



REPUBLIC OF ALBANIA
MINISTRY OF JUSTICE
INSTITUTE OF FORENSIC MEDICINE

Nr. _____ prot.

Tiranë, më 04/10/2024

VERBAL - PROCESS – Contract type – Goods

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

(This verbal-process is intended to be published together with the tender documents)

Object of the Contract: "PURCHASE OF AUTOPSY AND LABORATORY EQUIPMENT "

**OBJECT OF THE CONTRACT: "Purchase of the autopsy and laboratory equipment"
CODE ACCORDING TO THE COMMON PROCUREMENT DICTIONARY (FPP):
3950000-4**

LIMIT FUND/EXPECTED VALUE OF THE CONTRACT: 37,936,330 (thirty-seven million nine hundred and thirty-six thousand three hundred and thirty) **Lek without VAT**, converted to Euro according to the official exchange rate of the Bank of Albania: **383,893.24 (three hundred eighty-three thousand eight hundred ninety-three point twenty-four) euros without VAT.**

Based on article 21, point 2, of Law no. 162/2020 "On Public Procurement", as amended, article 2, point 2/c and article 78, point 2, of VKM no. 285, dated 19.05.2021 "On the approval of the public procurement rules", as amended, the contracting authority/ entity "Institute of Forensic Medicine", has drawn up the protocol for the argumentation and approval of the technical specifications and qualification criteria for the above-mentioned procedure, with the content as follows:

I. SPECIAL QUALIFICATION CRITERIA

1. The Bidder must submit:

a. *Summary Self-Declaration Form, according to Appendix*

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

Argumentimi: The above criteria are set in accordance with article 82 “Summary self-declaration form”, article 83 “Offer security”, of Law No. 162/2020 “On Public Procurement”, as amended, article 30, point 1, of VKM No. 285, dated 19.05.2021 “For the Approval of Public Procurement Rules”: we quote article 83 of the LPP “The contracting authority must request the presentation of the offer insurance from the bidders in all types of procurement procedures, with the exception of procurement procedures with small value”, and article 82, of the LPP, “1. Together with the submission of requests for participation or offers, the contracting authorities or entities accept as preliminary evidence the summary self-declaration form, instead of some certifications issued by public authorities or third parties, according to the forecasts of this law. The content of this form is defined in the rules of public procurement”.

2.1 Professional capacity of economic operators:

2.2. Economic and financial capacity:

1. Economic operators must present certification for the annual turnover for the financial years (2021, 2022, 2023), where the turnover value for at least one of the years of the requested period must **not be less than the value of the limit fund**. *The criterion is considered fulfilled if the economic operators reach the value of the minimum turnover, i.e. the value of the limit fund, in at least 1 (one) year of the required period of financial years.*

Argumentimi: The above criteria is based on limit fund value of this procedure, on article 77, point 3, of the LPP, and on article 43, of VKM No. 285, dated 19.05.2021 “For the Approval of Public Procurement Rules”, as amended.

The requested value is based on the arguments as below:

The required years for the submission of the annual turnover is based on the Law No. 9220, dated 19.05.2008 “For Tax Procedures in the Republic of Albania”, as amended, and by-laws in its implementation.

1. Economic operators must submit certified copies of balance sheets for the years: (2021, 2022, 2023) submitted to the relevant tax authorities. In the event that the economic operator is in the conditions of the provisions of Article 41, of Law No. 10091, dated 05.03.2009, then the balance sheets must *also be accompanied by the legal audit reports of the annual financial statements, carried out by legal auditors or auditing companies* . *The criterion is considered fulfilled if in two consecutive balances there is no negative ratio between assets and liabilities.*

Argumentimi: The above criteria is based on limit fund value of this procedure, on article 77, point 3, of the LPP, and on the article 43, point 4, of VKM No. 285, dated 19.05.2021 “For the Approval of Public Procurement Rules”, as amended.

