



# Process Standard

## *Supplier Selection and Issuing of Purchase Orders*

**Document Code:** enaon-STP-016-R00

**Issue date:** 26/06/2024

<b>Drafted</b>	CM				
<b>Verified</b>	CERTF	COMPLA	ORG	LEGAL	
<b>Approved</b>	PROC				
<b>Elements of Compliance</b>	Anti-Corruption Laws	Code of Ethics	Anti-corruption Compliance Standard	Finance Legislation	Legislation on the Energy Market
	Law 4412/2016	Directive 2014/25/EU	Directive 2014/24/EU		

### Revision history

- Rev. R00 (first issue).

The Company's Internal Documents Library is the official source of currently valid versions of documents. When using printed documents, it is always necessary to check against the original in the Company's Internal Document Library that they are up to date.

If the conditions are met, the Company is obliged to comply with the legislation on separation in all its forms. In particular, it is subject to accounting separation obligations, and commercially sensitive information must be managed in accordance with the provisions of the relevant regulations.

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## 1 ABSTRACT

The purpose of this Process Standard is to define the roles, responsibilities, operational and control tasks of the Group divisions and positions involved in the process managed by the PROC Division responsible for selecting Suppliers and issuing Purchase Orders (Contracts).

This Process Standard regulates the contract award process, starting with the acceptance of the Request for Purchase (RFP) of all goods, works and/or services, excluding those cases that may already be covered in other internal documents or which –due to urgency or limited value– do not involve a tender, such as:

- Financial Intermediation Services (including financial/accounting and tax advisor activities for M&A operations);
- Bonds/shares;
- Procedures marked as “extremely urgent”, in cases where any delay in the procurement of works, goods and/or services, to the extent strictly necessary, would be detrimental to public or private safety or to the safety and continuity of the public service, or to the integrity of public or private property, and where no delay is permitted;
- Supplies of materials of limited value, which do not exceed the amount of 3,000.00 euros (excluding VAT);
- Assignments for professional services of intellectual work for the purpose of legal advice and of assistance in judicial and extrajudicial matters (i.e. notary, legal consultant);
- Assignments to third parties relating to administrative-accounting or tax opinions and judicial assistance within the scope of tax litigation;
- Independent auditing firm.

This Process Standard applies to all other Procurement Requests, including those for consultancy, professional and sponsorship services, where the activities described below differ in relation to the regulatory regime applicable to the contract.

This Process Standard is implemented by the Company’s PROC Division centrally, to manage all requests of the organizational units of its subsidiaries.

## 2 FUNCTIONS INVOLVED

FUNCTION MENTIONED IN THE DOCUMENT	ORGANIZATIONAL UNIT
CM: Category Management/Buyer	PROC Division: Procurement
All Units of the Company and of the DSO	All Divisions

## 3 DEFINITIONS AND ABBREVIATIONS

In this Process Standard, the following terms and abbreviations apply:

<b>Company</b>	enaon Sustainable Networks Single Member S.A.
<b>Distribution System Operator (DSO)</b>	enaon EDA HELLENIC GAS DISTRIBUTION COMPANY Single Member S.A., the Operator of the Group’s Natural Gas Distribution Network.
<b>Group</b>	enaon Group, which includes the Company and its subsidiaries.

<b>Managing Authority</b>	The national, regional or local authority designated by the Member State for the management of a program/project co-funded as part of an operation, in accordance with the applicable legislation.
<b>Requesting Unit</b>	<p>All corporate organisational units or project entities formally identified with an organisational tool (Service Order, Organisational Communication) and holders of a budget, can assume the role of Requesting Unit and therefore activate the purchasing process by formalising a RFP.</p> <p>Requesting Units may, in general, issue RFPs for all goods, works or services to fulfil requirements relevant to exercising the responsibilities assigned to them, except for cases in which the responsibility for making certain goods or services available is assigned to expressly identified business units.</p>
<b>Supplier</b>	the company that undertakes Projects (Contracting Company), supplies Goods (Supplier), provides Services (Service Provider), following award of a contract by the Company or the DSO.
<b>SVL</b>	The Short Vendor List.
<b>PD or PROC Division</b>	The Company's Procurement (PROC) Division.
<b>RFP</b>	The Request for Purchase, Mod. 006.
<b>RFQ</b>	The Request for Quotation.

