



**REPUBLIC OF ALBANIA
MINISTRY OF INTERIOR
CENTRAL PURCHASING AGENCY**

STANDARD TENDER DOCUMENTS FOF PROCUREMENT OF GOODS

"Purchase of food items for the General Directorate of Prisons", divided into 6 Lots

Framework Agreement

Framework Agreement period: 24 months.

Framework Agreement fund: 1,008.096.397 (one billion eight million ninety six thousand three hundred ninety seven) Lek (without VAT)

I. CONTRACT NOTICE

Section 1. Contracting Authority

1.1 Name and address of the contracting authority

Name: Central Purchasing Agency
 Address: Skanderbeg Square No.3, Ministry of Interior, Tirana, Albania.
 Tel/Fax: ++355 42 256 796
 E-mail: Flutura.Cekrezi@mb.gov.al
 Website: www.abp.gov.al
 Responsible person: Mrs. Flutura ÇEKREZI

1.2 Type of contracting authority:

Central Institution	Independent institution
X	
Local government unit	Other

1.3 Contract under a special agreement between Albanian and another state

Yes No **X**

Section 2. Object of the contract

2.1 Reference number of procedure: REF-53906-03-11-2020

Reference number of Lot 1: REF-53908-03-11-2020
 Reference number of Lot 2: REF-53910-03-11-2020
 Reference number of Lot 3: REF-53912-03-11-2020
 Reference number of Lot 4: REF-53914-03-11-2020
 Reference number of Lot 5: REF-53917-03-11-2020
 Reference number of Lot 6: REF-53919-03-11-2020

2.2 Type of "Public Contracts for Goods"

Purchase Rent Leasing Hire purchase A combination thereof
X

2.3 Contract based on Framework Agreement

Yes **X** No

2.4 Type of Framework Agreement

With one Economic Operator

With several Economic Operators **X**

All terms are defined Yes **X** No

In the Framework Agreement with 1 Economic Operator, when all conditions are specified, provide reasons for selecting this type of Framework Agreement:

2.5 Number of economic operators with which the Framework Agreement will conclude: 1 (one) winning economic operator for each lot.

<p>2.6</p>	<p>The terms to be followed in case of reopening of the bidding process and/or potential use of electronic bidding</p>	<p>There will be no reopening of the competition.</p> <p>Contracts will be linked to the requirements of the Contracting Authority with the successful economic operator.</p> <p>The award of contracts shall be made by the Contracting Authority as defined in point 2.7 of the DST.</p> <p>The framework agreement will be implemented by sending invitations to tender to the economic operator, party to the agreement.</p> <p>In the event of the emergence of a concrete need to enter into a contract within the framework agreement, the contracting authority must send the "invitation to bid" to the contractor, specifying the list with the respective quantities.</p> <p>The contracting authority requires the economic operator, the winner to submit his bid.</p> <p>Communication between the contracting authority and the economic operator shall be in writing or electronic form (email, fax, etc.) and shall in any case be documented and become part of the procedure file.</p> <p>Estimated and required quantities are only orientation quantities and do NOT condition the Contracting Authority to purchase them.</p> <p>The Contracting Authority has the right to purchase fewer or more quantities than the foreseen ones. (but in any case within the estimated value of the framework agreement).</p> <p>The Contractor will not be entitled to compensation and will NOT be allowed to make unit price changes, for example if the contracting authority decides to buy less or more quantities than the specified ones and / or the contracting authority decides not to buy any of these quantities for some items.</p> <p>Unit prices are set out in the Bid Price Form.</p> <p>Unit prices must be fixed and should not be subject to changes to the orders set out in this framework agreement.</p>
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2.7 Contracting Authority / Contracting Authorities, which will conclude the framework agreement: Central Purchasing Agency, on behalf of the General Directorate of Prisons.

2.8 Brief description of the contract:

1. Limit fund/ Estimated framework agreement: **1,008.096.397(one billion eight million ninety six thousand three hundred ninety seven)** Lek without VAT, divided into 6 Lots.
2. Funding Source: **State Budget**
3. Object of the framework agreement: **"Purchase of food items for the General Directorate of Prisons", divided into 6 Lots:**
 - 1) **Lot I. -"Purchase of wheat bread and buns for the General Directorate of Prisons"**, with a limit fund of the framework agreement: 166,020,047 (one hundred sixty-six million twenty thousand forty-seven) ALL without VAT
 - 2) **Lot II.- "Purchase of dairy and its by-products for the General Directorate of Prisons"**, with a limit fund of the framework agreement: 176,047,797 (one hundred and seventy-six million forty-seven thousand seven hundred and ninety-seven) ALL without VAT;
 - 3) **Lot III. - "Purchase of meat and its by-products for the General Directorate of Prisons"**, with limit of the framework agreement: 287,712,061 (two hundred and eighty-seven million seven hundred and twelve thousand and sixty-one) ALL without VAT.

- 4) **Lot IV. Lot 4 - "Purchase of Colonial Foods for the General Directorate of Prisons"**, with limit fund of framework agreement: 155,587,640 (one hundred and fifty-five million five hundred and eighty-seven thousand six hundred and forty) ALL VAT.
- 5) **Lot V. "Purchase of eggs for the General Directorate of Prisons"**, with limit fund of framework agreement: 63,195,188 (sixty-three million one hundred ninety-five thousand one hundred and eighty-eight) ALL (excluding VAT)ALL without VAT.
- 6) **Lot VI. "Purchase of fruits and vegetables for the General Directorate of Prisons"**, with limit fund of framework agreement: 159,533,664 (one hundred and fifty-nine million five hundred and thirty-three thousand six hundred and sixty-four) ALL (excluding VAT)ALL (excluding VAT)ALL without VAT.

2.9 Duration of the contract or time limit for execution: Starting from the date of conclusion of the contract / contracts, until fulfilled the needs of the contracting authorities within the framework agreement for each lot.

2.9.1. Duration of Framework Agreement, for each Lot:

Framework agreement with a period of 2(two) years or 24 (twentyfor) months;

2.10 Location of delivery of the contract/ framework agreement object:

In 23 (twenty three) Penitentiary Institutions (IEVP) of the General Directorate of Prisons, as below :

- 1.1. IEVP - Fier
- 1.2. IEVP "Jordan Misja " - Tirana
- 1.3. IECD "Ali Demi" - Tirana
- 1.4. IEVP "Mine Peza " - Tirana
- 1.5. IEVP Vaqarr- Tirana
- 1.6. IEVP - Burrel
- 1.7. IEVP - Peqin
- 1.8. IEVP - Rrogozhina
- 1.9. IEVP - Lezha
- 1.10. IEVP - Tepelena
- 1.11. IEVP - Lushnje
- 1.12. IEVP - Kruja
- 1.13. IEVP - Vlora
- 1.14. IEVP - Durres
- 1.15. IEVP - Korça
- 1.16. IEVP - Berat
- 1.17. IEVP - Fushe Kruje
- 1.18. IEVP - Kukes
- 1.19. IEVP - Saranda
- 1.20. IEVP - Tropoja
- 1.21. IEVP "The Minors" - Kavaja
- 1.22. IEVP - Elbasan
- 1.23. IEVP - Shkodra

2.11 Division into LOTS:

Yes X No

If yes,

2.12 Division into Lots:

- 1) **Lot I. - "Purchase of wheat bread and buns for the General Directorate of Prisons"**, with a limit fund of the framework agreement: 166,020,047 (one hundred sixty-six million twenty thousand forty-seven) ALL without VAT
- 2) **Lot II.- "Purchase of dairy and its by-products for the General Directorate of Prisons"**, with a limit fund of the framework agreement: 176,047,797 (one hundred and seventy-six million forty-seven thousand seven hundred and ninety-seven) ALL without VAT;
- 3) **Lot III. - "Purchase of meat and its by-products for the General Directorate of Prisons"**, with limit of the framework agreement: 287,712,061 (two hundred and eighty-seven million seven hundred and twelve thousand and sixty-one) ALL without VAT.
- 4) **Lot IV. Lot 4 - "Purchase of Colonial Foods for the General Directorate of Prisons"**, with limit fund of framework agreement: 155,587,639 (one hundred and fifty-five million five hundred and eighty-seven thousand six hundred and thirty-nine) ALL VAT.
- 5) **Lot V. "Purchase of eggs for the General Directorate of Prisons"**, with limit fund of framework agreement: 63,195,188 (sixty-three million one hundred ninety-five thousand one hundred and eighty-eight) ALL (excluding VAT)ALL without VAT.
- 6) **Lot VI. "Purchase of fruits and vegetables for the General Directorate of Prisons"**, with limit fund of framework agreement: 159,533,664 (one hundred and fifty-nine million five hundred and thirty-three thousand six hundred and sixty-four) ALL (excluding VAT)ALL (excluding VAT)ALL without VAT.

A Bidder can apply for one lot, several lots, all lots. A separate bid shall be submitted for each lot.

2.13 Options:

Number of possible renewals (*if any*):

Or: from to

2.14 The options shall be accepted:

Yes	No	X
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2.14.1 Subcontracting will be accepted:

Yes	X	No
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In case of subcontracting, the percentage of subcontracting allowed shall be specified: **Subcontracting is allowed up to 40% of the contract / contract value for each Lot, in order to promote the participation of small and medium economic operators.**

In any case, the contractors can not share transfer contract to third parties.

The Contracting Authority shall carry out direct payments to the subcontractor:

Yes	No	X
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Other notes :

- *The Bidder shall state the items to be supplied through the subcontract as well as the name of the subcontractor.*
- *Subcontractors should also have the technical capacity to deliver timely and quality food items.*
- *Prior to concluding a framework agreement with the central purchasing body, the winning bidder must submit to the central purchasing body a certified copy of the subcontracting agreement and evidence of the subcontractor's technical qualifications and requirements in such a way that the central*

purchasing body be able to approve the subcontracting. The Bid Evaluation Committee shall assess whether the subcontractor meets the requirements of Article 45 of the PPL and possess the technical qualifications for the goods to be supplied.

- In case the subcontractor fails to meet the required criteria, the contracting authorities proceed with the conclusion of the contract / contracts within the framework agreement with the economic operator that has been awarded the contract.*
- When executing a contract, the contracting authority must check that the part of the contract undertaken to be performed by the subcontractor is being performed by the latter. If the contracting authority finds that the subcontractor is not performing the part of the contract assumed, it shall request the principal contractor to terminate the subcontracting and proceed with the implementation of the contract.*

2.15. During the process of procurement in the field of Information and Communication Technology (ICT), the standards prepared by the National Agency on Information Society have been used:

Yes No X

2.16. During the process of procurement in the field of Information and Communication Technology (ICT), in the event the standards are not applicable, previous consent from National Agency on Information Society has been taken:

Yes No X

Section 3. Legal, economic, financial and technical information

3.1 Eligibility criteria under Annex 9.

3.2 Bid Security¹: 2% of limit Fund (applicable in case of procurement procedures above the threshold, if it is required by Contracting Authority).

The Economic Operator submits the Bid Security Form, when required, according to Annex 4. The required amount of the bid security is: **20,161,928 (twenty million one hundred and sixty-one thousand nine hundred and twenty-eight) ALL**

In the events of bid delivery for the Lots, the amount of bid security, when required, for each Lot is as follows:

Lot 1:	3,320,401 Lek
Lot 2:	3,520,956 Lek
Lot 3:	5,754,241 Lek
Lot 4:	3,111,753 Lek
Lot 5:	1,263,904 Lek
Lot 6:	3,190,673 Lek

Section 4 Procedure

4.1 Type of procedure: Open Procedure (above the upper monetary threshold)

Re-announced Procurement Procedure

Yes No X

In case it is a re-announced procedure, the identification information of the canceled procedure shall be completed:

a) Number of reference of the canceled procurement procedure in the system of the electronic procurement

b) Procurement object of the canceled procurement procedure _____

c) Limit fund of the canceled procurement procedure _____

4.2 Criteria for the selection of the winner:

A) **Lowest price** (for each Lot) ☒ **X**

The final classification of successful economic operators in the framework agreement will be made at the total bid price with reference to the expected quantities set out in Annex 12 to the TD (Volume and Delivery Schedule).

In case of procurement procedures for supply of diesel, gas oil, benzol and heating oil, **lowest price** is based on:

- i) Stock market price, according to Reuters delivered under CIF-Albania terms, which is published in the last Public Notices Bulletin, before the date of submission and opening of bids;
- ii) Fiscal elements, including excise, carbon tax as well as any other tax under the legislation in force;
- iii) Lower profit margin, expressed in percentage.

In case of price fluctuation, the margin absolute value shall not change during the execution of contract.
Or

B) **most economically advantageous bid**

In terms of importance: Price **points**

Etc. **Points**

The Contracting Authority shall specify the points for each selection criterion set.

4.3 Deadline for submission of bids or expression of interest:

Date: 27 / 04 / 2020 (dd/mm/yyyy) **Time:** 12:00

Venue: www.app.gov.al

If the bid is required to be sent electronically, the economic operators should submit their bid electronically through PPA's website, www.app.gov.al

4.4 Time limit for opening of bids or expression of interest:

Date: 27 / 04 / 2020 (dd/mm/yyyy) **Time:** 12:00

Venue: www.app.gov.al , Central Purchasing Agency, Ministry of Interior, Tirana.

The information on the bids submitted by email shall be communicated to all those Economic operators who have submitted their offers, upon their request.

4.5 Bid validity period: 180 (given in days)

4.6 Language(s) of bids or expression of interest:

Albanian ☒ **X** English ☒ **X**

Other _____

Section 5 Complementary Information

5.1 Payable documents *(applicable only if the procedure is not developed through electronic means):*

Yes No **X**

If yes

Currency _____ Price _____

Such price covers the current costs of copying and distribution of TDs to Economic Operators. The interested Economic Operators are entitled to check the TDs before buying them.

5.2 Additional information (venue, office, ways to collect the tender documents): www.app.gov.al

Date of publication of this notification: **12 / 03 / 2020**

Notices Bulletin

1. Name and address of the contracting authority:

Name: Central Purchasing Agency
Address: Skanderbeg Square No.3, Ministry of Interior, Tirana, Albania.
Tel/Fax: ++355 42 256 796
E-mail: Flutura.Cekrezi@mb.gov.al
Website: www.abp.gov.al
Responsible person: Mrs. Flutura ÇEKREZI

2. Type of procurement procedure: Open Procedure, over the high monetary threshold – procurement of goods by electronic means - Framework agreement where all conditions are set, with several economic operators - one winning economic operator for each lot, with a period of 24 months.

3. Reference number of procedure: REF-53906-03-11-2020

Reference number of Lot 1: REF-53908-03-11-2020

Reference number of Lot 2: REF-53910-03-11-2020

Reference number of Lot 3: REF-53912-03-11-2020

Reference number of Lot 4: REF-53914-03-11-2020

Reference number of Lot 5: REF-53917-03-11-2020

Reference number of Lot 6: REF-53919-03-11-2020

4. Object of the framework agreement: "Purchase of food items for the General Directorate of Prisons", divided into 6 lots:

- **Lot I.** - "Purchase of wheat bread and buns for the General Directorate of Prisons";
- **Lot II.** - "Purchase of dairy and its by-products for the General Directorate of Prisons";
- **Lot III.** - "Purchase of meat and its by-products for the General Directorate of Prisons";
- **Lot IV.** - "Purchase of Colonial Foods for the General Directorate of Prisons";
- **Loti V.** - "Purchase of eggs for the General Directorate of Prisons";
- **Loti VI.** - "Purchase of fruits and vegetables for the General Directorate of Prisons".

5. Limit fund/Estimated framework agreement: 1,008.096.397(one billion eight million ninety six thousand three hundred ninety seven) Lek without VAT, divided into lots as follows:

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and eighty-seven thousand six hundred and thirty-nine) ALL VAT.

- **Lot V. "Purchase of eggs for the General Directorate of Prisons"**, with limit fund of framework agreement: 63,195,188 (sixty-three million one hundred ninety-five thousand one hundred and eighty-eight) ALL (excluding VAT)ALL without VAT.
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6. Duration of the contracts or time limit for execution: Starting from the date of conclusion of the contract/contracts, until fulfilled the needs of the contracting authorities within the framework agreement.

7. Time limit for submitting bids or requests for participation: on 27.04.2020, at 12:00, Venue: www.app.gov.al

8. Time limit for opening bids or requests for participation: on 27.04.2020, at 12:00, Venue: www.app.gov.al, at Central Purchasing Agency.

II. INSTRUCTIONS FOR ECONOMIC OPERATORS

Section 1. Bid Drafting

- 1.1 Economic Operators shall draft their bids, in compliance with the requirements provided under TDs herein. The bids that are not prepared according to these TDs shall be refused as non-acceptable.
- 1.2 All costs for the preparation, drafting and sending of the bid shall be borne by the bidding economic operator. The Contracting Authority is not liable for such costs.
- 1.3 In procurement procedures carried out by mail, the original bid shall be typed or written in indelible ink. All sheets must be bonded together and numbered. All pages of the bid, except printed non-changeable papers, shall be bear the initials of or signed by the Authorized Person(s). Any change in the bid must be readable and signed by the Authorized Persons.
- 1.4 In the case of bids submitted by a consortium of economic operators, the bid shall be accompanied with the Power of Attorney/written authorization for the Authorized Persons representing the consortium during the procurement procedure.
- 1.5 The economic operator is responsible for all documentation submitted as part of the bid. In case of verification of the content of the submitted documentation, or of self-declarations, when their content does not prove to be true, the economic operator is in the conditions provided for in Article 13, paragraph 3, letter (a) of the LPP.
- 1.6 **The following documents shall be included in the bid:**
 - a) Bid Submission Form, filled in according to Annex 1 of TDs or Annex 2 of TDs (in case of procurement procedure for supply of diesel, gas oil, benzol and heating oil).
 - b) Documents regarding object of procurement (*designs, catalogues, samples etc.*)

_____ ,
 _____ ,
 _____ .

- c) Documents and certifications required in Annex 8.
- d) (Optional) alternative technical bid (if provided)

An Economic Operator shall submit only one offer.