2.3. Technical capacity:

1. The economic operator must submit evidence for previous similar supplies made during the last 3 (three) years **from the date of the announcement of the contract notice** , in the amount of **not less than 40% of the value of the limit fund**. These previous, similar supplies must be substantiated with the following documentation:
 - A) When similar supplies are made with public entities, the economic operator must present the certificate issued by the public entity for the successful fulfillment of the contract and the sales tax invoices completed according to the requirements of the legislation in force and declared to the tax authorities, where they are noted dates, amounts and quantities of goods supplied.
 - B) When similar supplies are made with private entities, the economic operator must present the corresponding sales tax invoice completed according to the requirements of the legislation in force and declared to the tax authorities, where the dates, amounts and quantities of the supplied goods are noted.

Argumentimi: The above criteria is based on article 77, of Law No. 162, dated 23.12.2020 “On Public Procurement”, as amended, and on article 40, point 4, of VKM No. 285, dated 19.05.2021 “For the Approval of Public Procurement Rules”, as amended. This criteria is required that the economic operators to prove that they have the necessary experience to implement the contract, therefore is required that the previous similar supplies to be worth no less than 40% of the value of the limit fund, which is within the limit value defined in the above-mentioned article.

The requested value for the similar contracts is based on the arguments as below:

Considering the quantity and the quality of the goods subject of this procurement procedure, it's thought that the required value that the bidding EO has made with similar contracts during the last three years, from the date of the announcement of the contract notice, should not be less than 40% of the limit fund, in this way CA has the certainty and reliability that the bidding EO can realize

the contract object of this procurement procedure without any obstacles that would affect the work progress of CA.

2. The economic operator must have an Authorization / Agreement with the manufacturer / distributor authorized by the manufacturer for the goods subject to procurement. In case of presentation of the authorization from the distributor authorized by the manufacturer, the connection between the manufacturer and the official distributor authorized by the manufacturer must be proven . The authorization must contain complete data of the manufacturer such as: (*phone, or e-mail,*) necessary for the contracting authority in case of verification by him.

Argumentimi: The requirement that the EO must present an authorization/ agreement with manufacturer/ authorized distributor by the manufacturer, serves to prove that these equipments object of the procurement procedure, are as the required criteria, for the importance of these devices in obtaining the toxicological and histopathological legal results in aid of justice bodies. This request is based on article 40, point 8, of VKM No. 285, dated 19.05.2021 “ For the Approval of Public Procurement Rules”, as amended.

3. About all the articles object procurement must appear the catalogs / or technical sheets where to be branded that available goods and respective technical specification.

Argumentimi: This criterion is intended to provide security to the CA that the bidding EO will present goods which fulfill the requirements of the technical specifications and are in accordance with them. The required criteria in relation to the catalog of the producer/producers, is settled in accordance with the point 6/b, of article 40, of VKM No. 285 dated 19.05.2021 “ For the Approval of Public Procurement Rules”, as amended.

4. The economic operator must present an declaration that the warranty period of the goods of this procurement procedure is 1 (one) year from the delivery moment to the contracting authority, and during this period the economic operator undertakes at his own costs the repair service for possible manufacturing defects.

Argumentimi: The criterion that the EO must present an declaration that the warranty period of the goods object of this procurement procedure is 1 (one) year from the delivery moment to the contracting authority, and during this period the EO undertakes at his own costs the repair service for possible manufacturing defects, serves for the success of their placement in work process. This requirement is based on article 40, point 8, of VKM No. 285 dated 19.05.2021 “For the Approval of Public Procurement Rules”, as amended.

5. The economic operator must present an statement where he undertakes the installation, putting in work, calibration after installation, testing the equipment and training the staff for two weeks according to the technical specifications.

Argumentimi: The criterion that the EO must present an declaration where he undertakes the installation, putting in work, calibration after installation, testing the equipment and training the staff for two weeks according to the technical specifications, serves for the success of their placement in work process. This requirement is based on article 40, point 8, of VKM No. 285 dated 19.05.2021 “For the Approval of Public Procurement Rules”, as amended.