#### 4 PROCESS DESCRIPTION

<b>Requesting Unit</b>	<ul style="list-style-type: none"> <li>– collaborates with PROC Division to identify the most appropriate procurement strategy,</li> <li>– identifies the need for Direct Award to a Single Supplier.</li> </ul>
<b>Head of PROC Division</b>	<ul style="list-style-type: none"> <li>– approves the SVL,</li> <li>– approves the RFQ</li> </ul>
<b>PROC/CM</b>	<ul style="list-style-type: none"> <li>– identifies the most appropriate procurement strategy, taking into account the needs expressed by the Requesting Unit,</li> <li>– verifies if the RFP falls under the conditions for direct award,</li> <li>– assesses the need to conduct market research,</li> <li>– drafts the SVL and the RFQ,</li> <li>– conducts the necessary checks and prepares all the documents required for the award process,</li> <li>– manages the tender and identifies the best offer/tenderer,</li> <li>– prepares the contractual revision documentation, where needed,</li> <li>– where needed, in collaboration with the Requesting Unit, proposes to the competent body (BoD/CEO) the Award or Cancellation of a Tender Procedure.</li> </ul>

## 4.1 General Principles

Before starting the process, the PROC Division checks the availability, completeness, and consistency of all the necessary information. To this end, it may involve all other Divisions concerned and hold a clarifying meeting (key stakeholders meeting) with the aim of verifying the completeness of the available data and defining the roles and activities of the corporate Divisions involved in the procurement process.

In accordance with the Group's general procedures, procurement activities are governed by fundamental principles valid for any type of tender procedure:

- ensure that a minimum number of 3 qualified vendors are invited to tender;
- ensure transparency and uniformity of technical information distributed to all vendors at the same time and with the same level of detail;
- allow vendors to request meetings for technical clarifications and/or inspections (depending on the type of tender procedure) so that what the Group is requesting is clear;
- ensure clear and unambiguous formalisation and business assignment principles that guarantee technical expertise according to the required standards, and economic evaluations that ensure the best value for money for the Group.

The Group applies, in principle, private law to the award and conclusion of its contracts (“Private Regime”). However, it may also be necessary to apply Greek public procurement law (“Public Regime”) to the Group’s co-funded projects, in accordance with the instructions and requirements of the respective Managing Authority.

### I. Private Regime

The Private Regime applies to all the Group’s award procedures, excluding award procedures to which the Public Regime applies.

The procedure of awarding and concluding contracts under private law is described in section 4.2.

The procedure for awarding and concluding contracts is conducted in full compliance with the principles of internal control, transparency, impartiality and in accordance with the criteria and methods described therein.

### II. Public Regime

The Greek law on the awarding of public contracts (currently Law 4412/2016, as in force), applies to the Group’s award procedures in relation to co-funded programmes, if so required by the respective Managing Authorities. Moreover, the relevant EU Directives (2014/24/EU and 2014/25/EU and subsequent amendments and additions) also apply to the award procedure for co-funded programmes.

The procedure for awarding and concluding contracts under the Public Regime is described in section 4.3.

The regime to be applied to the award of a specific contract, as well as the special rules governing a specific award procedure, are defined in the contractual strategy at the time the RFP is received, and in light of the object of the contract to be awarded.

Therefore, in order to properly start the process of awarding and entering into contracts, CM Unit, within the scope of taking charge of the RFP already specified in STP-015 “Request for Purchase”, complies with the legal regime applicable to the specific contract.

## 4.2 Private Regime - Award and Conclusion of Contracts

### 4.2.1 Identifying the Contractual Strategy

The most appropriate procurement strategy is identified and formalised by the PROC Division, taking into account the needs expressed by the Requesting Unit.

To better define the contractual strategy, the PROC Division may request a meeting to clarify the objectives of the RFP.