Upon completion of the Appendix "Declaration on the Enforcement of the Legal Provisions of Labor Relations", the economic operator acknowledges that it has employment contracts with each employee and that it respects the rights of employees, in accordance with the provisions of the Labor Code (including the rights of employees). Pregnant woman, newly born woman and / or woman with breastfeeding, as provided for in Articles 104, 105, 105 / a, 106, 108 and 115, and labor legislation as a whole.

- 1.7 Confidentiality according to Article 25 of the Law on Public Procurement (LPP).
- 1.8 In procurement procedures carried out by mail, Economic Operators shall submit only the original bid enclosed in a non-transparent, sealed, stamped envelope and signed with the name and address of the Bidder and marked: "Bid to supply goods; Notification No. _.

"DO NOT OPEN, EXCEPT IN PRESENCE OF THE TENDER EVALUATION COMMISSION, AND NOT BEFORE dd/mm /yyyy _____ at _____"

When bids are required to be submitted by email, the Economic Operators shall send the bid by email through the PPA's official website, www.app.gov.al.

- 1.9 In procurement procedures carried out by mail, bidders can modify or withdraw their bids, provided that such modification or withdrawal is done before the expiry of deadline for submission of bids. Both, modification and withdrawal shall be communicated in writing to Contracting Authority before the deadline for submission of bids. The envelope enclosing the statement of bidders should be marked: **"MODIFICATION OF BID"** or **"WITHDRAWAL OF BID"**.

When bids are required to be submitted by email, the Bidder can, at any time, modify the

bid, until the expiry of bid submission deadline, and it not necessary to communicate with the Contracting Authority, because such actions are performed in his account on PPA's official website at www.app.gov.al.

Section 2 Calculation of economic offer

- 2.1 The Economic Operator shall fill in the Bid Submission Form, attached to these TDs, defining the goods to be supplied, the quantity and price thereof.
- 2.2 All prices must be given in Albanian Currency (ALL), including applicable taxes, and excluding VAT. If prices are given in foreign currency, they shall be changed in Albanian Lek according to the Bank of Albania official exchange rate on the date the contract notification was sent for publication and shall be kept in that rate until the expiration of Bid Validity Period.
- 2.3 The bidder shall include in the Bid Submission Form, the total bid price of all goods, excluding VAT. The VAT amount, where appropriate, is added to the given price and consists in the total bid value.
- 2.4. In case of a Framework Agreement which does NOT defines all the terms, prices for the contracts under the Framework Agreement are not fixed; they are subject to change following mini-bidding among economic operators, parties to the framework agreement.
- 2.5 The Bid security, if required, shall be submitted together with the bid before the expiry of bid submission deadline. Noncompliance with the bid security requirements shall result in the disqualification of the offer.
- 2.6 Bid security shall be in any of the following forms:

- a) Bank guarantee
- b) Bond

The Bid Security Form shall be signed by the issuing party (Bank, insurance company, etc.) and shall be submitted together with the bid before opening of bids, otherwise the bid will be rejected.

The above-mentioned documents are valid during the period of bid validity. In case a Bid Security is in the form of a bank guarantee, the Contracting Authority returns it back within 15 days from the signing of Contract.

2.7 Bid Validity Period

Bid Validity Period starts at the moment of bid opening. In any case, at least 5 days before the deadline for the bid validity, the Contracting Authority can require in writing the Bidder to extend the validity period until a given date. The Bidder may reject such request in writing without losing the right to compensation of the bid security, if any. The Bidder who agrees to extend the bid validity period shall notify in writing the Contracting Authority and provides an extended bid security, is relevant. The Bid shall not be modified. In case a Bidder, following a Contracting Authority requests to extend the bid validity period, does not respond, or accept, or submit an extended bid insurance, when due, then the Contracting Authority shall reject the bid.

- 2.8 Unlawful actions are considered under Article 26 of Law on Public Procurement.

Section 3. Bid Evaluation

3.1 Selection criteria

(Option 1) Lowest price of qualified bid.

The contract shall be awarded to the Bidder providing the lowest price of bid.

In case of procurement procedures for supply of diesel, gas oil, benzol and heating oil, **lowest price** is based on:

- i) Stock market price, according to Reuters delivered under CIF-Albania terms, which is published in the last Public Notices Bulletin, prior to the date of submission and opening of bids;
- ii) Fiscal elements, including excise tax and carbon tax as well as any other fee under the legislation in force;
- iii) Lower profit margin, expressed in percentage.

In case of fluctuation of price, the absolute margin amount shall not change during the execution of contract.

(Option 2) Most economically advantageous bid.

For qualification criteria, it shall be clearly defined the significance of each criterion, i.e. how many points each criterion shall have and how are the points to be calculated for the consecutive bidders.

All criteria established for the qualification of bids shall be subject objective and expressed in numbers. In any case, when the criteria are more than one, the significance of price criteria shall not be less than 50 points. The maximum points to be given to a bidder are 100.

The formula of calculation of points in this case is:

$$Po = Pk1 + Pk2 + Pk3 + \dots$$

Where:

Po - are the total points of the evaluated bid

Pk1/Pk2/Pk3/...- are the points per each evaluated criterion

The points per each criterion are calculated with the following formula:

$$Pk1 = \frac{Vmin\ k1}{Ok1} \times Pmaxk1$$

Pk1 _____ Points of criteria being evaluated

Vmin k1 _____ lowest value of the criterion being evaluated

Pmaxk1 _____ Maximum points given to the criterion being evaluated

Ok1 _____ Bid index for the criterion being evaluated

Note: Only one of the options shall be chosen as evaluation criteria. Performance of both options makes the procedure invalid.

3.2 Correction of errors and removed parts

3.2.1 The Contracting Authority corrects such errors in the bid that are simply of an arithmetical nature, if the error is found during the assessment of bids. The Contracting Authority immediately notifies the Bidder concerned with a notification in writing/by email on any such rectification and can continue with the correction of the error, provided that the Bidder accepts such communication. If the Bidder refuses the correction proposed, the Bid shall be rejected, without seizure of bid security, if there is one.

3.2.2 Errors in the price calculation shall be rectified by the Contracting Authority as follows:

- if there is any discrepancy between amounts in figures and words, the amounts expressed in words shall prevail, except when the amount in concern relates to an arithmetical error;
- if there is any discrepancy between the unit price and the total value obtained by multiplying the unit price and the quantity, the unit price shall prevail and consequently the total sum shall be corrected; if there is any error in the total sum, corresponding to the addition or subtraction of subtotals, the subtotal shall prevail and the total shall be corrected. The amounts rectified in this way shall be binding on the bidder. If the bidder does not accept them, its bid shall be rejected. The Bids with arithmetical errors are rejected when absolute amounts of all corrections are more than $\pm 2\%$ of the economic bid offered.

3.3 Abnormally low bids

3.3.1 If the submitted bid results abnormally low in terms of goods offered, the Contracting Authority requires the Bidder concerned to justify the price given. If the Bidder fails to provide a convincing excuse to the Contracting Authority, the latter is entitled to refuse the offer.

3.3.2 The Bid shall be considered abnormally low according the provisions of Article 66, Chapter VII of Public Procurement Rules.

If two or fewer bids are valid, according to article 56 of PPL, a bid is considered abnormally low when it was lower than 25 percent of the limit fund calculated.

If three or more bids are valid, a bid is considered abnormally low if its value is lower than 85 percent of the average valid bids, in compliance with Article 56 of Law on Public Procurement.

If one or several bids are considered abnormally low, the bid evaluation commission shall request explanations from the bidders, before taking a decision on their qualifications or not, in compliance with Article 56 of Law on Public Procurement.

In any case, the Bidder must provide documents in writing to prove the explanations on the special element(s) of the bid, in compliance with the provisions of Article 56 of Law on Public Procurement.

If three or more bids are valid, the formula to be applied for the abnormally low bid is the following:

O – Bid

M_O – Average of valid bids

n – Number of valid bids

Z_M – Possible discount

$M_O = O_1 + O_2 + O_3 + \dots O_n / n$

$Z_M = 85 \% M_O$

The value of bid is evaluated as <ZM....., as a consequence the bid is abnormally low

In case the most economically advantageous bid is set as selection criterion, an examination whether bids are abnormally low shall be made only if the bid classified with the highest points has economic bid with the lowest value.

3.4. Economic Operators can file an administrative complaint under Article 63 of Law on Public Procurement.

Section 4 Signing of Contract

4.1 Notification of the winner

The Contracting Authority notifies the winning Bidder, by sending the Notification of the winner, pursuant to Annex 14. A copy of such notice is published in the Public Notices Bulletin, as provided under Article 58 of Law on Public Procurement.

4.2 Contract Insurance

4.2.1 The Contracting Authority demands an insurance for the contract's execution. The amount of such insurance shall be the 10% of the contract's value. The Contract's Insurance Form, according to Annex 19 of TDs, shall be signed and submitted before the signing of the contract.

4.2.2 Insurance for the contract's execution can be submitted in any of the following forms:

i. Bank guarantee

ii. Insurance guarantee

Such form is not used by the contracting authorities in case of sectorial procurement contracts.

4.3 Notification of the signed contract

According the Public Procurement Rules, following the signing of contract, the Contracting Authority shall send to PPA a notification to be published in the Public Notices Bulletin.

Note: The contracting authorities shall not make any modification in the tender documents from section 1

to 4.

III. ANNEXES

The following Annexes are integral part of TDs:

Annex 1: Bid Submission Form

Annex 2: Bid Submission Form on the procurement procedures for supply of diesel, gas oil, benzol and heating oil

Annex 2/1: Statement of Independent Offering

Annex 3: Bid Invitation as to the Framework Agreement

Annex 4: Bid Insurance Form

Annex 5: Confidential Information Form

Annex 6: Declaration on the fulfilment of technical specifications by the Economic Operator

Annex 7: Declaration on conflict of interest

Annex 8: Declaration on fulfillment of general criteria

Annex 8/1: Statement on Guaranteeing the Applicability of Legal Provisions on Employment Relations

Annex 9: General criteria of Eligibility/Qualification

Annex 10: Technical specifications

Annex 11: Planning of contracts in the Framework Agreement

Annex 12: Quantity of goods and delivery terms

Annex 13: Disqualification Notification

Annex 14: Winner Notification Form

Annex 15: Notification Form of successful Economic Operators in the Framework Agreement

Annex 16: General Conditions of Contract

Annex 17: Specific Conditions of Contract

Annex 18: Notification Form of signed Contract

Annex 18/1: Notification Form of the signed Contract for publishing in the Public Notices Bulletin

Annex 19: Contract Insurance Form

Annex 20: Complaint Form to the Contracting Authority

Annex 21: Draft Framework Agreement, where not all the terms are defined

Annex 22: Draft Framework Agreement, where all the terms are defined

Annex 23: Cancellation Notification Form

Annex 1

Lot I: "Purchase of wheat bread and buns for the General Directorate of Prisons"

[Annex to be filled in by the economic operator]

BID SUBMISSION FORM

Name of Bidder _____

To: *[Name and address of Contracting Authority]*

* * *

Procurement procedure: *[Type of procedure]*

Short description of contract: *[object]*

Publication (if applicable): Public Notices Bulletin *[Date]* *[Number]*/Reference number in PPA's page

* * *

In reference to the above mentioned procedure, we, the undersigned, declare that:

1. The total price of our bid is *[currency and bid value]*; without VAT;
2. The total price of our bid is *[currency and bid value]*; with VAT

Lot I: "Purchase of wheat bread and buns for the General Directorate of Prisons";					
No.	Naming of food items	Measuring Unit	Expected quantities	Price per unit (ALL without VAT)	Value (ALL without VAT)
1	Wheat bread with radius 75%	Kg	1918075		
Limit Fund					166,020,047

Signature of bidder _____

Seal _____

Note: The prices shall be given in ____ currency (as required in the tender documents)

Note: The final classification of successful economic operators in the framework agreement will be based on the total bid price referring to the expected quantities set out in Annex 12 to the TD (Quantity and Delivery Schedule).

Annex 1

Loti II.-"Purchase of dairy and its by-products for the General Directorate of Prisons";

[Annex to be filled in by the economic operator]

BID SUBMISSION FORM

Name of Bidder _____

To: *[Name and address of Contracting Authority]*

* * *

Procurement procedure: *[Type of procedure]*

Short description of contract: *[object]*

Publication (if applicable): Public Notices Bulletin *[Date]* *[Number]*/Reference number in PPA's page

* * *

In reference to the above-mentioned procedure, we, the undersigned, declare that:

1. The total price of our bid is *[currency and bid value]*; without VAT;
2. The total price of our bid is *[currency and bid value]*; with VAT

Lot II.-"Purchase of dairy and its by-products for the General Directorate of Prisons"					
Nr.	Naming of food items	Measuring Unit	Expected quantities	Price per unit (ALL without VAT)	Value (ALL without VAT)
1	Sliced white cheese, First Quality				
	<i>Cow's sliced white cheese , First Quality</i>	Kg	138335		
2	Fresh unsalted cow's butter, first quality				
		Kg	18250		
3	Half-fat sterilised milk				
	<i>Half-fat sterilised milk (tetrapak packing 1 Liter)</i>	copë	876000		
Limit Fund					176,047,797

Signature of bidder _____

Seal _____

Note: The prices shall be given in ____ currency (as required in the tender documents)

Note: The final classification of successful economic operators in the framework agreement will be based

on the total bid price referring to the expected quantities set out in Annex 12 to the TD (Quantity and Delivery Schedule).

Annex 1

Lot III.-"Purchase of meat and its by-products for the General Directorate of Prisons";

[Annex to be filled in by the economic operator]

BID SUBMISSION FORM

Name of Bidder _____

To: *[Name and address of Contracting Authority]*

* * *

Procurement procedure: *[Type of procedure]*

Short description of contract: *[object]*

Publication (if applicable): Public Notices Bulletin *[Date]* *[Number]*/Reference number in PPA's page

* * *

In reference to the above-mentioned procedure, We, the undersigned, declare that:

1. The total price of our bid is *[currency and bid value]*; without VAT;
2. The total price of our bid is *[currency and bid value]*; with VAT

Lot III.-"Purchase of meat and its by-products for the General Directorate of Prisons"					
No.	Naming of food items	Measuring Unit	Expected quantities	Price per unit (ALL without VAT)	Value (ALL without VAT)
1	Veal meat, first quality	Kg	359890		
Limit Fund					287,712,061

Signature of bidder _____

Seal _____

Note: The prices shall be given in ____ currency (as required in the tender documents)

Note: The final classification of successful economic operators in the framework agreement will be based on the total bid price referring to the expected quantities set out in Annex 12 to the TD (Quantity and Delivery Schedule).

Annex 1

Lot IV.-"Purchase of Colonial Foods for the General Directorate of Prisons"

[Annex to be filled in by the economic operator]

BID SUBMISSION FORM

Name of Bidder _____

To: [Name and address of Contracting Authority]

* * *

Procurement procedure: [Type of procedure]

Short description of contract: [object]

Publication (if applicable): Public Notices Bulletin [Date] [Number]/Reference number in PPA's page

* * *

In reference to the above-mentioned procedure, We, the undersigned, declare that:

1. The total price of our bid is [currency and bid value]; without VAT;
2. The total price of our bid is [currency and bid value]; with VAT

Lot IV.-"Purchase of Colonial Foods for the General Directorate of Prisons"					
Nr.	Naming of food items	Measuring Unit	Expected quantities	Price per unit (ALL without VAT)	Value (ALL without VAT)
1	Pasta (spageti, coil, fusili)	Kg	179580		
2	Rice, first quality	Kg	166440		
3	Sugar	Kg	96725		
4	White bean	Kg	170820		
5	Sunflower oil (edible)				
	Sunflower oil (edible) (plastic packing > 1 Liter)	Liter	137313		
6	Dish-ready sauce				
	Dish-ready sauce(metallic packaging 1 Kg)	pieces	16644		
7	Iodized salt, first quality (polyethylene bag)	Kg	20805		
8	Marmalade, first quality				
	Apple marmalade, first quality	Kg	133955		
9	Mauntain tea, first quality	Kg	8322		
Limit Fund					155,587,640

Signature of bidder _____

Seal _____

Note: The prices shall be given in ____ currency (as required in the tender documents)

Note: The final classification of successful economic operators in the framework agreement will be based

on the total bid price referring to the expected quantities set out in Annex 12 to the TD (Quantity and Delivery Schedule).

Annex 1

Loti V.-"Purchase of eggs for the General Directorate of Prisons"

[Annex to be filled in by the economic operator]

BID SUBMISSION FORM

Name of Bidder _____

To: *[Name and address of Contracting Authority]*

* * *

Procurement procedure: *[Type of procedure]*

Short description of contract: *[object]*

Publication (if applicable): Public Notices Bulletin *[Date]* *[Number]*/Reference number in PPA's page

* * *

In reference to the above-mentioned procedure, we, the undersigned, declare that:

1. The total price of our bid is *[currency and bid value]*; without VAT;
2. The total price of our bid is *[currency and bid value]*; with VAT

Lot 5 - "Purchase of eggs for the General Directorate of Prisons"					
No.	Naming of food items	Measuring Unit	Expected quantities	Price per unit (ALL) without VAT	Value (ALL) without VAT
1	Eggs				
	<i>Eggs, weighing 53 g or more and not more than 63 g (M).</i>	Grain	4161000		
Total Value					63,195,188

Signature of bidder _____

Seal _____

Note: The prices shall be given in ____ currency (as required in the tender documents)

Note: The final classification of successful economic operators in the framework agreement will be based on the total bid price referring to the expected quantities set out in Annex 12 to the TD (Quantity and Delivery Schedule).

