2017)
- xiii. Directives 2014/24/EU & 2014/25/EU of the European Parliament and of the Council

Online Sources (last access August 2017)

- <http://ec.europa.eu/growth/single-market/public-procurement/>
- <http://data.europa.eu/euodp/en/data/dataset/ted-csv>
- <http://www.eaadhsy.gr>
- <http://www.eprocurement.gov.gr/>
- http://europa.eu/youreurope/business/public-tenders/rules-procedures/index_en.htm