The criteria used to define the contractual strategy are as follows:

- a) the number and type of contracts to be awarded;
- b) the duration of the contract (the contract may be renewed, at the same prices, terms and conditions, for a duration not exceeding that of the initial contract; tacit renewal of the contract is prohibited);
- c) the method for selecting the tenderer: Suppliers to be invited to take part in the tender procedure must be selected in accordance with the methods set out in STP-042 "Supplier Qualification and Vendor Management". The adoption of a Vendor List by the Group guarantees a constant evaluation of its Suppliers, both from a reputational point of view and in relation to their technical-qualitative requirements (e.g. organisation, means, financial capacity of the Supplier).

A direct award may only be made in duly justified cases, in accordance with the provisions of paragraph 4.2.1.1.

The procedures for conducting the tender procedure are as follows:

- a) it must be conducted through a suitably protected e-platform. Conducting tender procedures electronically is considered the standard procedure for all Group tender procedures;
- b) it must be conducted by means of written communications between the parties which, in order to guarantee the traceability, secrecy and confidentiality of the process, will be transmitted in a sealed envelope by e-mail and/or registered letter with acknowledgement of receipt and/or courier and/or other modalities to be defined in the strategy phase;
- c) it must be conducted via e-mail and e-mail receipts for requests for proposal for contracts with an estimated amount not exceeding 30,000 euros.

Either the criterion of the lowest price or the most economically advantageous tender<sup>1</sup> can be applied for the selection of tenders. The PROC Division in consultation with the Requesting Unit is responsible for selecting the applicable criterion.

The evaluation parameters must be measurable, relevant to the nature, subject and characteristics of the contract, and detailed enough in case of complex parameters. There must be an adequate number of technical parameters; technical evaluation parameters that are a direct function of the price must not be used. By way of example, such evaluation parameters may be:

- quality;
- technical merit;
- functional characteristics;
- references to similar projects;
- schedule for implementing the tendered project;
- the environmental characteristics and the reduction in the quantity of energy and environmental resources used in the work or product.

After consultation with the requesting Unit, the method of scoring must be defined by the PROC Division and must be authorized in writing by the Head of PROC Division.

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<sup>1</sup> To use a cost-effectiveness approach or price/quality ratio which offers the best price (this will not necessarily be the lowest price).

For the aforementioned criteria, the Requesting Unit, expressly indicating this in the RFP, may reserve the possibility of admitting to the evaluation only those bids that have obtained a sufficient technical score, on the basis of a preliminary examination of completeness, congruity and whether the minimum requirements requested in the tender notice are met.

#### **4.2.1.1 Contracting Strategy for Direct Awards**

Cases of direct awards must be duly justified and are permitted if: (i) requested by the Requesting Unit and properly authorized in accordance with the Internal Powers Matrix or (ii) upon taking charge of the RFP, the CM Unit has ascertained that the applicable conditions, as set forth in STP-015 “Request for Purchase”, have been met.

Direct awards, without a prior call for tenders, is permitted where:

- a) there is necessity and urgency related to the primary needs of the Company or DSO;
- b) a Group framework agreement that has already been signed applies;
- c) professional consultancy services for which a high degree of reliability and trustworthiness are required;
- d) the exclusivity of the goods on the market or proven technical reasons make it impracticable to conduct procedures with several parties;
- e) there is a security incident or environmental emergencies;
- f) a contract is intended for research, experimentation, study or development purposes only, and in particular in the context of innovation projects, where it is necessary to launch Start-ups or Pilot projects of limited duration;
- g) it concerns works, services and related supplies (including professional appointments and technical services) related to architecture and engineering, possibly preceded, where deemed necessary, by a request for two or more quotations by email.

When identifying the economic operator to which the contract is to be awarded, reference must be made primarily to operators listed in the SVL, unless the option to carry out specific market research is exercised.

#### **4.2.1.2 Identifying Suppliers to be Invited to Tender and preparation of the SVL**

The selection of Suppliers invited to the tender or the direct award of the contract to them must take place, regardless of the budgeted amount of the contract, among qualified Suppliers. If, in the opinion of the Head of CM Unit, the number of qualified Suppliers is insufficient, the selection must take place among Suppliers identified through market research.