Annex 1

Lot VI. "Purchase of fruits and vegetables for the General Directorate of Prisons"

[Annex to be filled in by the economic operator]

BID SUBMISSION FORM

Name of Bidder _____

To: *[Name and address of Contracting Authority]*

* * *

Procurement procedure: *[Type of procedure]*

Short description of contract: *[object]*

Publication (if applicable): Public Notices Bulletin *[Date]* *[Number]*/Reference number in PPA's page

* * *

In reference to the above-mentioned procedure, We, the undersigned, declare that:

3. The total price of our bid is *[currency and bid value]*; without VAT;
4. The total price of our bid is *[currency and bid value]*; with VAT

Lot VI. "Purchase of fruits and vegetables for the General Directorate of Prisons"					
No.	Naming of food items	Measuring Unit	Expected quantities	Price per unit (ALL without VAT)	Value (ALL without VAT)
1	Green peas grain, first quality	Kg	6461		
2	Frozen grain peas, first quality	Kg	2584		
3	Legume beans, first quality	Kg	12921		
4	Okay, first quality	Kg	3876		
5	Leeks, first quality	Kg	64605		
6	Spinach, first quality	Kg	33595		
7	Tomatoes, first quality	Kg	83987		
8	Dry onion, first quality	Kg	206736		
9	Green onions, first quality	Kg	9045		
10	Potatoes, first quality	Kg	586613		
11	White cabbage, first quality	Kg	77526		
12	Peppers, first quality	Kg	38763		
13	Eggplant, first quality	Kg	32303		
14	Pumpkin, first quality	Kg	47806		
15	Carrots, first quality	Kg	85279		
16	Apples, first quality	Kg	249660		
17	Oranges, first quality	Kg	83220		

18	Mandarin, first quality	Kg	20805		
19	Pear, first quality	Kg	8322		
20	Peaches, first quality	Kg	20805		
21	Nectarine, first quality	Kg	20805		
22	Plums, first quality	Kg	4161		
23	Apricots, first quality	Kg	8322		
Limit Fund					159,533,664

Signature of bidder _____

Seal _____

Note: The prices shall be given in ____ currency (as required in the tender documents)

Note: The final classification of successful economic operators in the framework agreement will be based on the total bid price referring to the expected quantities set out in Annex 12 to the TD (Quantity and Delivery Schedule).

Annex 2

[Annex to be filled in by the economic operator in case of procurement procedures for supply of diesel, gas oil, benzol and heating oil]

BID SUBMISSION FORM

Name of Bidder _____

To: *[Name and address of Contracting Authority]*

* * *

Procurement procedure: *[Type of procedure]*

Short description of contract: *[object]*

Publication *(if applicable)*: Public Notices Bulletin *[Date]* *[Number]*

I.1 * * *

In reference to the above-mentioned procedure, we, the undersigned, declare that:

1. Our profit margin expressed in percentage is as follows:

Signature of bidder _____

Seal _____

Appendix 2/1

[Supplement to be filled in by Economic Operator]

STATEMENT

For Introducing Independent Offers

Of the economic operator participating in the public procurement procedure to be held on: _____; by the Contracting Authority: _____; with the object: _____; with limit fund: _____.

I undersigned _____, with the capacity of the representative of the economic operator _____, in support of Article 1 of Law no. 9643, dated 20.11.2006 "On Public Procurement", as amended and in support of the Law No.9121 / 2003 "On the Protection of Competition", make this statement and I guarantee that the following statements are true and complete in every aspect :

I certify, in the interest of: _____ that:
(Name of the economic operator)

1. I have read and understood the content of this Declaration;
2. I understand that the submitted bid will be disqualified and / or excluded from participation in public procurement if this Statement is found to be incomplete and / or correct in every respect;
3. I am authorized by the Bidder to sign this Statement and to submit an offer in the interest of the Bidder;
4. Any person whose signature appears in the Bid Documentary is authorized by the Bidder to prepare and to sign the Bid in the interest of the Bidder;
5. For the purpose of this declaration and the submitted bid, I understand that the word "competitor" means any other economic operator, other than the Bidder, whether or not it is a merger of economic operators, that:
 - a) submit a bid in response to the Contract Notice and / or the Invitation to Invitation made by the Contracting Authority;
 - b) is a potential bidder who, based on his / her qualifications, abilities or experiences, may submit a Bid in reply, Contract Notice and / or Bid Invitation.
6. The bidder declares that: (click one of the following alternatives):
 - a) The Bidder has prepared his bid independently, without consulting, communicating and without making any agreement or agreement with any other competitor;
 - b) The Bidder has consulted, communicated, has entered into agreements with one or more competitors in connection with this procurement procedure. The bidder states that in the attached documents, the details of this offer include the names of the competitors, the nature and the reasons for the consultation, communication, agreement or engagement (case of merger of economic operators or subcontracting).

7. In particular, without prejudice to paragraphs 6 (a) and 6 (b) above, there has been no consultation, communication, contract or agreement with any competitor in respect of:

- a) prices;
- b) (b) the methods, factors or formulas used to calculate the price;
- c) the purpose or the decision to submit or not an offer; or
- d) submission of a bid that does not meet the specifications of the Bid Request.

8. In addition, there has been no consultation, communication, agreement or contract with any competitor regarding the quality, quantity, specifications or specific deliveries of the goods or services which are related to the concerned procurement, except where stated under paragraph above 6. b).

9. Bid conditions have not been made known or disclosed to the other Bidder by any means, either in advance of the date and time of the official opening of the Bids, of the Winning Bid and of the conclusion of the Contract , only if required by law or if specifically stated under paragraph 6.b).

(Name and Signature of the Authorized Person for Bidder Representation)

(Title by position at work) (Date)

Annex 3

[Annex to be filled in by contracting authority under the Framework Agreement during the reopening of mini-bidding process]

BID INVITATION

(Write the name of Contracting Authority)

Invites the interested persons to submit their bids in the procedure to supply the following goods:

.....
.....
.....

(Provide an accurate description of the contract object and quantity as defined in Tender Documents (TDs)).

Delivery of Goods Location

(Provide a short description)

The goods shall be delivered within date _____

The bid shall be send to

..... *[Provide the accurate address]*

Before

.....
[Define date and time]

Eligibility criteria of winner bid _____

Form of communication:

By mail

by electronic means (email, fax, etc.)

Annex 4

[Letter with Bank/ Insurance Company logo]

[Annex to be provided by Economic Operator when requested by Contracting Authority]

BID INSURANCE FORM

[Date]

To: *[Name and address of Contracting Authority]*

On behalf of: *[Name and address of insured bidder]*

* * *

Procurement procedure *[Type of procedure]*

Short description of contract: *[object]*

Publication (if applicable): Public Notices Bulletin *[Date]* *[Number]*/Reference number in PPA's page

* * *

In reference to the above mentioned procedure,

We prove that *[name of insured bidder]* has deposited in *[name and address of bank/insurance company]* the amount of *[currency and value, in words and numbers]* as a requirement for the bid insurance, submitted by the abovementioned economic operator.

We undertake to transfer to the account of *[name of contracting authority]* the assured amount, within 15 (fifteen) days from your first simple call in writing, without explanations, provided that the call states the failure to meet any of the following criteria:

- The bidder has withdrawn or changed the bid, after or before the bid submission deadline, in case it was stipulated so in the Tender Documents;
- The bidder has refused to sign the procurement contract when required by the contracting authority;
- The bidder has not provided the contract insurance, where the bid is awarded as winning or did not meet any other requirements before the signing of the contract stipulated in the Tender Documents.

Such insurance is valid for the period specified in *[contract notification or bid invitation]*.

[Representative of bank/insurance Company]

Annex 5

CONFIDENTIAL INFORMATION LIST

[Annex to be filled in by the Economic Operator, if appropriate]

CONFIDENTIAL INFORMATION LIST

(Please enlist below the information you want to be confidential)

Type and nature of information that needs to be confidential	Number of pages and sections of TDs you want to be confidential	The reasons why such information should be confidential	Time limit such information shall be kept confidential

ATTENTION

For any information that has not been registered as confidential, it shall be taken for granted that the holder of such rights has willingly given consent for the provision of this relevant information and the Contracting Authority bears no responsibility for the publication of such information.

It does not constitute secret commercial information, which should be made public according to the law, related to the violation of the law, or that ought to be published on the basis of good commercial practices and principles of commercial ethics. The dissemination of this information is considered legitimate if this act is intended to protect the public interest.

Bidder Representative

Signature

Seal

Annex 6

[Annex to be filled in by the Economic Operator]

DECLARATION ON THE FULFILMENT OF TECHNICAL SPECIFICATIONS

Declaration issued by the economic operator participating in the public procurement procedure, to be held on _____ by Contracting Authority _____ with object _____ and limit fund _____.

I, the undersigned _____, in the quality of _____ of legal person _____ declare that:

We meet all technical specifications, as stipulated in the tender documents, and we prove it with certificates and documents (if required by the contracting authority), to be submitted together with the Declaration herein.

Declaration submission date _____

Bidder's representative

Signature

Seal

Annex 7

[Annex to be filled in by Economic Operator]

DECLARATION **On conflict of interest**

Declaration issued by the economic operator participating in the public procurement procedure, to be held on _____ by Contracting Authority _____ with object _____ and limit fund _____.

Conflict of interest is a situation of conflict between public duty and private interest of an official, in which he/she has direct or indirect private interests affecting, or that can effect or that it seems that might have effect on the unjust performance of public tasks and duties.

In implementation of Article 21, clause 1, Law no. 9367, date 07.04.2005, the categories of officials as provided under Chapter III, Section II, that are absolutely forbidden to directly or indirectly benefit from the signing contracts between a party and the public institution are:

- President of Republic, Prime Minister, Deputy Prime Minister, Ministers, or Deputy Ministers, Members of Parliament, Judges of Constitutional Court, Judges of High Court, the Head of High State Audit, General Prosecutor, Judges and Prosecutors at the level of the Court of First Instance and Court of Appeals, the Ombudsman, Members of the Central Election Commission, Members of High Council of Justice, General Inspector of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest, Members of Regulatory Entities (Bank of Albania Supervision Council, including Governor and Deputy Governor; competition; telecommunication; electricity; water supply; insurance; bonds; media authorities), General Secretaries of Central Institutions as well as every public official in any public institution whose position is equivalent to that of the General Director, heads of public administration bodies that are not part of civil service.

The middle-ranked civil servants, under article 31, and officials covered by Article 32 of Chapter III, section 2 of this Law, the prohibition of clause 1 of this article, on grounds of private interests of official, as stipulated herein, shall be applied only if case of contracts within the institution's scope and territory and the institution's jurisdiction, where the official works. This prohibition is applicable also when party to the contract is an institution under the dependency thereof.

When the official is a mayor or deputy mayor of a municipality or commune, or the chairman of a regional council, member of the respective council, or a high management official of a local government unit, the prohibition due to private interests of the official, specified herein, is applicable only in the case of entering into contracts, if any, with the municipality, commune or region where the official exercises such duty. This prohibition is applicable also when party to the contract is a public institution at the dependency of this unit. (Article 21, clause 2, Law No.9367, date 07.4.2005).

The prohibitions provided for under Article 21 clauses 1, 2 of Law no. 9367, date 07.04.2005, with the

respective exemptions, are applicable to the same extent also to the persons related with the official, i.e. **spouse, cohabitant, adult children and parents of the official and of the spouse.**

I, the undersigned _____, in the quality of representative of legal person _____ declare that under my personal responsibility:

I am aware of the requirements and prohibitions provided under Law No. 9367, date 07.04.2005 “On the prevention of conflicts of interest in the exercise of public functions” as amended, and secondary legislation adopted pursuant thereto by the High Inspectorate of Declaration and Audit of Assets, and also the Law no. 9643, date 20.11.2006 “On Public Procurement”, as amended.

In compliance thereof, I declare herein that no public official, as defined in **Chapter III, Section II** of the Law no. 9367, date 07.04.2005, and in this declaration, has any private interests, directly or indirectly, with the legal person I represent herein.

Date of declaration submission _____

Name, Surname, Signature

Seal

Annex 8

[Annex to be filled in by the Economic Operator]

STATEMENT ON GENERAL CRITERIA FULFILLMENT

Statement of the economic operator participating in the procurement procedure to be held on the date _____ by the Contractor Authority _____ with object _____ with a limit found _____.

I signed _____ in quality _____ of economic operator _____ declare under my full responsibility that:

- The economic operator _____ is registered in the National Business Center and has in the field of activity the object of the procurement. In case when the bidder is a non-profit organization, they must state that they are registered as a juridical person according to Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- The economic operator _____ has not been sentenced for any of the criminal offenses provided for in Article 45/1 of the PPL.
- The person/s in quality of *member of the administrative body, as director or the supervisor, as a shareholder or as a partner, has either representative, decision-making or controlling powers within the economic operator*, as follows:

	First name (s)	Surname / Family name	Date of birth dd.mm.yyyy	Father's name	Mother's name	Place and country of birth
1						
2						
3						

they are not or have not been convicted by a final court decision for any of the offenses, set forth in article 45/1 of the PPL¹

- The economic operator _____ has not been convicted by a final court decision, for acts related to professional activity.
- The economic operator _____ is not in the process of bankruptcy (active Status).
- The economic operator _____ has paid all the fees for the taxes payment and social security contributions, according to the legislation in power.

In any case, the contracting authority has the right to carry out the necessary verifications on the authenticity of the information declared by the economic operator as above.

Date of statement submission _____

Bidder's signature _____

Seal _____

Annex 8/1

[Supplement to be filled by Economic Operator]

STATEMENT ON GUARANTEE OF APPLICABILITY OF LEGAL PROVISIONS ON LABOR RELATIONS

Statement of Economic Operator participating in the procurement procedure to be held on _____ by the Contracting Authority _____ subject to _____ me limit fund _____.

I undersign _____ on the quality of _____ of the economic operator _____, **declare under my full responsibility that:**

- Economic operator _____ guarantees the protection of the right to employment and occupation from any form of discrimination as provided for by applicable labor legislation.
- Economic operator _____ connects the relevant employment contracts with the employee and guarantees measures in terms of safety and health at work for All and, in particular, for vulnerable groups, based on applicable labor legislation.
- Economic Operator _____ In cases when a legal violation has been found, the economic operator has taken the necessary measures to address them within the deadlines set by the ISHPSHSH.

Date of submission of statement _____

Bidder Representative

Signature

Seal

Annex 9

[Addendum to be completed by the Contracting Authority]

Lot 1 - "Purchase of wheat bread and buns for the General Directorate of Prisons"

I. GENERAL ADMISSION / QUALIFICATION CRITERIA

The Bidder shall state that:

- a) It is registered with the National Business Center and has a procurement object in its field of activity. In case the bidder is a non-profit organization, it must declare that it is registered as a legal entity, according to Law No. 8788, dated 07.05.2001 "On Non-Profit Organizations".
- b) is not in bankruptcy, (active status)
- c) has not been convicted of a criminal offense in accordance with Article 45/1 of the PPL,
- ç) has not been convicted by a final court decision for offenses related to professional activity.
- d) has paid all liabilities for payment of taxes and social security contributions , according to the legislation in force.

The Bidder must also declare that it fulfills all the requirements listed above by submitting a written self-declaration.

If the language used in the procedure is Albanian, then the foreign language documents must be accompanied by a notarized translation into Albanian .

In the event of a merger of economic operators, each member of the group must submit the aforementioned self-declaration.

The General Criteria for Admission should not be changed by the contracting authorities.

These criteria must be met by submitting the entity's written statement on the day of bid opening, in accordance with Annex 8.

In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information stated by the economic operator as above.

In addition, if the bid is submitted by a union of economic operators , the following must be submitted:

- a) the notarized agreement under which the jonit of economic operators has been formally established;
- b) Special power of attorney.

II. SPECIFIC QUALIFICATION CRITERIA

1. The Bidder shall submit:

- a) *Bid Form, according to Annex 1;*
- b) *Bid Security Form, according to Annex 4 (at 2% of Lot Framework Agreement Fund)*
- c) *Statement of Independent Bid Submission according to Annex 2/1;*
- d) *Statement on compliance with the technical specifications according to Annex 6;*
- e) *Statement of Conflict of Interest according to Annex 7;*
- f) *Statement on the assurance of the applicability of the legal provisions in labor relations according to Annex 8/1;*
- g) *Certificate confirming settlement of all matured electricity obligations of the energy contracts held by the economic operator registered in Albania.*

2. The Bidder shall submit:

2.1 Legal / professional capacity of economic operators:

- 1) The economic operator must submit a **Category II.1.A.1 License for Manufacturing, Processing and Wholesale Distribution of Foodstuffs for the Production or Marketing of Bread**, issued on its behalf by the National Business Center (*no use of the license of another economic operator is permitted, according to the joint recommendation of PPA and AKU dated 19.11.2018*).
- 2) The economic operator must submit **Type C Environmental Permit (code III.1.A)** issued by the National Business Center (*as per Law No. 60/2014 "On an amendment to Law No. 10448, dated 14.7).2011, "On Environmental Permits", as amended*).
- 3) The economic operator must submit a certification of quality management of the society according to the international standard **ISO 9001 or equivalent**. The certificate must be effective, valid at time s in the development of the procedure and be issued by a conformity assessment body accredited by the national accreditation body or international accreditation organizations recognized by the Republic of Albania.
- 4) The economic operator must submit a certification of quality system management food safety, according to the international standard **ISO 22000 or equivalent**. The certificate must be effective, valid at time s n the development of the procedure and be issued by a conformity assessment body accredited by the national accreditation body or international accreditation organizations recognized by the Republic of Albania.
- 5) The economic operator must submit a certificate certifying the environmental management system according to **ISO 14001 international standard or equivalent**. The certificate must be effective, valid at time in the development of the procedure and be issued by a conformity assessment body accredited by the national accreditation body or international accreditation organizations recognized by the Republic of Albania.

