

PROCESVERBAL - Contract type - Services

**ON THE ARGUMENTATION AND APPROVAL OF TECHNICAL
SPECIFICATIONS AND QUALIFICATION CRITERIA**

SCOPE OF THE PROCEDURE : Securing the buildings of the "Mother Teresa" University Hospital Center, Tirana.

RELEVANT CODE IN THE COMMON PROCUREMENT VOCABULARY (CPV):
Insurance services: 98341140-8

LIMIT FUND VALUE: 48,546,666.67 (forty-eight million five hundred forty-six thousand six hundred sixty-six point sixty-seven) Lekë .

Based on Article 21, point 2, of Law No. 162/2020 "On Public Procurement", Article 2, point 2/c and Article 78, point 2, of Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules", the contracting authority/entity Centralized Purchasing Operator sh.a. has drafted the minutes for the argumentation and approval of the technical specifications and qualification criteria for the aforementioned procedure.

2. SPECIAL QUALIFICATION CRITERIA

1. The bidder must submit:

a. *Summary Self-Declaration Form, according to Annex 10*

b. *Bid Security, according to Annex 3;*

Argument : The above requests are based on Articles 76, 82 and 83 of the L.PP, Article 26, of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules".

2. The bidder must submit:

2.1 Professional capacity of economic operators:

The economic operator must present a valid License for the Exercise of Non-Life Insurance Activity, in the territory of the Republic of Albania, Class 8, 9; issued by the Financial Supervisory Authority.

Justification: The above request is determined based on Law 52/2014 "On Insurance and Reinsurance Activity" and is a request in accordance with the procurement object.

2.2 Economic and financial capacity:

2.2.1 To prove financial and economic capacities, economic operators must submit a certificate of annual turnover for the last 3 (three) financial years (2023-2024-2025), where the turnover value for at least one of the years of the required period must be no less than the value of the limit fund.

The above requirement is considered fulfilled if economic operators reach the minimum turnover value, in at least one year of the required period.

Argument: The above request has been determined based on the value of the limit fund of this procedure, as well as based on Article 77, point 3, of the LPP, as well as Article 43, of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended.

The criterion of point 2.2.1 is set with reference to Article 43, point 2/a of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended, where the required value for the minimum annual turnover is clearly defined, and point 3 of article 77 of law no. 162, dated 23.12.2020 "On public procurement", as amended, as well as the Recommendation of the Public Procurement Agency no. 7998 dated 24.12.2021. The required value is within the limits set in the provisions above, and is set in order for the CA to ensure the economic and financial potential of the bidding EO, which is directly related to the sustainability and continuity of the activity of economic operators in the market, as an important element in the realization of the procurement object and the fulfillment of contractual obligations.

The determination of the years required for the submission of the annual turnover certificate was made by referring to the legislation in the field, specifically, Article 43, point 1, of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended. In establishing this criterion, the CA has taken into account Article 61 of Law No. 29/2023 "On income tax" as well as the requirements of Law No. 25/2018 "On accounting and financial statements" .

2.2.2 Economic operators must submit annual balance sheets for the financial years (2023, 2024, 2025) , accompanied by the Expertise Act of the Authorized Accountant, only in the case when they are in accordance with the provisions of Article 41 of Law No. 10091 dated 05.03.2009 "On legal audit, organization of the profession of registered accountant and approved accountant", as amended.

The criterion is considered fulfilled if in two consecutive balance sheets there is no negative ratio between assets and liabilities.

Argument: The criterion is established based on Article 77, point 3, of the LPP; Article 43, point 4, of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules”, as amended, as well as Article 41 of Law No. 10091, dated 05.03.2009 “On statutory audit, organization of the profession of registered accounting expert and approved accountant”, as amended.

The determination of the years required for the presentation of balance sheets is made by referring to the legislation in the field, specifically, in Law No. 9920 dated 19.05.2008 "On Tax Procedures in the Republic of Albania" as amended, and the sub-legal acts in its implementation.

The economic and financial criteria serve the contracting authority to ensure that economic operators have the financial capacity to implement the framework agreement.

2.3 Technical capacity:

2.3.1 The economic operator must submit evidence of previous similar services, performed during the last three years from the date of publication of the contract notice, in a value not less than 39% of the value of the limit fund.

To prove previous similar experience, economic operators must submit the following evidence:

- a) For previous experience with the public sector, the economic operator must submit certificates issued by a public entity for the successful completion of the contract, indicating the value, the deadline for the completion of the contract, or tax sales invoices, completed according to the requirements of the legislation in force, and declared to the tax authorities, indicating the dates, amounts and services provided.
- b) For previous experience with the private sector, the economic operator must submit sales tax invoices, completed according to the requirements of the legislation in force, and declared to the tax authorities, indicating the dates, amounts and services provided .

Justification : The above requirement is determined based on Article 77 of Law No. 162, dated 23.12.2020 “On Public Procurement”, as amended, and Article 41, point 3, of Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules”, as amended. This criterion requires economic operators to prove that they have the experience necessary to implement the contract, therefore it is required that previous similar services be worth no less than 39% of the value of the limit fund, which is within the limit value set out in the above-mentioned provisions.

The determination of the required value for similar contracts is argued as follows:

The required value is determined based on the legislation in the field, specifically, Article 41, point 3 of the Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", as amended , thus serving as a guarantee for the CA that the bidders possess the capacity and experience to successfully implement the framework agreement, according to an appropriate quality standard and in compliance with the technical specifications.

** The insurance policy is equivalent to a tax invoice.*

All documents must be originals or notarized copies.

Cases of failure to submit a document, or documents with false or inaccurate data , are considered conditions for disqualification.

II. Justification of technical specifications

The technical specifications and the calculation of the limit fund have been prepared and drafted by the Contracting Authority. "Mother Teresa" University Hospital Center Tirana , for whose needs, the Centralized Purchasing Operator, in the capacity of the Central Purchasing Body, carries out the procurement procedure, in accordance with Law No. 162/2020 "On Public Procurement", as amended , Council of Ministers No. 531 dated 7.9.2023 "On the establishment of the state joint-stock company "Centralized Purchasing Operator" Sh.a for carrying out special public procurement procedures, on behalf and for the account of the Prime Minister's Office, Ministries and Dependent Institutions", as amended.

PROCUREMENT UNIT