The SVL is included in the “Contractual strategy” document and must be submitted to the Head of the PROC Division for approval.

#### **4.2.1.3 Drafting and Sending the Request for Quotation (RFQ)**

The PROC Division prepares the Request for Quotation (RFQ), which provides all the necessary information to allow an appropriate tender to be prepared which contains instructions on how to submit that bid.

The PROC Division adapts the RFQ in relation to the characteristics and the amount of the tender procedure, if necessary, with the support of the LEGAL Division.

The RFQ is then submitted for signature to the competent Proxy/Head of the PROC Division, who authorises it to be sent to the suppliers included in the SVL.

If clarification is needed, in-depth meetings can be organized with all Suppliers (so-called clarification meetings, technical reviews). The names of the participants in the clarification meetings and the topics discussed must be documented in minutes signed by the participants. The outcomes of these meetings must be communicated to all bidders.

In the case of amounts below 30,000 euros, the RFQ can be sent to Suppliers by simple email, outlining the request, along with any necessary attachments, and responses can be received by email as well.

#### **Lean Procedure for specific cases**

If the Requesting Unit does not have in-depth knowledge of the goods/services to be purchased (e.g. because they are of uncommon business use, innovative, high-tech), it may request, giving adequate justification, the PROC Division to use a simplified (“lean”) tender procedure: (i) by issuing an RFP, or (ii) by email, if not able to provide a financial estimate. In any case, the RFP must be issued before the contract is signed.

Only in the case described above, may non-qualified—but experienced Suppliers—be invited.

#### **4.2.2 Receiving and Evaluating bids**

Communications regarding decisions to exclude a Supplier taken during the tender evaluation process must be justified, in writing, and signed by the competent Proxy.

These communications (and any subsequent clarifications) must be sent to the relevant Supplier as promptly as possible.

The PROC Division retains the option to conduct evaluations of anomalous (low) bids and to request that documents necessary to assess the integrity of the Supplier be submitted.

#### **4.2.3 Signing the Contract and Subsequent Actions**

Having concluded the tender evaluation process, the PROC Division:

- a) verifies the absence of measures taken against the Supplier in the administrative documents, including reputational measures (continued presence of the Supplier on the “Green List” or a positive response to the request for a Reputational Check);
- b) prepares and submits for approval by signature of the authorised Proxy<sup>2</sup>, the “Award Report” in which it describes the tender procedure;
- c) according to the type of tender procedure, the PROC Division prepares the “Award Letter”, submits it for signature to the authorised Proxy/Head of PROC Division and sends it to the successful tenderer for acceptance;
- d) submits the contract to the Proxy for signature;
- e) in cases where it is not necessary to send the “Award Letter” the PROC Division directly prepares the contract document, submits it for signature to the authorised Proxy/Head of PROC Division and sends it to the successful tenderer;
- f) verifies, where necessary, prior to the conclusion of the contract, that the successful tenderer has submitted the insurance policies and, in the cases provided for, the guarantees (bank or insurance guarantees);
- g) enters the contract in the System in accordance with the outcome of the tender procedure, attaching all the reference documentation required for subsequent contract management;
- h) provides the Requesting Unit with a copy of the contract with all its annexes;
- i) always prepares and sends “Non-awarding letters” to the unsuccessful bidders;
- j) files the contract together with all the documentation received and/or prepared during the tender procedure.

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<sup>2</sup> The memo is also submitted for verification and signature by the Buyer’s manager, depending on the organisational structure of the PROC Division to which it belongs.



#### **4.2.4 Cancelling the Tender procedure - Decision not to Award the Contract**

In cases in which the PROC Division, in agreement with the Requesting Unit and subject to the approval of the Head of PROC Division, decides to cancel a tender procedure or not to award the contract after carrying out the tender procedure, the former must send a written communication to each of the invited Suppliers, at the same time returning to the respective owners all the paper documentation received, if it has not yet been read.

Similar communications must also be sent in the event of unsuccessful tender procedure and/or tender procedure for which no contract was awarded.