In case of a joint-venture of economic operators, each economic operator must submit ISO certificates , according to works / goods / services that will take responsibility to perform and according to the agreement act (under Article 74 of CMD's No. 914 dated 29.12.2014).

2.2 Economic and financial capacity:

- 1) Copy of **annual turnover** declarations or tax administration attestation for the turnover, realized in the last three years (**2017, 2018, 2019**), whose average value must be **not less than 20% of the limit fund for this Lot**.
- 2) Certified copies of **balance sheets of the years: 2017, 2018, 2019**, submitted to the relevant tax authorities.

2.3 Technical capacity:

- 1) The economic operator must submit evidence of **previous similar supplies, made during the last 3 (three) years from the date of the proceeding, in the amount of at least 20% of the value of the fund of the agreement under this Lot.** These similar supplies must be certified with the following documentation:
 - a) The contracting authority as evidence of previous experience shall require certificates issued by a public entity or sales tax invoice indicating the dates, amounts and quantities of goods supplied,
 - b) Where similar supplies are effected by private entities, the economic operator must submit the relevant sales tax invoice indicating the dates, amounts and quantities of goods supplied.
- 2) The economic operator, must have employed **for the three-months period January - March 2020**, a staff of **minimum 4 (four) persons**. Related to the staff of the employees, the bidder must submit:
 - a) Proof of declarations of contributions for social and health insurance, at the tax administration;
 - b) Payroll list declared to tax authorities for the period January - March 2020.
- 3) The economic operator must have **at least 2 (two) vehicles ATP (not freezer)**, in order to transport the goods, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) **Documentation proving ownership or renting:**
 - *documentation of proving ownership:*
 - Certificate of ownership issued by the institution authorized by law / Purchase contract or donation contract / Any other document by which the ownership right is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proving rental:*
 - Notarial renting contract.
 - b) Vehicle circulation permit;
 - c) Certificate of technical control of road vehicles;
 - d) Compulsory vehicle insurance policy ;
 - e) Certificate for cargo transport (only required for vehicles transporting capacity over 1.5 tons);
 - f) Sanitary approval act;
 - g) Driving license for at least 2 (two) employees.
- 4) The economic operator must have **at least 1 (one) suitable area, for the production or storage of goods subject to procurement**, with at least 200 m² surface , that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) Documentation proofing ownership, leasing or rental:
 - *documentation proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / contract of sale / contract of donation / any other document by which the right of ownership is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proofing leasing:*
 - Notarial leasing contract .
 - *Documentation proofing rental:*
 - Notarial renting contract.
 - b) Hygienic - sanitary approval for this facility, issued by the competent authority charged by law.
 - c) Certificate for fire protection and rescue, issued by the competent authority charged by law,
 - d) The economic operator must declare the fulfillment of technical and technological standards for this environment.

e) Photograph of the interior of the production or storage of the goods to be procured.

5) The economic operator must present a declaration by which must declare that, from the last control exercised by the National Food Authority, has shown that entity operates according to the requirements legal. In case that the economic operator part pick will winner, before the conclusion of the Framework Agreement is no obligation in the present relevant documentation regarding the recent control exercised of authority National Food Authority, to test exercise of its activity in accordance with legal requirements.

6) The economic operator must submit self-declaration, under that declaring to perform the freight transport service, on request and at the addresses of the Penitentiary Institutions (IEVP).

7) The economic operator must submit **Physical-Chemical Analysis Report / Sheet**, issued by a laboratory of reference or accredited under the applicable legislation, not earlier than 30 days from the date of the proceeding, for:

- Wheat bread with 75% radius.

8) The economic operator must submit a declaration, in the format as the table below, whether under the Public Procurement Law, it is a winner and / or in the process, at the same time, as a contractor / subcontractor, under a contract or contracts entered into force, or in process to sign up, for the supply / purchase of fresh food, to other contractual authorities, which at the time of bid opening is not completed at the rate of 70%. This criteria also applies in the case of joint of economic operators, for each member to declare if it has not completed the contracts at the rate of 70% of the total volumes of supplies it has undertaken to carry out, in accordance with the agreement of joint economic operators (*according to point 8 of article 27 of CMD no. 914 dated 29.12.2014*). In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information declared by the economic operator.

Nr.	The contracting authority that has awarded the contract and / or with which a framework agreement / contract is into force / or is in the process of being concluded.	The object of the procurement procedure / framework agreement / contract for which it is the winner and / or in the process, at the same time, as a contractor / subcontractor under a framework agreement / contract entered into or in the process of being concluded.	Value of winning offer / contracted value/ subcontracted value	Percentage of fulfilled/ completed value, up to the day of bid opening.
1				
2				

Notice: Bidding Economic Operator in more than one Lot must have the economic and financial capacities (sub-point 1 of section 2.2, of the special qualification criteria) as well as the technical capacities (sub-points 1, 2, 3 of the section 2.3 of the special criteria). for qualification), how much the lot for which he has bid, taken together. In this case, the economic operator bidding in more than one Lot must submit a statement listing the documents submitted in compliance with the cumulative criteria for the specific Lot. In case the documentation declared and submitted in compliance with the cumulative criteria does not meet the economic - financial and technical capacities for all the lots where the economic operator has bid, it

will be disqualified from all the lots where it has bid.

All documents must be original or notarized copies. Cases of non-submission of a document, or of false or incorrect documents, are considered as conditions for disqualification .

Annex 9

Loti II.-"Purchase of dairy and its by-products for the General Directorate of Prisons"

I. GENERAL ADMISSION / QUALIFICATION CRITERIA

The Bidder shall state that:

- a) It is registered with the National Business Center and has a procurement object in its field of activity. In case the bidder is a non-profit organization, it must declare that it is registered as a legal entity, according to Law No. 8788, dated 07.05.2001 "On Non-Profit Organizations".
- b) is not in bankruptcy, (active status)
- c) has not been convicted of a criminal offense in accordance with Article 45/1 of the PPL,
- ç) has not been convicted by a final court decision for offenses related to professional activity.
- d) has paid all liabilities for payment of taxes and social security contributions , according to the legislation in force.

The Bidder must also declare that it fulfills all the requirements listed above by submitting a written self-declaration.

If the language used in the procedure is Albanian, then the foreign language documents must be accompanied by a notarized translation into Albanian .

In the event of a merger of economic operators, each member of the group must submit the aforementioned self-declaration.

The General Criteria for Admission should not be changed by the contracting authorities.

These criteria must be met by submitting the entity's written statement on the day of bid opening, in accordance with Annex 8.

In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information stated by the economic operator as above.

In addition, if the bid is submitted by a union of economic operators, the following must be submitted:

- a) the notarized agreement under which the union of economic operators has been formally established;**
- b) Special power of attorney.**

II. SPECIFIC QUALIFICATION CRITERIA

1. The Bidder shall submit:

- a) Bid Form, according to Annex 1;
 - b) Bid Security Form , according to Annex 4 (at 2% of Lot Framework Agreement Fund)
 - c) Statement of Independent Bid Submission under Schedule 2/1;
 - d) Statement on compliance with the technical specifications, in accordance with Annex 6;
 - e) Statement of Conflict of Interest under Annex 7;
 - f) Statement of Guarantee of the Applicability of Legal Provisions to Labor Relations under Annex 8/1;
 - g) Certificate confirming settlement of all matured electricity obligations of energy contracts held by the economic operator registered in Albania.
2. The Bidder shall submit:

II.1 Legal / professional capacity of economic operators:

- 1) The economic operator must submit **Category II.1.A.1 License for Manufacturing, Processing and Wholesale Distribution of Foodstuffs for the Production or Marketing of Dairy**, on its behalf, issued by the National Business Center *(no use of the license of another economic operator is permitted, according to the joint recommendation of PPA and AKU dated 19.11.2018)*.
- 2) The economic operator, if it is a producer of dairy products and its by-products, must submit an **Environmental Permit of type A or type B or type C (code III.1.C or III.1.B or III). 1.A) for the treatment and processing of milk** , issued by the National Business Center *(according to Law No. 60/2014 “On an amendment to Law No. 10448, dated 14.7.2011, “ On Environmental Permits ”, as amended)*.
- 3) The economic operator, if it is not the manufacturer of dairy products and its derivatives, must submit **environment permit type C (III.1.A code) for refrigerated storage of packaged food products**, issued by the National Business Center *(according to Law No. 60/2014 “On an amendment to Law No. 10448, dated 14.7.2011, “On Environmental Permits ”, as amended)*.
- 4) The economic operator must submit a certification of quality management of the society according to the international standard **ISO 9001 or equivalent**. The certificate must be effective, valid at time s in the development of the procedure and be issued by a conformity assessment body accredited by the national accreditation body or international accreditation organizations recognized by the Republic of Albania
- 5) The economic operator must submit a certification of food safety quality management system, according to the international standard **ISO 22000 or equivalent**. The certificate must be effective, valid at time s n the development of the procedure and be issued by a conformity assessment body accredited by the national accreditation body or international accreditation organizations recognized by the Republic of Albania.
- 6) The economic operator must submit a certificate certifying the environmental management system according to **ISO 14001** international standard or equivalent. The certificate must be effective, valid at time in the development of the procedure and be issued by a conformity assessment body accredited by the national accreditation body or international accreditation organizations recognized by the Republic of Albania.

In case of a joint-venture of economic operators, each economic operator must submit ISO certificates , according to works / goods / services that will take responsibility to perform and according to the agreement act (under Article 74 of CMD’s No. 914 dated 29.12.2014).

II.2 Economic and financial capacity:

- 1) Copy of **annual turnover** declarations or tax administration attestation for the turnover, realized in the last three years (2017, 2018, 2019), whose average value must be **not less than 20% of the limit fund for this Lot**.
- 2) Certified copies of **balance sheets of the years: 2017, 2018, 2019**, submitted to the relevant tax authorities.

2.3 Technical capacity:

- 1) The economic operator must submit evidence of **previous similar supplies, made during the last 3 (three) years from the date of the proceeding, in the amount of at least 20% of the value of the fund of the agreement under this Lot**. These similar supplies must be certified with the following documentation:
 - a) The contracting authority as evidence of previous experience shall require certificates issued by a public entity or sales tax invoice indicating the dates, amounts and quantities of goods supplied,
 - b) Where similar supplies are effected by private entities, the economic operator must submit the relevant sales tax invoice indicating the dates, amounts and quantities of goods supplied.
- 2) The economic operator, must have employed **for the three-months period January - March 2020**, a staff of **minimum 4 (four) persons**. Related to the staff of the employees, the bidder must submit:
 - a) Proof of declarations of contributions for social and health insurance, at the tax administration;
 - b) Payroll list declared to tax authorities for the period January - March 2020.
- 3) The economic operator must have **at least 2 (two) vehicles ATV (freezer)**, in order to transport the goods, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) **Documentation proving ownership or renting:**
 - *documentation of proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / Purchase contract or donation contract / Any other document by which the ownership right is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proofing rental:*
 - Notarial renting contract.
 - b) Vehicle circulation permit;
 - c) Certificate of technical control of road vehicles;
 - d) Compulsory vehicle insurance policy ;
 - e) Certificate for cargo transport (only required for vehicles transporting capacity over 1.5 tons);
 - f) Sanitary approval act;
 - g) Driving license for at least 2 (two) employees.
- 4) The economic operator must have **at least 1 (one) suitable area, for the production or storage of goods subject to procurement**, with at least 150 m² surface , that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) Documentation proofing ownership, leasing or rental:
 - *documentation proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / contract of sale / contract of donation / any other document by which the right of ownership is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proofing leasing:*
 - Notarial leasing contract .

➤ *Documentation proofing rental:*

- Notarial renting contract.

b) Hygienic - sanitary approval for this facility, issued by the competent authority charged by law.

c) Certificate for fire protection and rescue, issued by the competent authority charged by law,

d) The economic operator must declare the fulfillment of technical and technological standards for this environment.

e) Photograph of the interior of the production or storage of the goods to be procured.

5) The economic operator must present a declaration by which must declare that, from the last control exercised by the National Food Authority, has shown that entity operates according to the requirements legal . In case that the economic operator part pick will winner, before the conclusion of the Framework Agreement is no obligation in the present relevant documentation regarding the recent control exercised of authority National Food Authority, to test exercise of its activity in accordance with legal requirements .

6) The economic operator must submit self-declaration, under that declaring to perform the freight transport service, on request and at the addresses of the Penitentiary Institutions (IEVP) .

7) The economic operator must submit **Physical - Chemical Analysis Report / Sheet and also Microbiological Analysis Report / Sheet**, issued by a laboratory of reference or accredited under the applicable legislation, not earlier than 30 days from the date of the proceeding, for:

- White Feta Cheese, first quality,
- Fruity butter without salt, first quality,
- Sterilized semi-fat milk.

8) The economic operator must submit a declaration, in the format as the table below, whether under the Public Procurement Law, it is a winner and / or in the process, at the same time, as a contractor / subcontractor, under a contract or contracts entered into force, or in process to sign up, for the supply / purchase of fresh food, to other contractual authorities, which at the time of bid opening is not completed at the rate of 70%. This criteria also applies in the case of joint of economic operators, for each member to declare if it has not completed the contracts at the rate of 70% of the total volumes of supplies it has undertaken to carry out, in accordance with the agreement of joint economic operators (*according to point 8 of article 27 of CMD no. 914 dated 29.12.2014*). In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information declared by the economic operator.

Nr.	The contracting authority that has awarded the contract and / or with which a framework agreement / contract is into force / or is in the process of being concluded.	The object of the procurement procedure / framework agreement / contract for which it is the winner and / or in the process, at the same time, as a contractor / subcontractor under a framework agreement / contract entered into or in the process of being concluded.	Value of winning offer / contracted value/ subcontracted value	Percentage of fulfilled/ completed value, up to the day of bid opening.
1				
2				

Notice: Bidding Economic Operator in more than one Lot must have the economic and financial capacities (sub-point 1 of section 2.2, of the special qualification criteria) as well as the technical capacities (sub-points 1, 2, 3 of the section 2.3 of the special criteria). for qualification), how much the lot for which he has bid, taken together. In this case, the economic operator bidding in more than one Lot must submit a statement listing the documents submitted in compliance with the cumulative criteria for the specific Lot. In case the documentation declared and submitted in compliance with the cumulative criteria does not meet the economic - financial and technical capacities for all the lots where the economic operator has bid, it will be disqualified from all the lots where it has bid.

All documents must be original or notarized copies. Cases of non-submission of a document, or of false or incorrect documents, are considered as conditions for disqualification.

Annex 9

Lot III-"Purchase of meat and its by-products for the General Directorate of Prisons"

I. GENERAL ADMISSION / QUALIFICATION CRITERIA

The Bidder shall state that:

- a) It is registered with the National Business Center and has a procurement object in its field of activity. In case the bidder is a non-profit organization, it must declare that it is registered as a legal entity, according to Law No. 8788, dated 07.05.2001 "On Non-Profit Organizations".
- b) is not in bankruptcy, (active status)
- c) has not been convicted of a criminal offense in accordance with Article 45/1 of the PPL,
- ç) has not been convicted by a final court decision for offenses related to professional activity.
- d) has paid all liabilities for payment of taxes and social security contributions , according to the legislation in force.

The Bidder must also declare that it fulfills all the requirements listed above by submitting a written self-declaration.

If the language used in the procedure is Albanian, then the foreign language documents must be accompanied by a notarized translation into Albanian .

In the event of a merger of economic operators, each member of the group must submit the aforementioned self-declaration.

The General Criteria for Admission should not be changed by the contracting authorities.

These criteria must be met by submitting the entity's written statement on the day of bid opening, in accordance with Annex 8.

In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information stated by the economic operator as above.

In addition, if the bid is submitted by a union of economic operators, the following must be submitted:

- a) the notarized agreement under which the union of economic operators has been formally established;**

b) Special power of attorney.

II. SPECIFIC QUALIFICATION CRITERIA

1. The Bidder shall submit:

- a) Bid Form, according to Annex 1;*
- b) Bid Security Form, according to Annex 4 (at 2% of Lot Framework Agreement Fund)*
- c) Statement of Independent Bid Submission under Schedule 2/1;*
- (d) Statement on compliance with the technical specifications, in accordance with Annex 6;*
- e) Statement of Conflict of Interest under Annex 7;*
- (f) Statement of Guarantee of the Applicability of Legal Provisions to Labor Relations under Annex 8/1;*
- g) Certificate confirming settlement of all matured electricity obligations of energy contracts held by the economic operator registered in Albania.*

2. The Bidder shall submit:

2.1 Legal / professional capacity of economic operators:

- 1) The economic operator must submit **Category II.1.A.1 License for Manufacturing, Processing and Wholesale Distribution of Foodstuffs for the Processing or Trading of Meat / Processed Meat Products**, on behalf , issued by the National Business Center *(use of the license of another economic operator is not permitted, according to the Joint Recommendation of PPA and NFA dated 19.11.2018).*
- 2) The economic operator, in the case of a slaughterhouse, must submit **Type A or Type B or Type C Environmental Permit (code III.1.C or III.1.B or III.1.A)**, issued by National Business Center *(according to Law No. 60/2014 “On an amendment to Law No. 10448, dated 14.7.2011,“ On Environmental Permits ”, as amended)*.
- 3) The economic operator must submit, if it is not slaughterhouse, must submit **an Environmental Permit type C (code III.1.A) for refrigerated storage of packaged food products**, issued by the National Business Center *(according to law no. 60/2014 “On an amendment to Law No. 10448, dated 14.7.2011,“ On Environmental Permits ”, as amended)*.
- 4) The economic operator must submit must submit a certification of the quality management of the company, according to the international standard **ISO 9001 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 5) Economic Operator participants must submit a certification of quality and food safety management system according to international standard **ISO 22000 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 6) The economic operator must present a certificate certifying the environmental management system, according to international standard **ISO 14001 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.

