

PUBLIC CONSULTATION OF DECLARATION - COMMENTARY FORM

DECLARATION OF OPEN INTERNATIONAL COMPETITION:

- 1. Lease of one (1) Flight System for Hail Suppression and Procurement of Silver Iodide in packaging.**
- 2. Lease of one (1) Meteorological Radar System.**
- 3. Procurement of Radiosonde Materials.**

COMPANY: WEMOPA Ltd, Weather Modification Pilots Association Ltd.
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	Referring to Declaration (Annex, Chapter, Article, Paragraph, Page)	Comment / Remark
1	<p>Annex "Draft contracts":</p> <p>ΠΑΡΑΡΤΗΜΑ Ζ' ΥΠΟΔΕΙΓΜΑΤΑ ΣΥΜΒΑΣΕΩΝ</p> <p>Page 102</p>	<p><u>Cancellation of procedure in case the ongoing tender procedure is unsuccessful:</u></p> <p>The tender dossier includes a draft contract which states under Article 4 (page 102) that <i>in case the ongoing tender procedure is unsuccessful, it would be postponed in order to start the implementation in April 2019 instead of April 2014.</i></p> <p>Comment/suggestion:</p> <p>According to international procurement standards, provisions related to the tender procedure itself are not included in the draft contract but in the instructions or any other document: <u><i>we recommend this provision is deleted from the draft contract.</i></u></p> <p>International public finance and accountancy standards foresee that fair and transparent competition should be followed by public or semi-public bodies, in order to obtain best value for money; in case the ongoing tender is unsuccessful and does not allow the program to start in April 2014, the procedure should be re-launched in order to obtain a program starting on April 2015 and not April 2019.</p>

		<p>Important: the provisions stated under page 102, included in the draft contract, suggest that in case the tender procedure is unsuccessful, and in order to have a hail suppression program starting on April 2014, the Contracting Authority (C.A.) could sign a 5-year contract under a direct negotiated procedure, without competition, or a 5-year extension of the current contract with "3D s.a. General Aviation Applications", without competition.</p> <p><u>We recommend providing a clarification about the Contracting Authority's intention in case this procedure is cancelled or delayed; clarifying if the intention of the C.A. is to proceed with a direct negotiated procedure for the 5-years period 2014-2019 without international open tender.</u></p>
2	<p>Annex "General Instructions":</p> <p>ΠΑΡΑΡΤΗΜΑ Β' ΓΕΝΙΚΟΙ ΟΡΟΙ ΔΙΕΝΕΡΓΕΙΑΣ ΔΙΑΓΩΝΙΣΜΟΥ</p> <p>Article 10</p> <p>Pages 23-24</p>	<p><u>Language of international open tender procedure:</u> The instructions to candidates state under article 10.1 (page 23) that the official language of the tender procedure and the contract are Greek, and that the technical and financial offers must therefore be drafted in Greek. Articles 10.2, 10.3 and 10.4 (page 24) detail which documents may be submitted in foreign language, accompanied by a Greek translation: the documents listed <i>do not include</i> the technical and financial offers.</p> <p>Comment/suggestion: Taking into account that the tender procedure is an international open procedure, and that English is the standard common language in weather modification programs and international tenders, the C.A. should allow and clearly <u>mention under Article 10 (pages 23-24) that technical and financial offers may be submitted in English.</u></p> <p>An international open procedure should enable fair competition between candidates: this clarification will facilitate foreign companies to bid and allow the C.A. to obtain more offers, thus best value for money.</p>
3	<p>Annex "Templates of tender and performance guarantees":</p> <p>ΠΑΡΑΡΤΗΜΑ Ε'</p>	<p><u>Language of tender and performance guarantees:</u> In line with our comment n° 2 above. The templates of tender and performance guarantees annexed to the tender dossiers are drafted in Greek language.</p> <p>The instructions to candidates state under article</p>

	<p>ΥΠΟΔΕΙΓΜΑΤΑ ΕΓΓΥΗΤΙΚΩΝ ΕΠΙΣΤΟΛΩΝ</p> <p>Pages 92-94</p>	<p>10.1 (page 23) that the official language of the tender procedure and the contract are Greek, and that the technical and financial offers must therefore be drafted in Greek. Articles 10.2, 10.3 and 10.4 (page 24) detail which documents may be submitted in foreign language, accompanied by a Greek translation: the documents listed <i>do not include</i> the tender and performance guarantees.</p> <p>Comment/suggestion: Taking into account the provisions of Article 10, stating which documents must be drafted in Greek, and which may be drafted in foreign language, the C.A. should allow and clearly <u>mention under Article 10 (pages 23-24) that the tender and performance guarantees may be submitted in English.</u></p> <p>Requiring guarantees in Greek is in contradiction with the provisions related to the eligibility of candidates: it indirectly limits the participation to Greek companies, as foreign companies use bank/insurance services with English as standard international language.</p> <p>An international open procedure should enable fair competition between candidates: this clarification will facilitate foreign companies to bid and allow the C.A. to obtain more offers, thus best value for money.</p>
4	<p>Annex "Special conditions":</p> <p>Π Α Ρ Α Ρ Τ Η Μ Α Γ' ΕΙΔΙΚΟΙ ΟΡΟΙ</p> <p>Articles 3.4 and 4</p> <p>Pages 61-62</p>	<p>Cost of JET A-1: Articles 3.4 and 4 clarify the provisions for the reimbursement of the fuel. We assume that the budget to cover the cost of the fuel should not be included in the financial offer.</p> <p>Comment/suggestion: <u>Complete and clarify articles 3.4 and 4 in order to confirm that the budget of the fuel should not be included in the financial offers of the candidates.</u></p>
5	<p>Maximum budget available</p> <p>Π Α Ρ Α Ρ Τ Η Μ Α Α'</p>	<p>Maximum budget available for lots 1, 2 and 3: The tender dossier states that the maximum budget available for lots 1,2 and 3 amounts to 15.980.000€. Based on a draft preliminary cost estimate, the maximum budget available to cover the needs of the project is too low and should be between</p>

	Page 12	<p>17.575.000€ and 18.375.000€ (10% to 15% of additional margin).</p> <p>The Contracting Authority is facing a situation where no financial offers could be below the maximum budget available, leading to an unsuccessful procedure due to insufficient budget (all financial offers over the maximum available budget).</p> <p>Comment/suggestion: The C.A. should <u>re-evaluate the budget for the needs of the project and adapt consequently the maximum budget available</u> in the tender dossier.</p>
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