#### **4.2.5 Measures Taken Against Suppliers During the Award Process**

Reputational measures (alert, suspension and revocation), defined as part of the process of assessing unlawful conduct by Suppliers governed by STP-042 "Supplier Qualification and Vendor Management", result in the exclusion of the Supplier from any new tender procedures and ongoing tender procedures.

Exclusion of a Supplier from the SVL is notified to that supplier.

#### **4.2.6 Formalising Contract Revisions**

In the context of private contracts, reference is made to the provisions of the applicable laws, unless otherwise stipulated in the RFQ.

In particular, the PROC Division must prepare a "Revision Document" containing:

- the documentation showing that the Supplier does not have any measures against it as indicated in the SVL;
- the status of the contract and any previous revisions;
- the description of the proposed revisions;
- any additional documentation acquired during the process (e.g. note from the contract manager, updates to the Design Verification Report, etc.).

This document is submitted for authorisation to the competent Head of PROC Division/RFQ Signatory (consistent with the proxy form), for the purpose of any notifications to the Supplier.

All contractual amendments must be approved by an authorised Proxy in accordance with the scope and limits of the signature powers granted to him/her.

#### **4.2.7 Preliminary Market Consultations (RFI - Request for Information)**

The purpose of preliminary market consultations is to calibrate the objectives and needs of the companies in the Group and to achieve economies of means and resources, also in relation to the market structure. The use of this practice is particularly suitable in the case of complex or experimental contracts with a strong technical or technological component and is aimed at acquiring useful information to help prepare documentation for the tender procedure.

Preliminary market consultations may be conducted to help prepare tender notices for works, goods and services and supplies, regardless of the value of the contract.

A preliminary market consultation does not constitute a contract award procedure. The precise and distinct purposes of the consultation must be made explicit in the documents initiating the preliminary consultation.

The use of the consultation procedure does not entail any constraints for the Group, nor any expectation, *de facto* or *de jure*, on the part of market operators concerning the conduct of the selection procedure.

The Group reserves the right to interrupt, modify, extend, suspend the procedure, allowing, upon request of the parties involved, the return of any documentation filed, without this constituting, in any way, a right or claim to any compensation or indemnity.

Participation in the preliminary consultation does not constitute a condition for access to the subsequent selection procedure.

Market research makes it possible to learn about technical elements and data, such as, for example:

- Feasibility, timing and modalities of the project;
- Market Test (eligible/interested suppliers);
- Technical know-how;
- Indicative price;

in order to proceed with the completion of the tender procedure.

#### **4.2.8 Emergency Purchases**

Emergency purchases are purchases that arise from special situations that may involve risks to health, safety, environment, public and private safety, damage to third parties and/or damage to the Group's assets.

In the case of emergency purchases, the CEO of the company in need issues a Letter of Assignment / contract.

As soon as possible, the Contract Manager formalises the RFP with the attached letter of assignment / contract.

### **4.3 Public Regime - Award and signing of Contracts**

Depending on the requirements of the respective Managing Authorities, Greek Public Procurement Law may apply to the award and signing of contracts regarding co-funded projects according to the funding approval decisions issued by the Managing Authorities. Specifically, the approval decisions of the Managing Authorities may require the application of Law 4412/2016, as in force, in combination with the Company's respective procedures. In any case the principles of freedom of movement of goods, freedom of establishment and freedom to provide services and the principles deriving therefrom, such as the principle of equal treatment, non-discrimination, mutual recognition, proportionality and transparency are applicable, in accordance with the provisions of Directive 2014/25/EU and Directive 2014/24/EU.

The following section provide an indicative description of the award procedures set out in Law 4412/2016, as in force, which contains detailed rules on the award and signing of contracts falling in its scope. Law 4412/2016, as in force from time to time, prevails over the following sections of this Process Standard.

#### **4.3.1 Identifying the Contractual Strategy**

The most appropriate procurement strategy is identified and formalised by the PROC Division, taking into account the needs expressed by the Requesting Unit, involved in the management of co-funded projects.

To better define the contractual strategy, the PROC Division may request an ideas sharing session to clarify the objectives of the RFP.