In case of a joint-venture of economic operators, each economic operator must submit ISO certificates, according to works / goods / services that will take responsibility to perform and according to the agreement act (under Article 74 of CMD's No. 914 dated 29.12.2014).

II.3 Economic and financial capacity:

- 1) Copy of **annual turnover** declarations or tax administration attestation for the turnover, realized in the last three years (**2017, 2018, 2019**), whose average value must be **not less than 20% of the limit fund for this Lot**.
- 2) Certified copies of **balance sheets of the years: 2017, 2018, 2019**, submitted to the relevant tax authorities.

2.3 Technical capacity:

- 1) The economic operator must submit evidence of **previous similar supplies, made during the last 3 (three) years from the date of the proceeding, in the amount of at least 20% of the value of the fund of the agreement under this Lot**. These similar supplies must be certified with the following documentation:
 - a) The contracting authority as evidence of previous experience shall require certificates issued by a public entity or sales tax invoice indicating the dates, amounts and quantities of goods supplied,
 - b) Where similar supplies are effected by private entities, the economic operator must submit the relevant sales tax invoice indicating the dates, amounts and quantities of goods supplied.
- 2) The economic operator, must have employed **for the three-months period January - March 2020**, a staff of **minimum 4 (four) persons**. Related to the staff of the employees, the bidder must submit:
 - a) Proof of declarations of contributions for social and health insurance, at the tax administration;
 - b) Payroll list declared to tax authorities for the period January - March 2020.
- 3) The economic operator must have **at least 2 (two) vehicles ATV (freezer)**, in order to transport the goods, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) **Documentation proving ownership or renting:**
 - *documentation of proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / Purchase contract or donation contract / Any other document by which the ownership right is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proofing rental:*
 - Notarial renting contract.
 - b) Vehicle circulation permit;
 - c) Certificate of technical control of road vehicles;
 - d) Compulsory vehicle insurance policy ;
 - e) Certificate for cargo transport (only required for vehicles transporting capacity over 1.5 tons);
 - f) Sanitary approval act;
 - g) Driving license for at least 2 (two) employees.
- 4) The economic operator must have **at least 1 (one) suitable area, for the production or storage of goods subject to procurement**, with at least 100 m² surface, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) Documentation proofing ownership, leasing or rental:

➤ *documentation proofing ownership:*

- Certificate of ownership issued by the institution authorized by law / contract of sale / contract of donation / any other document by which the right of ownership is acquired under the Civil Code of the Republic of Albania.

➤ *Documentation proofing leasing:*

- Notarial leasing contract .

➤ *Documentation proofing rental:*

- Notarial renting contract.

b) Hygienic - sanitary approval for this facility, issued by the competent authority charged by law.

c) Certificate for fire protection and rescue, issued by the competent authority charged by law,

d) The economic operator must declare the fulfillment of technical and technological standards for this environment.

e) Photograph of the interior of the production or storage of the goods to be procured.

5) The economic operator must present a declaration by which must declare that, from the last control exercised by the National Food Authority, has shown that entity operates according to the requirements legal . In case that the economic operator part pick will winner, before the conclusion of the Framework Agreement is no obligation in the present relevant documentation regarding the recent control exercised of authority National Food Authority, to test exercise of its activity in accordance with legal requirements .

6) The economic operator must submit self-declaration, under that declaring to perform the freight transport service, on request and at the addresses of the Penitentiary Institutions (IEVP) .

7) The economic operator must submit a declaration, in the format as the table below, whether under the Public Procurement Law, it is a winner and / or in the process, at the same time, as a contractor / subcontractor, under a contract or contracts entered into force, or in process to sign up, for the supply / purchase of fresh food, to other contractual authorities, which at the time of bid opening is not completed at the rate of 70%. This criteria also applies in the case of joint of economic operators, for each member to declare if it has not completed the contracts at the rate of 70% of the total volumes of supplies it has undertaken to carry out, in accordance with the agreement of joint economic operators (*according to point 8 of article 27 of CMD no. 914 dated 29.12.2014*). In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information declared by the economic operator.

Nr.	The contracting authority that has awarded the contract and / or with which a framework agreement / contract is into force / or is in the process of being concluded.	The object of the procurement procedure / framework agreement / contract for which it is the winner and / or in the process, at the same time, as a contractor / subcontractor under a framework agreement / contract entered into or in the process of being concluded.	Value of winning offer / contracted value/ subcontracted value	Percentage of fulfilled/ completed value, up to the day of bid opening.
1				
2				

Notice: Bidding Economic Operator in more than one Lot must have the economic and financial capacities

(sub-point 1 of section 2.2, of the special qualification criteria) as well as the technical capacities (sub-points 1, 2, 3 of the section 2.3 of the special criteria). for qualification), how much the lot for which he has bid, taken together. In this case, the economic operator bidding in more than one Lot must submit a statement listing the documents submitted in compliance with the cumulative criteria for the specific Lot. In case the documentation declared and submitted in compliance with the cumulative criteria does not meet the economic - financial and technical capacities for all the lots where the economic operator has bid, it will be disqualified from all the lots where it has bid.

All documents must be original or notarized copies. Cases of non-submission of a document, or of false or incorrect documents, are considered as conditions for disqualification.

Annex 9

Lot IV.-"Purchase of Colonial Foods for the General Directorate of Prisons"

I. GENERAL ADMISSION / QUALIFICATION CRITERIA

The Bidder shall state that:

- a) It is registered with the National Business Center and has a procurement object in its field of activity. In case the bidder is a non-profit organization, it must declare that it is registered as a legal entity, according to Law No. 8788, dated 07.05.2001 "On Non-Profit Organizations".
- b) Is not in bankruptcy, (active status)
- c) Has not been convicted of a criminal offense in accordance with Article 45/1 of the PPL,
- ç) Has not been convicted by a final court decision for offenses related to professional activity.
- d) Has paid all liabilities for payment of taxes and social security contributions, according to the legislation in force.

The Bidder must also declare that it fulfills all the requirements listed above by submitting a written self-declaration.

If the language used in the procedure is Albanian, then the foreign language documents must be accompanied by a notarized translation into Albanian.

In the event of a merger of economic operators, each member of the group must submit the aforementioned self-declaration.

The General Criteria for Admission should not be changed by the contracting authorities.

These criteria must be met by submitting the entity's written statement on the day of bid opening, in accordance with Annex 8.

In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information stated by the economic operator as above.

In addition, if the bid is submitted by a union of economic operators, the following must be submitted:

- a) The notarized agreement under which the union of economic operators has been formally established;*
- b) Special power of attorney.*

II. SPECIFIC QUALIFICATION CRITERIA

1. The Bidder shall submit:

- a) Bid Form, according to Annex 1;*
- b) Bid Security Form, according to Annex 4 (at 2% of Lot Framework Agreement Fund)*
- c) Statement of Independent Bid Submission under Schedule 2/1;*
- (d) Statement on compliance with the technical specifications, in accordance with Annex 6;*
- e) Statement of Conflict of Interest under Annex 7;*
- (f) Statement of Guarantee of the Applicability of Legal Provisions to Labor Relations under Annex 8/1;*
- g) Certificate confirming settlement of all matured electricity obligations of energy contracts held by the economic operator registered in Albania.*

2. The Bidder shall submit:

II.1 Legal / professional capacity of economic operators:

- 1) The economic operator must submit must submit **License of the category “II.1.A.1 - Production, processing and wholesale distribution of foodstuffs”**, on its behalf, issued by the National Business Center *(no use permitted of the license of another economic operator, according to the Joint Recommendation of PPA and NFA dated 19.11.2018).*
- 2) The economic operator must submit **permit type C environment (III.1.A code)**, issued by the National Business Center *(according to Law No.60 / 2014 "On an amendment to Law no. 10448, dated 14.7 .2011, “On Environmental Permits”, as amended).*
- 3) Economic Operator participants must submit a certification of the quality management of the company, according to the international standard **ISO 9001 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 4) Economic Operator participants must submit a certification of quality and food safety management system according to international standard **ISO 22000 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 5) The economic operator must present a certificate certifying the environmental management system, according to international standard **ISO 14001 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.

In case of a joint-venture of economic operators, each economic operator must submit ISO certificates , according to works / goods / services that will take responsibility to perform and according to the agreement act (under Article 74 of CMD's No. 914 dated 29.12.2014).

II.2 Economic and financial capacity:

- 1) Copy of **annual turnover** declarations or tax administration attestation for the turnover, realized in the last three years (2017, 2018, 2019), whose average value must be **not less than 20% of the limit fund for this Lot**.
- 2) Certified copies of **balance sheets of the years: 2017, 2018, 2019**, submitted to the relevant tax authorities.

2.3 Technical capacity:

- 1) The economic operator must submit evidence of **previous similar supplies, made during the last 3 (three) years from the date of the proceeding, in the amount of at least 20% of the value of the fund of the agreement under this Lot**. These similar supplies must be certified with the following documentation:
 - a) The contracting authority as evidence of previous experience shall require certificates issued by a public entity or sales tax invoice indicating the dates, amounts and quantities of goods supplied,
 - b) Where similar supplies are effected by private entities, the economic operator must submit the relevant sales tax invoice indicating the dates, amounts and quantities of goods supplied.
- 2) The economic operator, must have employed **for the three-months period January - March 2020**, a staff of **minimum 6 (six) persons**. Related to the staff of the employees, the bidder must submit:
 - a) Proof of declarations of contributions for social and health insurance, at the tax administration;
 - b) Payroll list declared to tax authorities for the period January - March 2020.
- 3) The economic operator must have **at least 3 (three) vehicles ATP (no freezer)**, in order to transport the goods, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) **Documentation proving ownership or renting:**
 - *documentation of proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / Purchase contract or donation contract / Any other document by which the ownership right is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proofing rental:*
 - Notarial renting contract.
 - b) Vehicle circulation permit;
 - c) Certificate of technical control of road vehicles;
 - d) Compulsory vehicle insurance policy ;
 - e) Certificate for cargo transport (only required for vehicles transporting capacity over 1.5 tons);
 - f) Sanitary approval act;
 - g) Driving license for at least 3 (three) employees.
- 4) The economic operator must have **at least 1 (one) suitable area, for the production or storage of goods subject to procurement**, with at least 200 m² surface , that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) Documentation proofing ownership, leasing or rental:
 - *documentation proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / contract of sale / contract of donation / any other document by which the right of ownership is acquired under the Civil Code of the

Republic of Albania.

➤ *Documentation proofing leasing:*

- Notarial leasing contract .

➤ *Documentation proofing rental:*

- Notarial renting contract.

b) Hygienic - sanitary approval for this facility, issued by the competent authority charged by law.

c) Certificate for fire protection and rescue, issued by the competent authority charged by law,

d) The economic operator must declare the fulfillment of technical and technological standards for this environment.

e) Photograph of the interior of the production or storage of the goods to be procured.

5) The economic operator must present a declaration by which must declare that, from the last control exercised by the National Food Authority, has shown that entity operates according to the requirements legal . In case that the economic operator part pick will winner, before the conclusion of the Framework Agreement is no obligation in the present relevant documentation regarding the recent control exercised of authority National Food Authority, to test exercise of its activity in accordance with legal requirements .

6) The economic operator must submit self-declaration, under that declaring to perform the freight transport service, on request and at the addresses of the Penitentiary Institutions (IEVP) .

7) The participating economic operator must submit **Physic-Chemical Analysis Report / Sheet**, issued by a reference laboratory or accredited under the legislation in force, not earlier than 30 days from the date of the procedure, for items:

- Pasta

- Rice

- Sugar

- Iodized salt

- White beans

- Sunflower oil (edible)

- Tomato Paste (ready for dish)

8) The participating economic operator must submit a **Physic-Chemical Analysis Report / Sheet and a Microbiological Analysis Report / Sheet** issued by a reference laboratory or accredited under the legislation in force no earlier than 30 days from the date of the procedure, for the article:

- Apple marmalade, first quality.

Notice: The bidding economic operator in more than one Lot must have the economic and financial capacities (sub-point 1 of section 2.2, of the special qualification criteria) as well as the technical capacities (sub-points 1, 2, 3 and 4 of section 2.3 of the criteria). Special for qualification), how much the lot for which he has bid, taken together. In this case, the economic operator bidding in more than one Lot must submit a statement listing the documents submitted in compliance with the cumulative criteria for the

specific Lot. In case the documentation declared and submitted in compliance with the cumulative criteria does not meet the economic - financial and technical capacities for all the lots where the economic operator has bid, it will be disqualified from all the lots where it has bid.

All documents must be original or notarized copies. Cases of non-submission of a document, or of false or incorrect documents, are considered as conditions for disqualification.

Annex 9

Lot 5 - "Purchase of eggs for the General Directorate of Prisons"

I. GENERAL ADMISSION / QUALIFICATION CRITERIA

The Bidder shall state that:

- a) It is registered with the National Business Center and has a procurement object in its field of activity. In case the bidder is a non-profit organization, it must declare that it is registered as a legal entity, according to Law No. 8788, dated 07.05.2001 "On Non-Profit Organizations".
- b) Is not in bankruptcy, (active status)
- c) Has not been convicted of a criminal offense in accordance with Article 45/1 of the PPL,
- ç) Has not been convicted by a final court decision for offenses related to professional activity.
- d) Has paid all liabilities for payment of taxes and social security contributions, according to the legislation in force.

The Bidder must also declare that it fulfills all the requirements listed above by submitting a written self-declaration.

If the language used in the procedure is Albanian, then the foreign language documents must be accompanied by a notarized translation into Albanian.

In the event of a merger of economic operators, each member of the group must submit the aforementioned self-declaration.

The General Criteria for Admission should not be changed by the contracting authorities.

These criteria must be met by submitting the entity's written statement on the day of bid opening, in accordance with Annex 8.

In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information stated by the economic operator as above.

In addition, if the bid is submitted by a union of economic operators, the following must be submitted:

- a) the notarized agreement under which the union of economic operators has been formally established;**
- b) Special power of attorney.**

II. SPECIFIC QUALIFICATION CRITERIA

1. The Bidder shall submit:

- a) Bid Form, according to Annex 1;*
- b) Bid Security Form, according to Annex 4 (at 2% of Lot Framework Agreement Fund)*
- c) Statement of Independent Bid Submission under Schedule 2/1;*
- (d) Statement on compliance with the technical specifications, in accordance with Annex 6;*
- e) Statement of Conflict of Interest under Annex 7;*
- (f) Statement of Guarantee of the Applicability of Legal Provisions to Labor Relations under Annex 8/1;*
- g) Certificate confirming settlement of all matured electricity obligations of energy contracts held by the economic operator registered in Albania.*

2. The Bidder shall submit:

2.1 Legal / professional capacity of economic operators:

- 1) The participating economic operator must submit a **license of category " II.1.A.1 - Production, processing and wholesale distribution of foodstuffs for the production or marketing of eggs**, on its behalf, issued by the Center National Business *(no use of the license of another economic operator is permitted, according to the Joint Recommendation of PPA and NFA dated 19.11.2018).*
- 2) EO participants must submit **permit Environment type A or type B or type C (III.1.C or III.1.B code or III.1.A), for the manufacture or marketing of eggs** released from the National Business Center *(according to Law No. 60/2014 "On an amendment to Law No. 10448, dated 14.7.2011," On Environmental Permits ", as amended)*.
- 3) Economic Operator participants must submit a certification of the quality management of the company, according to the international standard **ISO 9001 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 4) Economic Operator participants must submit a certification of quality and food safety management system according to international standard **ISO 22000 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 5) The economic operator must present a certificate certifying the environmental management system, according to international standard **ISO 14001 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.

In case of a joint-venture of economic operators, each economic operator must submit ISO certificates, according to works / goods / services that will take responsibility to perform and according to the agreement act (under Article 74 of CMD's No. 914 dated 29.12.2014).

2.2 Economic and financial capacity:

- 1) Copy of **annual turnover** declarations or tax administration attestation for the turnover, realized in the last three years (**2017, 2018, 2019**), whose average value must be **not less than 20% of the limit fund for this Lot**.
- 2) Certified copies of **balance sheets of the years: 2017, 2018, 2019**, submitted to the relevant tax authorities.

2.3 Technical capacity:

- 1) The economic operator must submit evidence of **previous similar supplies, made during the last 3 (three) years from the date of the proceeding, in the amount of at least 20% of the value of the fund of the agreement under this Lot**. These similar supplies must be certified with the following documentation:
 - a) The contracting authority as evidence of previous experience shall require certificates issued by a public entity or sales tax invoice indicating the dates, amounts and quantities of goods supplied,
 - b) Where similar supplies are effected by private entities, the economic operator must submit the relevant sales tax invoice indicating the dates, amounts and quantities of goods supplied.
- 2) The economic operator, must have employed **for the three-months period January - March 2020**, a staff of **minimum 4 (four) persons**. Related to the staff of the employees, the bidder must submit:
 - a) Proof of declarations of contributions for social and health insurance, at the tax administration;
 - b) Payroll list declared to tax authorities for the period January - March 2020.
- 3) The economic operator must have **at least 2 (two) vehicles ATV (freezer)**, in order to transport the goods, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) **Documentation proving ownership or renting:**
 - *documentation of proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / Purchase contract or donation contract / Any other document by which the ownership right is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proofing rental:*
 - Notarial renting contract.
 - b) Vehicle circulation permit;
 - c) Certificate of technical control of road vehicles;
 - d) Compulsory vehicle insurance policy ;
 - e) Certificate for cargo transport (only required for vehicles transporting capacity over 1.5 tons);
 - f) Sanitary approval act;
 - g) Driving license for at least 2 (two) employees.
- 4) The economic operator must have **at least 1 (one) suitable area, for the production or storage of goods subject to procurement**, with at least 150 m² surface, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) Documentation proofing ownership, leasing or rental:

➤ *documentation proofing ownership:*

- Certificate of ownership issued by the institution authorized by law / contract of sale / contract of donation / any other document by which the right of ownership is acquired under the Civil Code of the Republic of Albania.

