

# INVITATION FOR THE EXPRESSION OF INTEREST FOR THE PROVISION OF LEGAL SERVICES TO THE HELLENIC REPUBLIC ASSET DEVELOPMENT FUND IN RELATION TO THE COORDINATION OF THE COMMUNICATION WITH THE EUROPEAN COMMISSION

17 February 2012

## 1. Introduction

According to Law 3986/2011 the implementation of the HR's privatizations program, as outlined in Law 3985/2011, has been assigned to the Hellenic Republic Asset Development Fund S.A. (the Fund).

The implementation of this program and the privatization of certain companies give rise to EU law issues, especially in the fields of state aid, procurement as well as special sectoral problems. In addition, in the context of the obligations assumed by the HR through the Memorandum of Economic and Financial Policy is expressly stated that the HR and the Fund will be in close and continuous co-operation with the European Commission in order to resolve all state aid issues that might constitute a hurdle for the privatization.

In this context the Fund needs the assistance of a specialized law firm that will deal with all the issues that involve EU law and which will co-ordinate the procedures and the communication with the European Commission.

## 2. Scope of work to be assigned

The work of the advisor to be selected (*the Advisor*) will cover the following:

- a) identifying the common features and problems of current and future privatisation projects in terms of (i) the industries/ sectors concerned, (ii) the legal and regulatory matters potentially raised, and (iii) the interface with the EU institutions involved, as well as providing high level advice on potential issues that might arise in each project;
- b) assisting the Fund's advisors in the drafting of laws and other legal documents that might be necessary for the successful conclusion of the privatizations and liaise with the EU Commission, in order to clarify State aid and / or sectoral issues to which they might give rise;
- c) the coordination of legal arguments put forth vis-à-vis regulators and counterparties ensuring the coherent delivery of legal positions to the EU Commission in the various projects based on a rational strategy which is consistent with the overall goals of the HR/Fund;
- d) circulating updates (including updates in the form of email alerts) to all relevant parties including the Fund and all its advisors, in relation to key

competition law, regulatory or other European law issues of common interest, in order to improve quality and consistency in the outputs of the work-streams;

e) serving as the contact point for the various advisers of the Privatizations in relation to issues concerning the common strategy devised towards the EC and any other matter of common interest;

f) setting up an efficient coordination process involving regular meetings between the various advisors on individual projects, proposing and facilitating coherent legal communication, and regular briefings of the Fund management;

g) the development and communication of best practices and know how;

h) the coordination of the Fund input in the general discussions with EU interlocutors and, in particular, the EU Commission and the Troika / EU task force;

i) maintaining regular, informal working level contacts with key officials in the EU institutions to ensure a timely progress and successful conclusion of possible investigations and procedures as well as a good working climate with the EU stakeholders;

j) organising and facilitating contacts and/or meetings at working or political level between HR / Fund representatives and the EU Commission from time to time if and when deemed necessary;

k) support the creation by the Fund of a common timeline with respect to the resolution of potential EU issues for the various projects and monitor the progress of the projects in relation to the agreed timeline.

### **3. Necessary Qualifications and other Requirements**

The interested parties must have an international reputation and expertise in privatisations and in coordination roles similar to the one described above. In particular, the tenderers have to demonstrate:

a) proven experience in the management of complex privatisation projects involving negotiations with the EU under a tight deadline;

b) in-depth experience and track record with the EU Commission and other EU institutions at all levels;

c) a strong track record in handling privatisation projects involving a number of counterparties;

d) strong core team with extensive experience and the required sector expertise and a track record in complex EU cases;

e) strong permanent presence in Brussels.

The proposal should include the proposed financial terms for the provision of the legal advisory services, including a cap for fees and expenses calculated on a monthly basis.

The interested parties must submit a list of the team involved, which should not be less than 6 people, and detailed CVs of each member of the team.

Interested parties and the members of the proposed teams must declare in writing that they do not have a conflict of interest. Such declaration will be in effect throughout the term of the Adviser's engagement.

#### **4. SELECTION PROCESS**

1. The assignment will be awarded in accordance with the provisions of the Procurement Regulation of the HRADF approved by decision of the Minister of Finance (Government Gazette B' 2241/06.10.2011). The assessment shall take into consideration the above mentioned in article D qualifications and requirements, the fee proposal, according to the procedure mentioned in Article 3 Paragraphs 2.2 and 3 of the above Regulation.
2. The HRADF will evaluate proposals according to the criteria set out in article C above and may require clarifications, additions or adjustments of the submitted offers as deemed necessary. Following the assessment process, up to three (3) candidates may be chosen to present their proposals to the HRADF.
3. Indicative budget for the assignment: 50.000€/month.
4. Duration of the engagement: One (1) year with a potential extension for one (1) more.
5. Candidates that do not comply with the criteria set in Article C hereof will not be allowed to participate in the process.
6. The HRADF reserves, at the fullest extent possible and at its exclusive discretion, the right to cancel, suspend, amend or postpone at a later time this procedure, without any prior notice, as well as to terminate any negotiations or discussions at any stage of the process, without incurring any liability whatsoever as against any participant and/or any third party.

Interested parties should submit their offer, together with CVs of the proposed team for the assignment and any other documentation that prove the firm's and the team's experience and expertise via e-mail to HRADF at the e-mail address [info@hraf.gr](mailto:info@hraf.gr), marked "**EU LAW CO-ORDINATOR**". Additionally, a hard copy of such offer may also, at the discretion of the interested parties, be submitted, in a sealed envelope, at the offices of the HRADF (1, Kolokotroni & Stadiou Street, 7<sup>th</sup> Floor, Postal Code: 105 62, Athens, Greece). Offers must be submitted not later than **28 February 2012, 14:00, Athens time**, irrespective of the way of submission.