

Operational arrangements from an IP project – The Greek case



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Implementation of the Integrity Pact for the project “Construction of a rainwater network in areas of the municipalities of Nikaia-Ag. Ioannis-Renti and Moschato-Tavros”

Funded by Regional Operational Programme of Attica 2014-2020

- The Integrity Pact was implemented for the first time, as a pilot project through the “INTEGRITY PACTS-Civil Control Mechanisms for Safeguarding EU funds, Phase 2” project

IP – Greece Project selection criteria

- Attica Region was responsible for the construction of large flood protection works (26 flood protection projects, with an eligible cost of approximately 110 M euros under the NSRF 2014-2020)
- This was a Project of considerable size and budget which interests all parties involved in the Public Procurement Procedure
- The Project had been ranked as first priority (PRIORITY A'), as it concerns a High-Risk Flood Zone

ANTI-FLOOD PIPELINE

RELEVANCE

SECTOR
FLOOD PREVENTION

PROCUREMENT
Construction of a flood protection pipeline network in areas of the municipalities of Mikra-Agios Ioannis Terios and Makris Thessaloniki

EXPECTED # OF BENEFICIARIES
30,000

KEY STATS

- 5 out of 54 major flooding incidents in the Attica Region in the last 100 years have occurred in the Municipality of Mikra-Agios Ioannis Terios
- 2 out of 54 major flooding incidents in the Attica Region in the last 100 years have occurred in the Municipality of Makris Thessaloniki

The flood protection project mentioned is included among **PRIORITY A** projects to be funded by the 2014-2020 Regional Operational Program of Attica

MAIN RECOMMENDATIONS

- The Contracting Authority (CA) should descriptively specify the qualitative selection criteria to be used (documents and financial standing and/or technical and professional capacity), thereby ensuring the receipt of relevant data and making it available for all possible bidders – both domestic and foreign. The selection criteria should contribute to increased competition and participation of bidders. Taken on board.
- The CA should include a specific description of the activity activities to promote the flood protection work. This is essential to motivate and guide the bidders in the selection of work.

IRREGULARITIES

- During the drafting of tender documents by the CA, eligibility for participation in the tender procedure was limited only for companies registered in specific classes of the Register of Companies (Entrepreneurs and not for entrepreneurs operating in the specific category under which the project falls in. Irregularities: This limitation could lead to restriction of competition by excluding bidders who would otherwise be suitable. In the final version of the CA, the CA corrected the irregularities, and the irregularities were removed.
- The Funding Decision included a special term regarding the completed registration of all bank guarantees before the signature of the contract. This term was not fulfilled as it was not a condition precedent, thus creating delays in the execution of work.

PROJECT LOCATION
GREECE
Municipalities of Mikra-Agios Ioannis Terios and Makris Thessaloniki, Attica Region

TIMELINE

- 01/01/2016: Start of project
- 20/04/2018: Signature of IP by CA
- 05/09/2018: Tender closure
- 31/12/2018: Original end of project
- 09/2019: First receiving report publication
- 17/03/2020: Start of works
- 03/2020: Second receiving report publication
- 03/2020: Final receiving report publication
- 05/2020: Agreement of contract
- 08/2020: Completion of project

COSTS

TENDER BUDGET: €12
CONTRACT VALUE: €5.3 MILLION
European Regional Development Fund 50%
Public Investment Program (national resources) 20%

MONITORING REPORTS

DOWNLOAD the periodic monitoring reports at: <https://integritypacts.eu/greece/>

WHAT'S NEXT?