➤ *Documentation proofing leasing:*

- Notarial leasing contract .

➤ *Documentation proofing rental:*

- Notarial renting contract.

b) Hygienic - sanitary approval for this facility, issued by the competent authority charged by law.

c) Certificate for fire protection and rescue, issued by the competent authority charged by law,

d) The economic operator must declare the fulfillment of technical and technological standards for this environment.

e) Photograph of the interior of the production or storage of the goods to be procured.

5) The economic operator must present a declaration by which must declare that, from the last control exercised by the National Food Authority, has shown that entity operates according to the requirements legal . In case that the economic operator part pick will winner, before the conclusion of the Framework Agreement is no obligation in the present relevant documentation regarding the recent control exercised of authority National Food Authority, to test exercise of its activity in accordance with legal requirements .

6) The economic operator must submit self-declaration, under that declaring to perform the freight transport service, on request and at the addresses of the Penitentiary Institutions (IEVP) .

7) The participating economic operator must submit a **Microbiological Analysis Report / Sheet**, issued by a reference laboratory or accredited according to the legislation in force, not earlier than 30 days from the date of the procedure, for the egg item.

8) The economic operator must submit a declaration, in the format as the table below, whether under the Public Procurement Law, it is a winner and / or in the process, at the same time, as a contractor / subcontractor, under a contract or contracts entered into force, or in process to sign up, for the supply / purchase of fresh food, to other contractual authorities, which at the time of bid opening is not completed at the rate of 70%. This criteria also applies in the case of joint of economic operators, for each member to declare if it has not completed the contracts at the rate of 70% of the total volumes of supplies it has undertaken to carry out, in accordance with the agreement of joint economic operators (*according to point 8 of article 27 of CMD no. 914 dated 29.12.2014*). In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information declared by the economic operator.

Nr.	The contracting authority that has awarded the contract and / or with which a framework agreement / contract is into force / or is in the process of being concluded.	The object of the procurement procedure / framework agreement / contract for which it is the winner and / or in the process, at the same time, as a contractor / subcontractor under a framework agreement / contract entered into or in the process of being	Value of winning offer / contracted value/ subcontracted value	Percentage of fulfilled/ completed value, up to the day of bid opening.
-----	---	---	--	---

		concluded.		
1				
2				

Notice: Bidding Economic Operator in more than one Lot must have the economic and financial capacities (sub-point 1 of section 2.2, of the special qualification criteria) as well as the technical capacities (sub-points 1, 2, 3 of the section 2.3 of the special criteria). for qualification), how much the lot for which he has bid, taken together. In this case, the economic operator bidding in more than one Lot must submit a statement listing the documents submitted in compliance with the cumulative criteria for the specific Lot. In case the documentation declared and submitted in compliance with the cumulative criteria does not meet the economic - financial and technical capacities for all the lots where the economic operator has bid, it will be disqualified from all the lots where it has bid.

All documents must be original or notarized copies. Cases of non-submission of a document, or of false or incorrect documents, are considered as conditions for disqualification.

Annex 9

Lot VI. "Purchase of fruits and vegetables for the General Directorate of Prisons"

I. GENERAL ADMISSION / QUALIFICATION CRITERIA

The Bidder shall state that:

- a) It is registered with the National Business Center and has a procurement object in its field of activity. In case the bidder is a non-profit organization, it must declare that it is registered as a legal entity, according to Law No. 8788, dated 07.05.2001 "On Non-Profit Organizations".
- b) Is not in bankruptcy, (active status)
- c) Has not been convicted of a criminal offense in accordance with Article 45/1 of the PPL,
- ç) Has not been convicted by a final court decision for offenses related to professional activity.
- d) Has paid all liabilities for payment of taxes and social security contributions, according to the legislation in force.

The Bidder must also declare that it fulfills all the requirements listed above by submitting a written self-declaration.

If the language used in the procedure is Albanian, then the foreign language documents must be accompanied by a notarized translation into Albanian.

In the event of a merger of economic operators, each member of the group must submit the aforementioned self-declaration.

The General Criteria for Admission should not be changed by the contracting authorities.

These criteria must be met by submitting the entity's written statement on the day of bid opening, in accordance with Annex 8.

In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information stated by the economic operator as above.

In addition, if the bid is submitted by a union of economic operators, the following must be submitted:

- a) The notarized agreement under which the union of economic operators has been formally established;*
- b) Special power of attorney.*

II. SPECIFIC QUALIFICATION CRITERIA

1. The Bidder shall submit:

- a) Bid Form, according to Annex 1;*
- b) Bid Security Form, according to Annex 4 (at 2% of Lot Framework Agreement Fund)*
- c) Statement of Independent Bid Submission under Schedule 2/1;*
- (d) Statement on compliance with the technical specifications, in accordance with Annex 6;*
- e) Statement of Conflict of Interest under Annex 7;*
- (f) Statement of Guarantee of the Applicability of Legal Provisions to Labor Relations under Annex 8/1;*
- g) Certificate confirming settlement of all matured electricity obligations of energy contracts held by the economic operator registered in Albania.*

2. The Bidder shall submit:

II.1 Legal / professional capacity of economic operators:

- 1) The participating economic operator must submit a **License of the category “II.1.A.1 - Production, processing and wholesale distribution of foodstuffs”**, on its behalf, issued by the National Business Center *(no use permitted of the license of another economic operator, according to the Joint Recommendation of PPA and NFA dated 19.11.2018).*
- 2) Economic Operator participants must submit a certification of the quality management of the company, according to the international standard **ISO 9001 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 3) Economic Operator participants must submit a certification of quality and food safety management system according to international standard **ISO 22000 or equivalent**. The certificate must be in force, valid at the time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.
- 4) The economic operator must present a certificate certifying the environmental management system, according to international standard **ISO 14001 or equivalent**. The certificate must be in force, valid at the

time of the procedure and must be issued by a conformity assessment body accredited by the national accreditation body or international accreditation bodies recognized by the Republic of Albania.

In case of a joint-venture of economic operators, each economic operator must submit ISO certificates, according to works / goods / services that will take responsibility to perform and according to the agreement act (under Article 74 of CMD's No. 914 dated 29.12.2014).

2.2 Economic and financial capacity:

- 1) Copy of **annual turnover** declarations or tax administration attestation for the turnover, realized in the last three years (**2017, 2018, 2019**), whose average value must be **not less than 20% of the limit fund for this Lot**.
- 2) Certified copies of **balance sheets of the years: 2017, 2018, 2019**, submitted to the relevant tax authorities.

2.3 Technical capacity:

- 1) The economic operator must submit evidence of **previous similar supplies, made during the last 3 (three) years from the date of the proceeding, in the amount of at least 20% of the value of the fund of the agreement under this Lot**. These similar supplies must be certified with the following documentation:
 - a) The contracting authority as evidence of previous experience shall require certificates issued by a public entity or sales tax invoice indicating the dates, amounts and quantities of goods supplied,
 - b) Where similar supplies are effected by private entities, the economic operator must submit the relevant sales tax invoice indicating the dates, amounts and quantities of goods supplied.
- 2) The economic operator, must have employed **for the three-months period January - March 2020**, a staff of **minimum 4 (four) persons**. Related to the staff of the employees, the bidder must submit:
 - a) Proof of declarations of contributions for social and health insurance, at the tax administration;
 - b) Payroll list declared to tax authorities for the period January - March 2020.
- 3) The economic operator must have **at least 2 (two) vehicles ATP (no freezer)**, in order to transport the goods, that may be owned or leased, and for that must submit the relevant documentation, as follows:
 - a) **Documentation proving ownership or renting:**
 - *documentation of proofing ownership:*
 - Certificate of ownership issued by the institution authorized by law / Purchase contract or donation contract / Any other document by which the ownership right is acquired under the Civil Code of the Republic of Albania.
 - *Documentation proofing rental:*
 - Notarial renting contract.
 - b) Vehicle circulation permit;
 - c) Certificate of technical control of road vehicles;
 - d) Compulsory vehicle insurance policy ;
 - e) Certificate for cargo transport (only required for vehicles transporting capacity over 1.5 tons);
 - f) Sanitary approval act;
 - g) Driving license for at least 2 (two) employees.
- 4) The economic operator must have **at least 1 (one) suitable area, for the production or storage of**

goods subject to procurement, with at least 200 m² surface , that may be owned or leased, and for that must submit the relevant documentation, as follows:

a) Documentation proofing ownership, leasing or rental:

➤ *documentation proofing ownership:*

- Certificate of ownership issued by the institution authorized by law / contract of sale / contract of donation / any other document by which the right of ownership is acquired under the Civil Code of the Republic of Albania.

➤ *Documentation proofing leasing:*

- Notarial leasing contract .

➤ *Documentation proofing rental:*

- Notarial renting contract.

b) Hygienic - sanitary approval for this facility, issued by the competent authority charged by law.

c) Certificate for fire protection and rescue, issued by the competent authority charged by law,

d) The economic operator must declare the fulfillment of technical and technological standards for this environment.

e) Photograph of the interior of the production or storage of the goods to be procured.

5) The economic operator must present a declaration by which must declare that, from the last control exercised by the National Food Authority, has shown that entity operates according to the requirements legal . In case that the economic operator part pick will winner, before the conclusion of the Framework Agreement is no obligation in the present relevant documentation regarding the recent control exercised of authority National Food Authority, to test exercise of its activity in accordance with legal requirements .

6) The economic operator must submit self-declaration, under that declaring to perform the freight transport service, on request and at the addresses of the Penitentiary Institutions (IEVP) .

7) The economic operator must submit a declaration, in the format as the table below, whether under the Public Procurement Law, it is a winner and / or in the process, at the same time, as a contractor / subcontractor, under a contract or contracts entered into force, or in process to sign up, for the supply / purchase of fresh food, to other contractual authorities, which at the time of bid opening is not completed at the rate of 70%. This criteria also applies in the case of joint of economic operators, for each member to declare if it has not completed the contracts at the rate of 70% of the total volumes of supplies it has undertaken to carry out, in accordance with the agreement of joint economic operators (*according to point 8 of article 27 of CMD no. 914 dated 29.12.2014*). In any case, the contracting authority has the right to carry out the necessary verifications on the truthfulness of the information declared by the economic operator.

Nr.	The contracting authority that has awarded the contract and / or with which a framework agreement / contract is into force / or is in the process of being concluded.	The object of the procurement procedure / framework agreement / contract for which it is the winner and / or in the process, at the same time, as a contractor / subcontractor under a framework agreement / contract entered into or in the process of being concluded.	Value of winning offer / contracted value/ subcontracted value	Percentage of fulfilled/ completed value, up to the day of bid opening.
1				
2				

Notice: Bidding Economic Operator in more than one Lot must have the economic and financial capacities (sub-point 1 of section 2.2, of the special qualification criteria) as well as the technical capacities (sub-points 1, 2, 3 of the section 2.3 of the special criteria). for qualification), how much the lot for which he has bid, taken together. In this case, the economic operator bidding in more than one Lot must submit a statement listing the documents submitted in compliance with the cumulative criteria for the specific Lot. In case the documentation declared and submitted in compliance with the cumulative criteria does not meet the economic - financial and technical capacities for all the lots where the economic operator has bid, it will be disqualified from all the lots where it has bid.

All documents must be original or notarized copies. Cases of non-submission of a document, or of false or incorrect documents, are considered as conditions for disqualification.

Annex 10

[Annex to be filled in by Contracting Authority]

TECHNICAL SPECIFICATIONS

Refer to ANNEX No. 1

Annex 11

[Annex to be filled in by the Contracting Authority in the Framework Agreement]

PLANNING OF CONTRACTS IN THE FRAMEWORK AGREEMENT

Good: Total number of contracts under Framework Agreement		
Contract No.	Contract Title	Brief Description of the contract
01		
02		
03		
...		

Annex 12

(Annex to be filled in by Contracting Authority)

(Annex to be filled in by Contracting Authority under Framework Agreement during the reopening of mini-bidding process)

QUANTITY AND DELIVERY SCHEDULE

The amount of goods that may be required:

For Lot - “Purchase bread wheat and bun for the Directorate of General of Prisons”

Nr.	Naming of food items	The measure	Expected quantities
1	Wheat bread with 75% radius	kg	1918075

➤ **For Lot 2 - “Purchase of dairy products and their by-products for the General Directorate of Prisons”**

Nr.	Naming of food items	The measure	Expected quantities
1	White cheese slice, first quality		
	White Cheese Slice Cheese, first quality	kg	138 335
2	Fresh Salt-Free Butter Butter, first quality	kg	18250
3	Sterilized semi-fat milk		
	Semi-fat sterilized milk (1 liter quadruple packaging)	piece	876000

➤ **For Lot 3 - “Purchase of meat and its by-products for the General Directorate of Prisons”**

Nr.	Naming of food items	The measure	Expected quantities
1	Veal meat, first quality	kg	359 890

➤ **For Lot 4 - “Purchase of Colonial Foods for the General Directorate of Prisons”**

Nr.	Naming of food items	The measure	Expected quantities
1	Pasta (spaghetti, spiral)	kg	179 580
2	Rice, first quality	kg	166 440
3	Sugar	kg	96 725
4	White beans	kg	170 820
5	Sunflower oil (edible)		
	Sunflower Oil (Plastic Packaging> 1 Liter)	liter	137 313
6	Tomato sauce with useful extract content, according to the refractometer: 28-30%		
	Dish ready sauce (1kg metal wrap)	piece	16 644
7	Iodized salt, first quality (polyethylene bag)	kg	20 805
8	Marmalade, first quality		
	Apple marmalade, first quality	kg	133 955
9	Mountain tea, first quality	kg	8322

➤ **For Lot 5 - “Purchase of Eggs for the General Directorate of Prisons”**

Nr.	Naming of food items	The measure	Expected quantities
1	Egg		
	Eggs, weighing 53 g or more and not more than 63 g (M).	grain	4161000

➤ **For Lot 6 - “Purchase of fruits and vegetables for the General Directorate of Prisons”**

Nr.	Naming of food items	The measure	Expected quantities
1	Green peas grain, first quality	kg	6461
2	Frozen grain peas, first quality	kg	2584
3	Legume beans, first quality	kg	12921
4	Okay, first quality	kg	3876
5	Leeks, first quality	kg	64 605
6	Spinach, first quality	kg	33 595
7	Tomatoes, first quality	kg	83 987
8	Dry onion, first quality	kg	206 736
9	Green onions, first quality	kg	9045
10	Potatoes, first quality	kg	586 613
11	White cabbage, first quality	kg	77 526
12	Peppers, first quality	kg	38 763
13	Eggplant, first quality	kg	32303
14	Pumpkin, first quality	kg	47 806
15	Carrots, first quality	kg	85 279
16	Apples, first quality	kg	249 660
17	Oranges, first quality	kg	83220
18	Mandarin, first quality	kg	20 805
19	Pear, first quality	kg	8322
20	Peaches, first quality	kg	20 805
21	Nectarine, first quality	kg	20 805
22	Plums, first quality	kg	4161
23	Apricots, first quality	kg	8322

Delivery deadlines:

Starting from the date of conclusion of the contract / contracts with completion to meet the needs of the contracting authorities, under the framework agreement, for each lot.

Vehicles should carry out the transport of foodstuffs, which should be equipped with temperature meters (tachographs) for tracking the temperature during the movement of the vehicle.

Annex 13

[Annex to be filled in by the Contracting Authority]

STANDARD NOTIFICATION FOR THE DISQUALIFIED BIDDER¹

[Location and Date]

[Name and address of the Contracting Authority]

[Bidder's address]

Dear Sir/Madam, Mr./Ms. <name of contact>

Thank you for your participation in the aforementioned public procurement procedure. The procedure is conducted in accordance with Law no. 9643-dated 20.11.2006 "On Public Procurement".

Your bid was carefully evaluated according to the terms and conditions set out in the contract notice and the bidding file. I regret to inform you that you were disqualified because the bid submitted by you was rejected due to the following (s) reason:

If you think that the Contracting Authority has violated the LPP or RPP during the public procurement procedure, then you have the right to initiate a review procedure as provided for in Chapter VII of the LPP.

Although we could not use your services in this case, I believe that You will continue to be interested in our procurement initiatives.

With respect

< Name >

Annex 14

[Annex to be filled in by the Contracting Authority]

WINNER NOTIFICATION FORM

[Date]

To: *[Name and address of the bidder declared winning]*

* * *

Procurement procedure:

Reference Procedure / Lot Reference:

Short description of the contract: *[Quantity or purpose and duration of the contract]*

Previous publications (if applicable): Public Announcement Bulletin *[Date]* *[Number]*

Winner selection criteria: lowest price most economically advantageous bid

We notify that these bidders have participated in the procedure with the respective values offered:

1. _____
Company's full name

_____ *VAT Identification Number*

Amount _____
(In numbers and words)

2. _____
Company's full name *VAT Identification Number*
 Amount _____
(In numbers and words)
 Etc. _____

The following bidders have been disqualified:

1. _____
Company's full name *VAT Identification Number*
 2. _____
Company's full name *VAT Identification Number*

Respectively for the following reasons:

* * *

In reference to the above-mentioned procedure, we herein inform *[name and address of the awarded bidder]* that the bid submitted, with a total value of *[the relevant amount expressed in words and figures]* / total points awarded *[_____]* identified as successful bid.

Consequently, you are encouraged to submit to *[name and address of the contracting authority and contact reference]* insurance contract, as provided in the Tender Documents within _____ days of receipt / publication of this notice.