The criteria used to identify the contractual strategy are as follows:

- a) the number and type of contracts to be awarded;
- b) the duration of the contract;
- c) the method for selecting the tenderer;

- Open procedure (as described in Law 4412/2016, as in force)
- Restricted Procedure (as described in Law 4412/2016, as in force)
- Competitive procedure with negotiation (as described in Law 4412/2016, as in force )
- Negotiated procedure without prior publication (as described in Law 4412/2016, as in force)
- Direct award procedure is permitted when the estimated value of the contract is equal to or less than the threshold of thirty thousand (30,000) euros (as described in Law 4412/2016, as in force ).

The procedures for conducting the tender are as follows:

- a) it must be conducted through a suitably protected e-platform:
  - Official Journal of the EU
  - CERPP (ΚΗΜΔΗΣ)= Central Electronic Register of Public Procurement
  - NEPPS (ΕΣΗΔΗΣ) = National Electronic Public Procurement System
  - DIAVGEIA = government transparency site providing publicity for public sector activity
- b) Rules applicable to communications (as described in Law 4412/2016, as in force)

All communications and exchanges of information regarding award procedures under Law 4412/2016, as in force, in particular the electronic submission of tenders, must be carried out through NEPPS in accordance with the requirements of Law 4412/2016, as in force.

Either the criterion of the lowest price or the criterion of the most economically advantageous tender can be applied for the selection of tenders. The PROC Division upon consultation with the Requesting Unit is responsible for selecting the applicable criterion.

The evaluation parameters must be measurable, relevant to the nature, subject and characteristics of the contract, and detailed enough, in case of complex parameters. There must be an adequate number of technical parameters; technical evaluation parameters that are a direct function of the price must not be used. By way of example, such evaluation parameters may be:

- quality;
- technical merit;
- functional characteristics;
- references to similar projects;
- schedule for implementing the tendered project;
- the environmental characteristics and the reduction in the quantity of energy and environmental resources used in the work or product.

#### **4.3.2 Identifying/ Selection of Suppliers to be Invited to Tender**

The General Principles applicable to the awarding of public contracts, as defined in Law 4412/2016, as in force, set out the rules to be applied by contracting authorities and contracting entities during public procurement procedures regarding the purchase of services, supplies or civil engineering works.

#### **4.3.3 Formulating and Sending the Request For Proposal**

The formulation of an appropriate request for proposals must be drawn up in accordance with Law 4412/2016, as in force, and must include the relevant tender notice and the specifications, described by the Requesting Unit, involved in the management of co-funded contracts.

#### 4.3.4 Receiving and Evaluating Tenders

Tenders must be submitted by interested parties electronically, via the [www.promitheus.gov.gr](http://www.promitheus.gov.gr) portal of the NEPPS, by the closing date and time specified in the notice, in the Greek language, in an electronic folder, in accordance with the provisions of Law 4412/2016, as in force.

The evaluation of tenders is carried out by the Opening and Evaluation Committee (Tender Committee):

- a) The task of the Committee, during the phase of the Evaluation of Tenders, is to process the data in the tenders, to evaluate them, to place the tenders in declining order based on the criteria provided for by the tender notice and to prepare the relevant minutes.
- b) The Opening and Evaluation Committee draws up an Evaluation Report with its proposals and submits it to the competent Company body responsible for approving the result of the tender procedure.

#### 4.3.5 Signing of the Contract and Subsequent Actions

Where a decision is taken to award the contract and assume the relevant obligation, the PROC Division:

- a) invites the contractor via NEPPS to sign the contract, provided that the legality check by the Managing Authorities has been completed and where the pre-contractual audit by the Hellenic Court of Audit is required;
- b) directly prepares the contract document, submits it for signature to the Proxy and sends it to the successful tenderer;
- c) informs the Requesting Unit of the award and/or conclusion of the contract;
- d) verifies, where necessary, prior to the conclusion of the contract, that the successful tenderer has submitted the insurance policies and, in the cases provided for, the guarantees (bank or insurance guarantees);
- e) enters the contract into the System in accordance with the outcome of the tender procedure, attaching all the reference documentation required for subsequent contract management;
- f) submits the contract/Stipulation Letter (Award Letter) to the Proxy for signature and informs them of the need to execute the entry of said document(s) on the System;
- g) sends the Supplier the Stipulation Letter (Award Letter) and the contract signed by the Proxy, for acceptance. The contract is concluded when the PROC Division receives a document from the Supplier validly certifying its acceptance;
- h) makes available to the Requesting Unit a copy of the contract complete with all its annexes, and enters it in the System;
- i) files the contract together with all the documentation received and/or prepared during the tender process.