- Publication of second monitoring report
- Publication of annual monitoring report
- Presentations to affected communities/municipalities
- Visiting open markets

CSO MONITOR: TI GREECE | AIEONHE DIAPANEA EFAIALE

Reasons for implementing IP - Greece

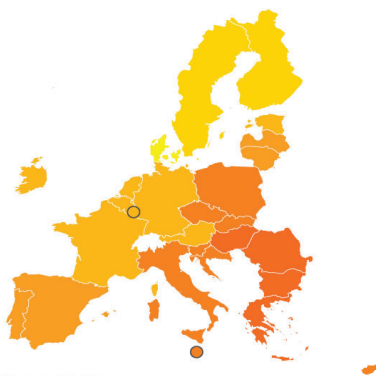
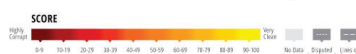
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CORRUPTION PERCEPTIONS INDEX 2023

EUROPEAN UNION

64/100

AVERAGE SCORE



SCORE COUNTRY/TERRITORY

90	Denmark	60	Latvia
87	Finland	60	Spain
82	Sweden	57	Czechia
79	Netherlands	56	Italy
78	Germany	56	Slovenia
78	Luxembourg	54	Poland
77	Ireland	54	Slovakia
76	Estonia	53	Cyprus
73	Belgium	51	Malta
71	Austria	50	Croatia
71	France	49	Greece
61	Lithuania	46	Romania
61	Portugal	45	Bulgaria
		42	Hungary

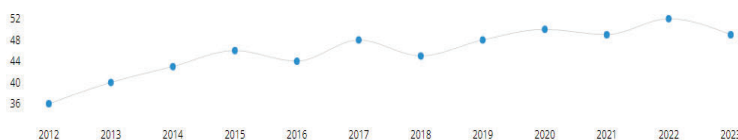
Score
49/100 [What does the CPI score mean?](#)

Greece

Rank
59/180

Score change
-3 since 2022

Score changes 2012 - 2023



Reasons for implementing IP -Greece

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Attica Region:

- Constructs a large number of public works of significant budget. Via its Managing Authority, monitors and manages projects (actions) of approximately 1.6 B € under the NSRF 2021 – 2027, out of which, more than 50% concern infrastructure works/ actions / projects
- Strongly supports tools and interventions to combat corruption timelessly.
- Strengthens trust in NSRF Authorities - Open Data

Reasons for implementing IP -Greece

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- Strengthening of preventive control at all stages for the implementation of a project
- Encouraging the participation of Civil Society bodies and strengthening "social accountability"
- Promoting business integrity
- Acceleration of projects

Timeline

- FEBRUARY 2016 ← SIGNING OF MEMORANDUM OF COOPERATION BETWEEN TI-GR & MANAGING AUTHORITY OF ATTICA REGION
- APRIL 2018 ← SIGNING OF INTEGRITY PACT WITH THE CA
- MARCH 2019 ← SIGNING OF PROJECT CONTRACT
- OCTOBER 2019 ← PUBLICATION OF THE 1ST MONITORING REPORT
- MARCH 2020 ← BEGINNING OF PROJECT WORKS
- JULY 2020 ← PUBLICATION OF THE 2ND MONITORING REPORT
- AUGUST 2020 ← CESSATION OF WORKS
- SEPTEMBER 2020 ← THE CONTRACTOR FILES AN OBJECTION BEFORE THE MINISTER OF INFRASTRUCTURE & TRANSPORT AGAINST THE DECISION REJECTING THE SPECIAL DECLARATION OF CESSATION OF WORKS
- NOVEMBER 2020 ← PUBLICATION OF THE 3RD MONITORING REPORT
- JANUARY 2021 ← THE CONTRACTOR MAKES A REQUEST FOR TERMINATION OF THE PROJECT CONTRACT
- MAY 2021 ← ACCEPTANCE OF A CONTRACTOR'S REQUEST FOR TERMINATION OF THE CONTRACT BY THE MINISTER OF TRANSPORT & INFRASTRUCTURE
- SEPTEMBER 2021 ← COMPLETION OF PROJECT MONITORING BY AN INDEPENDENT OBSERVER

Implementation of IP – The Greek model



Observations, Remarks & Recommendations by the Independent Monitor 1/2

- Rephrasing terms of the procurement: Amendment of Declaration provisions to ensure the candidates' technical and financial suitability according to the new institutional framework
- Delays noticed in Administrative Procedures (e.g. The approval of traffic arrangements, a prerequisite for the starting of works, was completed 9 months after it was launched)
- Archaeological findings in the area resulting delays in the implementation of the project.