In case you do not comply with this requirement, or withdraw from signing the contract, your bid security shall be forfeited (if any) and the contract shall be awarded to the next bidder in the final qualification, whose bid is offered with a total value of *[respective value expressed in words and figures]*, as provided in Article 58 of Law 9643 date 20.11.2006 "On Public Procurement", as amended.

Award Notification published on _____

Complaint: yes, or no _____
 (If any) answer received on _____

* * *

[Head of Contracting Authority]

Annex 15

[Annex to be filled in by Contracting Authority under Framework Agreement]

NOTIFICATION FORM OF SUCCESSFUL ECONOMIC OPERATORS IN THE FRAMEWORK AGREEMENT

[Date]

To: *[Name and address of successful economic operators]*

1. _____
2. _____
3. _____

* * *

Procurement procedure:

Number of procedure's reference and number of lot's reference:

Short description of contract: *[Quantity, object, duration of contract, etc.]*

Previous publications (if applicable): Public Notices Bulletin [Date] [Number]

Successful bidder selection criteria: lowest price most economically advantageous bid

We notify that the following bidders have participated in the procedure with the respective values offered:

1. Company's full name VAT Identification Number
 Amount (in numbers and words)

The summary price per unit offered / value _____
(with numbers and words)

2. _____
Company's full name _____ *VAT Identification Number* _____
 Amount _____
(in numbers and words)

The summary price per unit offered / value _____
(with numbers and words)

Etc.

The following economic operators have been disqualified:

- | | |
|--|----------------------------------|
| 1. _____
<i>Company's full name</i> | _____ |
| | <i>VAT Identification Number</i> |
| 2. _____
<i>Company's full name</i> | _____ |
| | <i>VAT Identification Number</i> |

Respectively for the following reasons:

* * *

In reference to the above-mentioned procedure, we herein inform that the following economic operators have been identified as successful:

1. _____
Company's full name *VAT Identification Number*
Amount _____ / Total points received _____
(in numbers and words)

The summary price per unit offered / value _____
(with numbers and words)

2. _____
Company's full name *VAT Identification Number*
Amount _____ / Total points received _____
(in numbers and words)

The summary price per unit offered / value _____
(with numbers and words)

Etc. _____

Consequently, you are invited to appear at *[name and address of the contracting authority and contact reference]*, before _____ days from the date of receipt / publication of this notice to conclude the draft agreement.

Classification Notice done in date _____

Complaint: yes, or no _____
(If any) answer received on _____

[Head of Contracting Authority]

Annex 16

GENERAL CONDITIONS Goods – Open Tender

Article 1: Scope

- 1.1 These general terms of contract, (GTC) will be implemented for the purchase of procured goods through a negotiation procedure.
- 1.2 Law on Public Procurement in the Republic of Albania provides that the provisions of the Albanian Civil Code shall apply to public procurement contracts. Some provisions of the Code are included in the GTC in order to increase the transparency of the terms of the contract. However, quoting some provisions herein shall not in any way affect the implementation of other provisions of the Civil Code of this contract.
- 1.3 Similarly, some provisions of the Law on Public Procurement are included in the GTC in order to increase the transparency of the law governing public procurement. However, quoting some provisions herein shall not in any way affect the implementation of other provisions of the Law on Public Procurement on the rights, duties and obligations of the parties.
- 1.4 GTC shall apply to the extent not superseded by the terms and provisions set out in other parts of the contract.
- 1.5 Terms of the contract shall also include special terms of contract (STC). If case of discrepancy between the GTC and the STC, the STC shall prevail.

Article 2: Definitions

- 2.1 “Contract” means the written agreement concluded between the procuring entity and the Supplier consisting of the tender documents including the GTC and the STC, all attachments and completed forms and all other documents incorporated by reference in any document.
- 2.2 “Price of contract” means the price payable to the Contractor under the Contract for the full and proper performance of its contract obligations.
- 2.3 “Incoterms” means international trade terms that make up the rules of interpretation of commercial terms that determine the relevant obligations, costs, and risks associated with the transfer of goods from the seller to the buyer.
- 2.4 “Delivery” means all activities and actions that enable the taking of goods at the place of distribution as specified in the contract such as packaging, transport, insurance, tariffs, customs procedures, loading and unloading, installation, collection, merger, control of operations and overseeing all this activity.
- 2.5 “Contracting Authority” means the entity that is part of this contract and the provisions of this contract buys goods. This term wherever used has similar meaning to that defined in the law.
- 2.6 “Contractor” means a natural or legal person that is a party to this contract and according to the provisions of this contract, supplies the Goods.
- 2.7 “Party (ies)” mean the signatories to the contract.
- 2.8 “Goods” means raw materials, products, machinery and equipment, rigid, liquid or gaseous items.
- 2.9 “Related Services” means ancillary or unforeseeable supplies of Goods, such as transportation, installation, maintenance, training, support services or similar obligations related to the supply of Goods.
- 2.10 “Object of contract” means all Goods and Services related thereto to which the Contractor shall provide under the contract.
- 2.11 “Technical Standard” means the specifications approved by a standardization body for continuous or repeated application. Such standards are used as rules, regulations or definitions of characteristics to ensure that processed materials and services match the purpose.

Article 3: Drafting of Contract

- 3.1 The award notification shall serve as a basis for the drafting of contract between the parties, which shall be signed within the term stated in the Tender Documents.

- 3.2 The existence of contract is confirmed by the signing of a contract document incorporating all agreements between the parties.

Article 4: Corrupted Practices, Conflict of Interest and Inspection of Records

- 4.1 The Contracting Authority can petition to the court to declare the nullity of contract if it ascertains that the Contractor has committed acts of corruption. Corruptive actions include actions described in Article 26 of the Law on Public Procurement.
- 4.2 The Contractor shall not be associated (present or past) with a consultant or any other entity that has participated in the preparation of tender documents for this procurement.
- 4.3 The Contractor shall permit the Contracting Authority to inspect the accounts and records related to the implementation of the contract or to have them audited by inspectors appointed by the Contracting Authority.

Article 5: Confidential Information

- 5.1 Contractor and the Contracting Authority must keep confidential all documents, data and other information provided by the other party to the contract.
- 5.2 Contractor may provide subcontractors such documents, data or other information it receives from the Contracting Authority to the extent required for the subcontractor to perform its work under the contract. In such case, the Contractor shall include in its contract with the sub-Contractor a provision that provides for confidentiality as stated in Section 5.1 above.

Article 6: Intellectual Property

- 6.1 Except as otherwise provided in the contract, all intellectual property rights provided by the Contractor in performing the contract shall belong to the contractor who may use his discretion.
- 6.2 Except otherwise provided in the contract, the Contractor, after completion of the contract, the contracting authority shall submit all reports and data such as maps, diagrams, drawings, specifications, plans, statistics, calculations and supporting records or materials acquired, or prepared by the Contractor in performing the contract. Contractor may retain copies of such documents and data, but shall not be used for purposes related to the contract without prior written approval of the Contracting Authority.
- 6.3 The Contractor shall provide the Contracting Authority from liability for infringement of intellectual property rights that may arise from the production or distribution of goods under the contract.
- 6.4 In the event of any claim or suit against the Contracting Authority in connection with any violation of intellectual property rights caused by the implementation of the contract or the use of goods supplied under the contract, the Contractor shall provide the Contracting Authority all evidence and information in the possession Contractor pertaining to such suit or claim.

Article 7: Origin of Goods

- 7.1 There is no restriction on the nationality of the origin of goods other than those, which may have been set out in any United Nations General Assembly Resolution.
- 7.2 The contractor may be required to verify the origin of the goods.
- 7.3 For verification purposes, “origin” means the place where goods are extracted or produced. Goods are produced when, through the processing, processing, or sufficient assembly of components, results in a new product known in trade that is quite different in the basic characteristics or in the purpose or use of its components.
- 7.4 The origin of the goods differs from the nationality of the Contractor or the subcontractor who provides the goods.

Article 8: Purpose of Supply and Suitability of Goods with Specifications

- 8.1 The Contractor must deliver the Goods in accordance with the quality, quantity and type specified in the contract, and placed and packaged in the manner prescribed in the contract.
- 8.2 Goods are not in compliance with the contract if they are not suitable for the special use provided for

in the contract. Where it is not possible to determine such a thing, it is said that the Goods are not in accordance with the contract if they are not suitable for use for which usually other items of the same type are.

- 8.3 If the sale is made based on a model or sample, the seller (Contractor) must deliver items of the same quality as the model or sample.

Article 9: Compatibility of Goods with Technical Standards

- 9.1 Goods supplied under the contract must conform to the codes and technical standards provided for in the technical specifications. If, during the execution of the contract, there are changes in the relevant codes or in the Technical Standards, these changes will only apply after approval by the Contracting Authority.
- 9.2 Except where provided for by any other provision of the contract, where no relevant Technical Standard is specified in the Technical Specifications, the Goods shall conform to International Technical Standards. If there are no International Technical Standards, the Goods must conform to the relevant Albanian Technical Standards.
- 9.3 The Contractor is not responsible for any errors in the design, data, drawing or any other aspect of the technical specifications provided by the Contracting Authority, except where the error was very apparent so that the Contractor should have noticed it and should have warned the Contracting Authority about it.
- 9.4 The Seller (Contractor) is not responsible for defects in Goods for which the Contracting Authority was aware at the time of the conclusion of the contract or was unaware because of its fault, unless the defects relate to the specified goods quality under the contract or representation of the vendor's advertising (the Contractor).

Article 10: Spare Parts

- 10.1 If it is foreseen in the contract, the Contractor shall include with the Goods delivered, a quantity of spare parts, in accordance with the technical specifications and any relevant provision of the contract.
- 10.2 Except as otherwise provided, the exchange parts shall be delivered together with the Goods.
- 10.3 The Contractor shall guarantee the availability of spare parts for a period specified in his offer and equal to the useful life of the Goods.
- 10.4 In the event that discontinuance of the production of spare parts is decided, the Contractor shall notify the Contracting Authority within an enough/reasonable time to allow it to procure sufficient quantities for subsequent use.
- 10.5 Upon termination of production of spare parts, the Contractor shall deliver to the Contracting Authority, if he so requests, any production, tool, design of spare parts used in the manufacture and maintenance of the Goods.

Article 11: Packaging

- 11.1 The Contractor shall deliver the Goods placed and packed in the manner specified in the Contract.
- 11.2 Except where provided for by any other article of the contract, it may be said that the Goods have not been placed and packaged in accordance with the contract if they are not placed and packaged in the same manner as is usually done for things of the same type or, the usual way is not available, in a manner that is appropriate for the storage and protection of the Goods.

Article 12: Tests and Inspections

- 12.1 The Contractor must make all the tests and inspections required by the contract provisions. The cost of these tests and inspections must be fully funded by the Contractor within the terms of the contract price.
- 12.2 At his own expense, the Contracting Authority has the right to pursue tests and/or inspections.
- 12.3 The Contracting Authority may also require the Contractor to undertake additional tests or inspections unforeseen in the contract but deemed necessary to verify that the Goods conform to the specifications and terms of the contract. The contracting authority will be responsible for the cost of

these tests. Further, if these tests prohibit the progress of the Contractor's work, the Contracting Authority will agree to change the delivery graph.

- 12.4 The Contracting Authority shall refuse any Goods that does not pass the testing and/or inspection or is not in conformity with the technical specifications and conditions required in the performance of the contract.
- 12.5 The execution of the tests or the inspection of the Goods does not relieve the Contractor of any other warranties or obligations under the contract.

Article 13: Terms of Delivery

- 13.1 The Contractor is obliged to perform all the activities and actions of submission except when the Contractor is specifically excluded from such activity or action by any provision of the contract. If an Incoterm is used to describe the obligations of the parties, the term will have the meaning given to it by the latest edition of Incoterms published by the International Chamber of Commerce.
- 13.2 The place of delivery of the Goods will be as specified in the contract.
- 13.3 The Delivery Time of the Goods and the date of completion of the Services related thereto shall be as specified in the Contract.
- 13.4 Delivery of Goods must be done during working hours unless this requirement contradicts any provision of the contract.
- 13.5 The Contractor is obliged to notify the Contracting Authority within a reasonable time period for submitting the Goods prior to their arrival.

Article 14: Transportation of Goods

- 14.1 The Contractor is obliged to provide the loading and transportation of the Goods as required, in order to meet the deadlines and terms of delivery specified in the contract.
- 14.2 If the Contracting Authority is obliged to receive the Goods by any means of transport or transport agency, the Contractor shall provide a reasonable prior notice of the transport and submit to the Contracting Authority all necessary documents for obtaining the Goods.
- 14.3 If the seller [the Contractor] is obliged to deliver the goods to the transport vehicle in a place specified in the contract, the loss risk passes to the Contracting Authority only when the goods are delivered to the transport vehicle at the specified location. The fact that the seller [the Contractor] is authorized to keep the representative documents of the goods does not affect the passage of the risk.

Article 15: Insurance

- 15.1 Except as otherwise provided in the contract, the Contractor shall ensure that the Goods to be delivered under the Contract are fully insured against loss or damage during transport, storage or delivery.

Article 16: Verification and Receipt of Goods

- 16.1 Prior to the receipt, the Contracting Authority has the right to verify, inspect and test the Goods. These actions must be carried out immediately after delivery of the Goods. The Contractor has the right to participate in this process and to examine the relevant reports prepared by the Contracting Authority or its agents.
- 16.2 The Contracting Authority accepts or rejects the Goods immediately after delivery by notifying in writing to the Contractor of its decision to accept or refuse the Goods.

Article 17: Guarantees

- 17.1 The Contractor warrants that the Goods are new, unused and of the latest models and incorporate recent upgrades in the design and materials, unless otherwise provided in the contract.
- 17.2 The Seller (the Contractor) is responsible for any defect or discrepancy that exists at the time the risk passes to the Contracting Authority, even when the defect occurs after that moment.
- 17.3 The Seller (the Contractor) is responsible for the discrepancy that is verified after the moment shown in the preceding paragraph and arising from non-performance of any obligation, including the guarantee that the Goods must be appropriate for their ordinary and specific use for a specified period time, or that they will preserve certain qualities and characteristics.

- 17.4 Except as otherwise provided in the contract or the law, the Contracting Authority loses its right to object to the defects of the item if it does not denounce them to the seller (the Contractor), specifying their nature within ten days from their discovery.
- 17.5 The Contracting Authority shall provide the Contractor with all the necessary means to inspect these defects.
- 17.6 Upon receipt of this notice, the Contractor shall promptly repair or replace defective Goods or parts thereof free of charge to the Contracting Authority.
- 17.7 If, upon receipt of the notice, the Contractor fails to correct the defect within a reasonable period, the Contracting Authority may take action for the necessary adjustment, at the Contractor's expense.
- 17.8 In any case, the Contracting Authority shall lose the right to object to the defects of the item if it fails to exercise its right within two years from the date when the items have been delivered to it, unless that period is inconsistent with the duration of contract guaranty.
- 17.9 Seller (Contractor) cannot use the rules provided here if the defects relate to facts known to him or which could not have been unknown to him and which have not been disclosed to the Contracting Authority.

Article 18: Contract Price

- 18.1 The contract price is the price given in the Contractor's bid and accepted by the Contracting Authority.
- 18.2 Except as otherwise provided in the contract, the contract price includes the costs and charges, including customs duties and charges related to the delivery of the Goods, transport, security, installation, testing, loading, download, instructions, manuals and documents in the language specified and necessary for the use, repair, maintenance and repair of the Goods. The value of taxes and fees should be determined according to the relevant legislation, in force 28 days before the opening of the bids.

Article 19: Payment Deadlines

- 19.1 The contract price, including any advance payment, must be paid in time as specified in the contract.
- 19.2 Unless otherwise provided by another provision of the contract, payment must be made in Albanian currency. The exchange rate of different currencies shall be the rate of the Bank of Albania fixed on the day of dispatch for publication of the contract notice.
- 19.3 Unless otherwise provided by another provision of the contract, the Contractor's request for payment shall be made in writing to the Contracting Authority. For each request, the Contractor shall submit an original and one copy together with a list of items describing the goods delivered and services rendered.
- 19.4 Unless otherwise provided by another provision of the contract, payment for goods shall be made within 30 calendar days from the day the goods are received or the date of receipt of the request for payment whichever is later.
- 19.5 Payment date shall be the day that the funds are debited from the account of the Contracting Authority.

Article 20: Payment Delay

- 20.1 In case of verification of delays in making payments by the Contracting Authority, although the Contractor has fulfilled all its obligations in accordance with the terms of the contract, the arrears and the relevant interest charges shall be made in accordance with the provisions of Law no. 48/2014 "On late payments in contractual and commercial liabilities".

Article 21: Amendment of Laws and Regulations

- 21.1 If after the date of signing the contract, any law, regulation, ordinance, order or procedure having the effect of law in Albania is enacted, promulgated or amended that affects the conditions, including the date of delivery, or contract price, terms or contract price shall be adjusted to the extent that the Supplier is affected in the performance of his obligations under the contract.

Article 22: Force Majeure

- 22.1 Contractor is not liable for loss of contract insurance, liquidated damages or termination of contract on grounds of default if and to the extent that its delay in performance or other failure to implement its obligations under the contract is the result of an event of Force Majeure.
- 22.2 For the purposes of this article “Force Majeure” means an event beyond the control of the Contractor on the fault or negligence and unpredictable. Such events may include, but are not limited to the actions of the Contracting Authority either in its sovereign capacity or, war or revolutions, fires, floods, earthquakes, epidemics, quarantine restrictions and embargoes.
- 22.3 If any occurrence of Force Majeure, the Contractor shall promptly notify the Contracting Authority. Unless the Contracting Authority gives different directives, the Contractor shall continue to perform its obligations under the contract as far as reasonably practical and shall seek all reasonable alternative means for performance not prevented by the Force Majeure.