6. The bidding economic operator must be equipped and present issued certificates by conformity assessment bodies, accredited by the national accrediting body, or international accrediting bodies, recognized by the Republic of Albania, in accordance with the object of the procurement, as below:

- ISO 9001:2015 "On quality management systems" (valid) or equivalent;

Argumentimi: This criterion is settled in accordance with forecast of article 79, of the Law No. 162, dated 23.12.2020 “On Public Procurement”, as amended, and on article 44, point 1, of VKM No. 285, dated 19.05.2021 “For the Approval of Public Procurement Rules” , as amended, based on the Public Procurement Agency announcement No. 2502, dated 09.04.2021, and the Law No. 116/2014 “For the accreditation of conformity assesement bodies in the Republic of Albania ”, where it is determined that this certificate must have been issued by an accredited certification body, in the way that the procuring entity to be sure that the bidding economic oporatores have their technical capacities related to their ability to perform the services subject of this contract, issued by competent authorities.

Certifications according to ISO standards are in themselves an additional guarantee for the success of the project, in relation to the quality of product and services, information security during the development, installation, configuration and during maintenance, and according to the management, understanding and translation of all the business proceses in IT processes.

7. The economic operator must present ISO 9001:2015 Certificate/ or/ equivalent, available, for producer, offical distributor authorized by producer, in accordance with the procurement object. The certificate must be issued by a conformity assessment body, accredited by the national accrediting body, or international accrediting bodies, recognized by the Republic of Albania.

Argumentimi: This criterion is settled in accordance with forecast of article 79, of the Law No. 162, dated 23.12.2020 “On Public Procurement”, as amended, and on article 44, point 1, of VKM No. 285, dated 19.05.2021 “For the Approval of Public Procurement Rules” , as amended, based on the Public Procurement Agency announcement No. 2502, dated 09.04.2021, and the Law No. 116/2014 “For the accreditation of conformity assesement bodies in the Republic of Albania ”, where it is determined that this certificate must have been issued by an accredited certification

body, in the way that the procuring entity to be sure that the bidding economic operators have chosen producer that has technical capacities related to their ability to perform the services subject of this contract, issued by competent authorities.

Certifications according to ISO standards are in themselves an additional guarantee for the success of the project, in relation to the quality of product and services, information security during the development, installation, configuration and during maintenance, and according to the management, understanding and translation of all the business processes in IT processes.

8. The economic operator, for the medical equipments, must present an Authorization for trading medical equipments issued by the Ministry of Health, as is mentioned at the Law 89/2014 "For Medical Equipments". The authorization must be available during the development period of the tender till the execution of the contract.

Argumentimi: The requirement that the EO must present an authorization for trading of the medical equipments, serves to prove that these medical equipments object of the procurement procedure, are as the required criteria, for the importance of these devices in obtaining the toxicological and histopathological legal results, in aid of justice bodies. This request is based on article 40, point 8, of VKM No. 285, dated 19.05.2021 " For the Approval of Public Procurement Rules", as amended and at the Law 89/2014 "for Medical Equipments".

9. The economic operator must have employed at least one trained IT / electrical / electronic / mechatronic / biomedical engineer, for the equipments / or equivalents to them.

For the engineer, the following must be presented:

- Diploma according to the required profile
- CV
- Individual employment contract
- Training Certificate issued by the producer or authorized distributor, or authorities / other entities, authorized to issue certificates of professional training / or equivalent, in accordance with the nature of the equipment above in criterion no. 7.

This criterion is considered fulfilled by completing the self-declaration form, appendix 8. The documents requested above will be presented in case the operator qualifies first, but before the publication of the winner's announcement and the start of the appeal deadlines or if clarifications are requested from the contracting authority.

1.

Argumentimi: The above criteria is based on article 77, point 4, of the Law No. 162, dated 23.12.2020 “On Public Procurement” and on article 40, point 5, of VKM No. 285, dated 19.05.2021 “For the Approval of Public Procurement Rules”, as amended.