The provisions of Article 221 of Law 4412/16 as in force apply to the appointment of Tender Committees read in conjunction with the relevant Procedures. In certain particular cases, it is also necessary to appoint Monitoring and Acceptance Committees, in which are also appointed in the same way as above.

#### 4.3.6 Cancelling the Tender procedure - Decision not to award the contract

1. The contracting entity (Company or the DSO) can, by means of a specially reasoned decision adopted after obtaining the opinion of the competent body (Tender Committee), cancel the procedure for the award of a public contract:

- a) where the procedure has been unsuccessful, either as a result of no tenders being submitted, or as a result of all tenders or applications submitted being rejected, or exclusion of all

tenderers or participants in accordance with both the provisions of Law 4412/2016, as in force, and the procurement documents; or

b) in the case where none of the bidders comes forward to sign the contract.

2. The award procedure may be cancelled by a specially reasoned decision of the contracting entity, after obtaining the opinion of the competent body (Tender Committee), in the following cases:

c) due to irregular conduct of the award procedure,

d) if the economic and technical parameters relating to the award procedure have changed substantially and the performance of the contract is no longer relevant to the contracting entity or to the entity for which the contract is intended;

e) if, for reasons of force majeure, normal performance of the contract is not possible;

f) if the tender is considered not to be economically advantageous;

g) in the cases described in Article 97(3) and (4) of Law 4412/2016, as in force, on the period of validity of tenders,

h) for other reasons of public interest.

Further grounds for cancellation are provided for in Law 4412/16, as in force.

#### **4.3.7 Preliminary market consultations (RFI - Request for Information)**

Before launching a procurement procedure, market consultations may be conducted in order to prepare the procurement procedure and to inform economic operators of the procurement plans and requirements. To that end, a company in the Group may seek or accept advice from independent experts or authorities or market participants. Such advice may be used in the planning and conduct of the procurement procedure, provided that it does not distort competition and does not lead to a violation of the principles of non-discrimination and transparency.

The purpose of the preliminary market consultation is to calibrate the objectives and needs of the companies in the Group and to achieve economies of means and resources, also in relation to the market structure. The use of preliminary market consultations is particularly suitable in the case of complex or experimental contracts with a strong technical or technological component and is aimed at acquiring useful information for preparing documentation for the tender procedure.

Preliminary market consultations may be conducted to help prepare tenders for works, goods and services and supplies, regardless of the value of the contract.

The preliminary market consultation does not constitute a contract award procedure. In the documents initiating the preliminary consultation, the precise and distinct purposes of the consultation must be made explicit.

The use of the consultation procedure does not entail any constraints for the Group, nor any expectation, *de facto* or *de jure*, on the part of market operators concerning the conduct of the selection procedure.

The Group reserves the right to interrupt, modify, extend, suspend the procedure, allowing, upon request of the parties involved, the return of any documentation filed, without this constituting, in any way, a right or claim to any compensation or indemnity.

Participation in the preliminary consultation does not constitute a condition for access to the subsequent selection procedure.

Market research makes it possible to learn about technical information and data, such as, for example:

- Feasibility, timing and modalities of the project;
- Market Test (eligible/interested suppliers);
- Technical know-how;
- Indicative price;

in order to proceed with the completion of the tender.

### 4.3.8 Special Arrangements

The duties and responsibilities provided in the respective procedures are exercised by the competent functions/bodies of the Group following decisions of the corresponding Board of Directors and in accordance with its organizational provisions.

## 5 RECORD KEEPING

TITLE / DESCRIPTION OF RECORD	PARTY RESPONSIBLE FOR RECORD KEEPING	FORM ( <i>hard copy / digital</i> )	RETENTION PERIOD
All the work documentation	PROC	hard copy or digital	7 years