Article 23: Delay in Performance and Extensions of Term

- 23.1 Except as otherwise provided, the Contractor shall commence performance of the contract immediately after signing it.
- 23.2 Unless the Contracting Authority agrees to contract extension, the Contracting Authority is entitled to liquidate damages for delay in performance if the Contractor fails to perform any of the Goods within the period specified in the contract implementation.
- 23.3 Contracting Authority may deduct the amount of liquidated damages to be paid by the amount of the payment to the Contractor. In such case the Contractor shall notify in writing the Contractor of the amount and reason for the deduction.
- 23.4 Contracting Authority shall agree to an extension of term in case of Force Majeure.
- 23.5 The Contracting Authority may agree to an extension of term in other circumstances if it is in the public interest to do so. If the Contractor encounters conditions that impede the term, the Contractor shall promptly notify the Contracting Authority in writing of the delay, the cause and the proposed date of delivery or completion. The Contracting Authority shall evaluate the request. If the Contracting Authority agrees to the delay, the extension shall come into force with a written amendment to the contract signed by the Contracting Authority and the Contractor.

Article 24: Liquidation of Damages for Late Delivery

- 24.1 Liquidated damages for late delivery will be calculated with the following daily fees:
- a) For contracts with implementation period of no more than 6 months, the daily rate shall be 4/1000 of the corresponding value not been implemented yet by the total contract price, but this value shall be calculated more than 25% of the contract price.
 - b) For contracts with implementation period of no more than 12 months, the daily rate shall be 2/1000 of the corresponding value not been implemented yet by the total contract price, but this value shall be calculated more than 25% of the contract price.
 - c) For contracts with a period of performance of more than 12 months, the daily rate shall be 1/1000 of the corresponding value not been implemented by the total contract price, but this value shall be calculated more than 25% of the contract price.

Article 25: Negotiation and Amendments

- 25.1 The parties shall not negotiate changes or amendments to any element of the contract that shall change the conditions that underlie the selection of the Contractor.
- 25.2 No amendment or other variation of the contract shall be valid unless it is in writing, it is dated, it is expressly referring to the contract and it is signed by an authorized representative of the Contractor and the Contracting Authority.
- 25.3 Any withdraw from the rights, powers or remedies that may be made under the contract must be in writing, dated and signed by an authorized representative of the party granting such waiver, and must specify the right and the extent which it is issued.

Article 26: Order Modification

26.1 The Contracting Authority reserves the right to order additional goods or services up to a size that does not exceed 20% of the total contract price. Any extra request must be made in a manner consistent with the rules and procedures stipulated in the Law on Public Procurement.

Article 27: Termination for Default

27.1 The Contracting Authority may terminate the contract in whole or in part, if:

- a) Contractor fails to delivery of the Goods within the period specified in the contract or within any extension granted; or,
- b) Contractor fails to perform any other obligation of the contract.

27.2 The Contracting Authority shall give written notice of termination for default and grant the Contractor 15 days to cure the default unless the termination is for corrupt or illegal actions, in which case the termination shall be immediate.

Article 28: Termination for Insolvency

28.1 The Contracting Authority may terminate the contract at any time if the Contractor becomes bankrupt or insolvent.

28.2 The Contracting Authority shall give written notice of termination.

Article 29: Termination for reasons of Public Interest

29.1 The Contracting Authority may terminate the contract at any time if it determines that this action must be taken to best serve the public interest.

29.2 The Contracting Authority shall provide the Contractor written notice of termination.

29.3 The Contracting Authority shall pay the Contractor for all goods accepted and services related to them and performed before the termination and shall pay the Contractor for damages incurred for partially completed Goods and performed Services in connection with them. In calculating the amount of damages, the Contractor shall be required to take all necessary actions to minimize the damage.

Article 30: Subcontracting

30.1 . A subcontract shall be valid only if it is in the form of a written agreement by which the contractor entrusts performance of a part of his contractual obligations to a third party.

30.2 The Contractor shall not subcontract without prior written approval of the Contracting Authority and not more than 40% of the contract value. The Contractor shall notify the Contracting Authority of the contract to be sub-elements and documentation that proves the ability of sub-contractor. Contracting Authority shall notify the Contractor of its decision within 5 days of receiving the notification, stating the reasons whether it approves it or not.

30.3 Each subcontractor has the right to participate in public procurement under the Law on Public Procurement. Authority may direct payment to the subcontractor to supply goods to be.

30.4 The contractor remains fully responsible for the implementation of the contract irrespective of the subcontractor's behavior.

Article 31: Transfer of Rights

31.1 The Contractor shall not transfer, in whole or in part, its obligations under the contract except with the prior consent of the Contracting Authority.

Article 32: Contract Insurance

32.1 Before signing the contract, the contractor shall provide to the Contracting Authority contract insurance in the amount and form required.

32.2 The amount of contract insurance shall be payable to the Contracting Authority as compensation for any loss resulting from the Contractor's failure to fulfil its obligations under the contract.

32.3 The contract insurance guarantee shall be returned to the Contractor not later than 30 days after the date of receipt of the Goods. However, five (5) percent of the deposit will be held until satisfactory fulfillment of the contract obligations.

Article 33: Legal Basis

33.1 The contract shall be regulated and interpreted according to the Albanians in the applicable

legislation.

Article 34: Resolution of Disputes

- 34.1 The Contracting Authority and the Contractor shall make every effort to resolve any disagreement or dispute arising between them under or in connection with this agreement by direct negotiation.
- 34.2 If the parties fail to resolve the dispute or conflict, problems shall be considered through contract dispute resolution and legal procedures in force under the legislation of the Republic of Albania.

Article 35: Representation of Parties

- 35.1 Each party shall appoint in writing a person or organizational position that shall be responsible, on behalf of the party, for making statements and party representation in matters related to the execution of the contract.
- 35.2 Each party shall notify the other of any change in the appointment of representatives of the party. If a party fails to give notice must assume any losses caused by the failure to give adequate notice.
- 35.3 Parties may appoint additional persons or organizational units to represent the party in the specific actions or activities, in which case the written notice must be given and must determine the extent of the representative's authority.

Article 36: Notifications

- 36.1 Any notice given by one party to the other under this contract shall be made in writing to the address specified in the contract.
- 36.2 A notice shall be effective as soon as delivered.

Article 37: Calculation of deadlines

- 37.1 All references to days shall be calendar days.

Annex 17

[Annex to be filled in by the Contracting Authority]

SPECIFIC CONDITIONS

Goods – Open Procedure

Particular contract conditions are drafted in accordance with the specific contract object. If there is a discrepancy between the GTC and the STC shall prevail Special terms of Contract.

Article 1: Definitions

1.1 Contracting Authority is _____

1.2 Contractor is _____

Article 2: Contract Insurance

2.1 Contract Insurance in the amount of *(10% of the offer's values)* shall be provided by the Contractor to insure the execution of its obligations under the contract.

2.2 Insurance shall be issued or returned immediately to the Contractor according the following form: _____

Article 3: Start of Implementation

3.1 Implementation of the contract shall commence on _____. If the date is not set, the application shall begin on the date the Contractor signs the contract form.

Article 4: Inspections and Tests

4.1 Inspections and tests prior to the receipt of the Goods shall be made: _____

Article 5: Terms of Delivery

5.1 The date (s) and place (s) of the Delivery of the Goods shall be made according to the Schedule of Contract provided for in this Contract.

5.2 The Contractor must notify the Contracting Authority _____ days before each delivery of the Goods.

5.3 Delivery notification must be made in writing, fax, mail, e-mail, etc., at: _____

5.4 If the Contracting Authority receives Goods from a third party, the submission notice shall include the list of documents required for the receipt of the Goods and indicate where and when the documents will be provided to the Contracting Authority.

5.5 If the Contracting Authority receives the Goods from a third party, the Contractor shall submit all the necessary documents for obtaining the Goods to: _____

Article 6: Terms of Payment

6.1 Payment of Goods shall be made within _____ days from the date of receipt of the Goods or from the date of receipt of the written request of payment, no matter how late it may be. If not specified, the time period will be 30 days.

6.2 The payment currency will be _____. If left unspecified, payment will be made with Albanian currency.

Article 7. Advance Payment

7.1 The percentage of the advance payment shall be _____. If not specified, the Contractor

shall receive advance payments.

7.2 If it a payment is due, the advance shall be paid within _____ days from receipt of contract insurance.

7.3 If the advance payment is given, the amount shall be removed from the payment to be given to the Contractor under the following formula: _____

Article 8. Services related to them

8.1 The following special conditions shall apply to the payment of related services _____

Article 9. Contract guarantee deduction

9.1 If a periodic reduction of the contract guarantee is foreseen, it is performed as follows

If not completed, the guarantee remains unchanged.

If Yes, number of LOTS:

2.7 Options:

Number of possible renewals (if any):

or: from to

2.8 Subcontracting:

Yes

No

Section 3. Procedure

3.1 Type of procedure: Open

3.2 Criteria for the selection of winners:

A) **Lowest price**

or

B) **Most economically advantageous bid**

In terms of significance: Price **points**

Etc. **points**

3.3 Number of bids submitted:

Number of regular bids:

3.4. For procurement in the Information and Communication Technology (ICT), the standards drafted by National Agency on Information Society have been used:

Yes

No

3.5. For procurement in the Information and Communication Technology (ICT), in the event the standards are not applicable, previous consent from National Agency on Information Society has been taken:

Yes

No

Section 4 Contract Information

4.1 Number of Contract: _____ Date of Contract //

4.2 Name and address of the contractor

Name

Address

Tel/Fax

E-mail

Webpage

4.2.1 Name and address of the subcontractor (s)

Name

Address

Tel/Fax

E-mail

Webpage

4.3 Total final amount of contract *(including lots, options and subcontracting):*

Amount _____ *(without VAT)* Currency _____

Amount _____ *(with VAT)* Currency _____

4.3.1 Total amount of subcontracting: _____

Amount _____ *(without VAT)* Currency _____

Amount _____ *(with VAT)* Currency _____

4.4 Additional Information

Date of dispatch of this notice //

Annex 18/1

[Annex to be filled in by the Contracting Authority for publication in the Public Notice Bulletin]

1. Name and address of contracting authority

Name _____

Address _____

Tel/Fax _____

E-mail _____

Webpage _____

2. Type of procedure: _____

3. Object of the contract / framework agreement _____

4. Number of reference of procedure/lot _____

5. Fund limit _____

6. Total final value of contract *(including lots, options and subcontracting):*

Amount _____ *(with VAT)* Currency _____

Amount of subcontracting _____ *(with VAT)* Currency _____

7. Date of contract signature _____

7. Name and address of contractor/subcontractor

Name _____

Address _____

VAT Identification Number _____

Annex 19

[Letter with Bank/Insurance Company logo]

[Annex to be presented by the Economic Operator]

CONTRACT INSURANCE FORM

[Date]

To: *[name and address of the contracting authority]*

On behalf of: *[name and address of the insured bidder]*

* * *

Procurement procedure: *[type of procedure]*

Short description of the contract: *[object]*

Publication (if applicable): Public Notice Bulletin *[Date]* *[Number]*

* * *

In reference to the above mentioned procedure, and provided that *[name of the winning bidder]* has been awarded the contract,

We certify that *[name of the winning bidder]* has made a deposit to the *[name and address of the bank/insurance company]* in the amount of *[currency and amount expressed in words and figures]* as a condition for the execution of contract to be signed with *[name of contracting authority]*

We undertake to transfer to the account of *[name of contracting authority]* the insured amount, within 15 (fifteen) days from your simple written first, without asking explanations, provided that the request mentions the non-fulfilment of conditions the contract.

This insurance is valid until the full execution of the contract.

[Representative of the bank/insurance company]

COMPLAINT FORM TO THE CONTRACTING AUTHORITY

Complaint to: Contracting Authority

Section I. Identification of Complainer

The complainer may be a bidder or potential bidder (e.g. individual, partnership, association, joint venture).

Complainer full name (please type)

Address

City

State

Postal/Zip Code

Telephone number (including area code)

Fax number (including area code)

E-mail

Name and title of the official authorized to issue the complaint (please type)

Signature of the authorized official

Date (year/month/day)

Section II. Information on Procedure

1. ID number

*Fill in the number of contract in the contract notice or in the tender documents, including **the type of procedure used** for the procurement in question (e.g., Request for Proposals (RP) Open Procedure (OP) Restricted procedure (RP), Proceedings Negotiated (PN), Consulting Services (CS), Design competition (DC).*

2. Contracting Authority

The name of the contracting authority administering the procurement process.

3. Estimated Value of the Procurement

Calculation of contract value (amount expressed in numbers and in words)

4. Object of Contract

Brief Description of works/goods/services purchased.

5. Deadline for submission of Bid

The deadline for submission of bids.

Date (year/month/day)

6. Date of Contract Award

Date (year/month/day) if applicable

Section III. Description of complaint

1. Complaint Legal Basis

(write here the law infringement, based on decisions, actions, documents, etc.)

2. Detailed Statement of Facts and Arguments

Give a detailed statement of facts and arguments that support your complaint. For any reasons, specify the date on which you became aware of the facts related to the reasons for appeal. Indicate the relevant sections of the tender documents, if applicable. Use additional pages if necessary.

3. List of Annexes

*For a complaint to be considered filed, it must be complete. Attach a readable copy of all documents relating to your complaint and a list of all these documents. Documents should normally include **any notice published, all tender documents with all amendments, annexes, and your proposal.** Determine which information is confidential, if any. Explain why the information is either a version of the relevant documents with confidential parts removed and a summary of the content.*

Send the completed form procurement complaint, all necessary attachments and additional copies, to **the Contracting Authority**

Note: For complaints to the Public Procurement Commission You shall refer to the complaint form issued by the institution.

No. Fax:

E-mail:

Signature and seal of the applicant

Annex 21

**DRAFT FRAMEWORK AGREEMENT
(DEFINING ALL TERMS)
FOR WORK/GOODS/SERVICES)**

[Use of this draft agreement is binding on all contracting authorities using the framework agreement)

No ____

DATE:

This contract is concluded on [date] between [name and address of the Contracting Authority], hereinafter referred to as the “Contracting Authority” and [name and address of Contractor] represented by [representative], hereinafter referred to as “Contractor”.

Contractor, through his bid, on [date] agrees to supply goods, as specified in the terms set out in:

- This contract
- Bid Declaration Form submitted by the Bidder
- Technical Specifications
- Bid Price Form

All these documents attached are an integral part of this Contract.

Article 1 Object

- 1.1 The scope of the framework agreement is to define terms, including prices per unit and rules for the delivery of goods/services/works below.
[General description]
- 1.2 The framework agreement shall be implemented with dispatch of invitations to tender to economic operators participating to the agreement. E.g. whenever the Contracting Authority involved in this agreement, shall purchase items under this contract, must send “invitation to tender” to the contractor, specifying the list of items to supply their respective quantities.
- 1.3 Amounts foreseen are only a quantity orientation and do NOT condition the Contracting Authority to acquire them. The Contracting Authority has the right to buy less or more quantity than those indicated.
- 1.4 The Contractor shall not be entitled to compensation and shall not be allowed to make changes to the unit price, for instance in case the contracting authority decides to purchase fewer or more quantities than those specified and/or in case the contracting authority decides not to purchase any of these quantities for some items.
- 1.5 Duration of the framework agreement:

Article 2 Price

- 2.1 Prices per unit of work/goods/services are shown in the Bid Price Form.
- 2.2 Unit prices shall be fixed and not subject to change for orders placed on this framework

agreement.

Signatures and Dates

For the Contractor

For the Contracting Authority

Name:		Name:	
Position:		Position:	
Signature:		Signature:	
Date:		Date:	
Seal:		Seal:	

Annex 22

**DRAFT FRAMEWORK AGREEMENT
(NOT ALL TERMS DEFINED)
FOR WORK/GOODS/SERVICES**

Name of Contracting Authority,
And

Name of Contractor

Agree as follows:

Sign this framework agreement for supply of: <put title> with identification number: < *put Procurement number* >

Article 1 Object

1.1 The scope of this framework agreement is to set the rules for contracts which shall be connected through mini –bidding process only between economic operators who are party to this framework agreement.

1.2 This framework agreement is not a contract in itself, but sets conditions for contracts which will be signed based on it.

1.3 Contractor is only one of the parties of the framework agreement.

Article 2 Obligations of Parties

2.1 The Contracting Authority, as a party of this agreement, shall send a “Bid Invitation” whenever there is a need for work/goods/services.

2.2 The Contractor is obliged to submit an offer whenever required by the Contracting Authority.

Article 3 Contracts implementing the framework agreement

3.1 Contracts shall be signed only after the mini –bidding process.

Article 4 Mini –bidding process

4.1 The mini competition process shall be conducted with all economic operators, party to the framework agreement, whenever there will be the need for work/goods/services for the Contracting Authorities.

4.2 Contracting Authority shall re-open competition under the same conditions or other conditions set in the invitation to bid, as defined in the tender documents.

4.3 Whenever there is a need for work/good/service, the Contracting Authority must prepare a bid invitation and send it to all economic operators who are part of the framework agreement. Bid evaluation shall be done according to the criteria specified in the Bid Invitation.

Article 5 Duration of the framework agreement

Signatures and dates

For the Contractor

For the Contracting Authority

Name:		Name:	
Position:		Position:	
Signature:		Signature:	
Date:		Date:	
Seal:		Seal:	

Annex 23

[Annex to be filled in by the Contracting Authority]

CANCELLATION NOTIFICATION FORM

1. Name and address of the contracting authority

Name _____
Address _____
Tel/Fax _____
E-mail _____
Webpage _____

1. Type of procedure: _____

2. Reference Number: _____

3. Contract Object _____

4. Limit Fund _____

5. Cancellation reasons:

Based on Law no. 9643, dated 20.11.2006 "On Public Procurement" as amended, Article 24, point 1:

a) ;

b) ;

c) ;

d) ;

e) ;

f) ;

Etc. _____

6. Additional Information

Date of dispatch of this notice _____