Observations, Remarks & Recommendations by the Independent Monitor 2/2

- Utility networks and the necessity of relocation of them during the construction phase and the consequent time delay.
- Implementation of street planning in the areas of Nikaia - Ag. Ioannis Rentis
- More detailed description of the Tenderer's obligations needed in the Special Tender Specifications, especially those related to preparatory works

Endorse Integrity Pact in Greece

- Websites of Attica Region (CA) and Managing Authority (MA) have direct links in order to redirect visitors to the Integrity Pact (IP) website
- The Independent Observer (Transparency International –Greece) has launched a website dedicated to the project
- Conference “Presenting the implementation of the 1st "Integrity Pact", a Transparency International Tool for "clean" public procurement, in an NSRF project”.
- IP presentation to events at national & European Level
- Regular Technical Meetings (Panhellenic association of Engineers, SATE -Association of Greek Contracting Companies, etc)

Results of the Integrity Pact

- It is emphasized that neither corruption nor suspicion of corruption has been reported by Independent Observer
- Integrity Pact highlighted dysfunctionalities and systemic difficulties that formulate a long-standing and wider, plaguing condition for the implementation of public projects that can potentially act as the breeding ground for mismanagement, corruption and ineffectiveness

Future Perspectives & Suggestions of IP

- In the approved Programme "Attiki" 2021-2027, apart from the National Strategy for Public Procurement, the M.A. incorporated an additional control for transparency: the implementation of Integrity Pacts targeted to the new period flagship projects.
- Smooth and cooperative communication amongst all stakeholders
- Encouraging the participation of civil society and strengthening "social accountability"

Greece Legal Framework & Integrity in Public Procurement

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- Law no. 4412/2016 "Public Contracts of Work, Supply and Services" came into force (and integrated EU Directives 2014/24/EU and 2014/25/EU)
- Law 4413/2016 "Procurement and execution of concession contracts-harmonisation with Directive of 26 February 2014 of the European Commission and of the European Council (Official Journal L94/1/28.3.2014) for the procurement and execution of concessions and other provisions"
- One of the most fundamental regulations of the legal framework is the obligatory use of the National System for Online Public Contracts for the procedures of awarding a public contract, including for public work contracts over 60.000 € (VAT excluded) starting October 2017.

- Hellenic Single Public Procurement Authority (HSPPA) is an Independent Authority.
- One of main Objectives of HSPPA is to ensure transparency, efficiency, cohesion and compliance in the implementation of public procurement procedures and contracts with national and European law
- The Hellenic Single Public Procurement Authority (HSPPA), on July 14th 2021 has added a **Clause** and a **Declaration of Integrity** to the updated tender documents for the award of public supply and service contracts since June 2021, with the assistance of Transparency International-Greece, in the framework of its "Integrity Pact" program.

- By signing the Integrity Clause, the contractor declares that in all stages preceding the award of the contract it did not act unfairly, illegally or abusively, and that it will continue during the execution stage of the contract and after its expiry.
- Explicit statement by the contractor that he had no internal information beyond that resulting from the prescribed procedures and the contract documents
- Commitment to avoid payments and facilities related to the contract and the award procedure

Greece Legal Framework & Integrity in Public Procurement

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- an explicit statement to avoid any acts or omissions that could mislead the contracting authority and/or influence its decisions,
- an explicit undertaking to declare at any time throughout the duration of the contract, any conflict of interest (even potential) that may arise between an extended circle of persons of the parties involved.

It should be noted clearly, that adding a Clause and a Declaration of Integrity, to the updated tender documents lies within the discretion of the Construction Authority, ie is not obligatory.

Thank you for your attention



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