

Dated 20.11.2023

**RECORD OF PROCEEDING – Type of Contract - Services**

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

*(This record is for the purpose of publication together with the tender documents)*

**OBJECT OF PROCEDURE:**

**Study Design in the program of Basic Preschool Education, General Upper Secondary Education”.**

RELEVANT CODE IN THE COMMON PROCUREMENT VOCABULARY  
(CPV): 22114311-5 - Projects

**THRESHOLD VALUE:**

Threshold value/expected value of the contract: **183,333,333.3** (one hundred and eighty-three million, three hundred and thirty-three thousand, three hundred and thirty-three comma three) ALL excluding VAT. According to the official exchange rate of the Bank of Albania, this value is converted into **1,764,856.8** Euros.

*\* The official exchange rate according to the Bank of Albania on 20.11.2023 is 103.88 ALL/Euro*

Pursuant to article 21, point 2, of Law no. 162/2020 "On public procurement", article 2, point 2/c and article 78, point 2, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", the contracting authority/entity Municipality of Tirana, has drawn up the record of proceeding on the argumentation and approval of the technical specifications and qualification criteria for the above-mentioned procedure, with the content as follows:

**2. SPECIAL QUALIFICATION CRITERIA**

1. The bidder must submit:

*a. Summary Self-Declaration Form, according to Appendix 12*

*b. Bid Security, according to Appendix 5;*

**Argumentation:** The above requirements are based on articles 76, 82 and 83 of the LPP, article 26 of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules"

## **2. The Candidate/Bidder must submit:**

### **2.1. Suitability to perform the professional activity (if applicable):**

#### **According to Appendix 12**

**Argumentation:** The above request is based on article 77, points 1/a and 2, of PPL, article 41, point 4, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as well as Article.....

*(note: fill in, if applicable, the specific legal or legal act that provides for the fulfillment of any specific requirement for the exercise of the professional activity in question).*

### **2.2. Economic and financial capacity:**

2.2.1 In order to prove the financial and economic capacities, the economic operators must present certification for the annual turnover for the financial years 2020, 2021, 2022, where the value of the turnover for at least one of the years of the requested period must be no less than 40% of the value provided for in the procurement contract.

**Argumentation:** The above request is determined based on the threshold value of this procedure, as well as pursuant to article 77, point 3, of the PPL, as well as article 43, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules".

*The determination of the required value is argued as follows: The type of procedure is "Consultancy Service", the determination of the required value was made in support of Article 43, point 2, letter "c" of DCM no. 285, dated 19.05.2021 "On the approval of the public procurement rules" where it is determined that: "40% of the estimated value of the contract in the procurement procedures... and in the "Consultancy Service" procurement procedures as well as in Law no. 8438, dated 28.12.1998 "On income tax", amended, DCM no. 922 dated 29.12.2014 "On the mandatory declaration of tax returns and other tax documents, only through electronic form", as well as in the Instruction of the Minister of Finance no. 5, dated 30.01.2006, "On income tax", changed.*

*The determination of the years required for the presentation of the certification of the annual turnover was made based on the support of Article 43, point 1 "of DCM no. 285, dated 19.05.2021 "On the adoption of public procurement rules" which stipulates that: "The contracting authority/entity, in order to prove the financial and economic capacities, requires copies of the annual turnover statements made by the economic operator and, as the case may be, of turnover covered by the contract, for a maximum period up to the last 3 (three) financial years".*

2.2.2 The Economic Operator must submit certified copies of the positive balances of the last 3 (three) financial years (2020, 2021, 2022) confirmed by the relevant authorities, in which it must be proven that there has been no loss in at least two years successively. 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.

**Argumentation:** The above requirement is defined based on Article 77, point 3 of the LPP, as well as Article 43, point 4, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules".

*The determination of the years required for the presentation of balance sheets is made by referring to the legislation of the field, specifically, law no. 8438, dated 28.12.1998 "On income tax", amended, Instruction of the Minister of Finance no. 5, dated 30.01.2006, "On income tax", amended, as well as the requirements of law no. 25/2018 "On accounting and financial statements". Referred to in Article 29 of Law No. 8438, dated 28.12.1998 "On tax on tax income: "Each taxpayer prepares the annual statement of taxable income in the form defined in the instruction of the Minister of Finance pursuant to this law. Taxpayers submit the annual declaration to the tax authorities by March 31 of the following year, presenting at the same time the accounting balance, together with its annexes, as well as any other data defined in the instruction of the Minister of Finance in implementation of this law.*

*While the association with the Expertise Act of the Authorized Accounting Expert, was made referring to the provision in article 41 letter c" of Law no. 1009/2009: "The legal entities that are obliged to perform the legal audit of the financial statements are obliged to perform the legal audit of the annual financial statements, before their publication, by accounting experts or auditing companies: "c) limited liability companies, which apply to financial reporting national accounting standards, when, at the end of the accounting period, for two consecutive years, exceed **two of the following three indicators: i) the total assets of the balance sheet, at the end of the corresponding accounting period, reaches or exceeds the amount of 50 million ALL; ii) the amount of income from economic activity (circulation) in that accounting period reaches or exceeds the amount of 100 million ALL; iii) there are, on average, 30 employees during the accounting period".***

2.2.3 Self-declaration for the payment of local taxes provided by the Local Government for the year 2023, according to Law No. 9632 dated 30.10.2006 "On the system of local taxes", amended, through the presentation of the summary self-declaration form, according to appendix 12.

In cases of merger of economic operators, each member of the group must submit the certificate issued by the relevant Authority in which it is registered according to the CCA.

In order to fulfill this criterion, economic operators must self-declare that they have paid local tax obligations for the year 2023 according to the installments provided for in Law No. 9632, dated 30.10.2006 in the summary form of the self-declaration of the DST subject to procurement.

In any case, CA is entitled to carry out the necessary verifications on the authenticity of the information declared by the economic operator or to ask the economic operator for clarifications and supporting documents for these clarifications.

**Note:** The qualified economic operators of the first phase (short list) must submit to the CA all the proof documentation for the self-declarations presented in the self-declaration summary form as well as other documents accompanying the offer, submitted electronically.

**Argumentation:** The above request is defined in article 77, point 3, of PPL, article 43, point 6, of DCM no. 285, dated 19.05.2021 "On the adoption of public procurement rules", as well as law no. 9920 dated 19.05.2008 "On tax procedures" as amended, article 4, point 2, letter d) and in law no. 9632, dated 30.10.2006 "On the Local Tax System" as amended.

This criterion serves to guarantee the CA that the economic operators participating in this procurement procedure have the appropriate economic and financial capacities and are suitable to perform professional activity. In witness whereof, the Contracting Authority judges that the criterion established regarding the submission by economic operators of the declaration for the repayment of local obligations for the year 2022, to the municipality/s where the economic operator exercises its activity is in accordance with the legal framework in force specifically with the law no. 9632, dated 30.10.2006 for the "Local Tax System" as amended. All entities that exercise activity

Businesses have the legal obligation to register with the National Business Center to identify the location of their activity and to submit to the payment of local taxes expressly provided for in this law..

**2.3** Similar services performed during the last three years from the date of publication of the contract notice, with a value not less than 40% of the estimated value of the contract being procured.

- a) For the previous experience realized with the public sector, the economic operator will certify this service by presenting the relevant contract, certification for the complete and successful implementation of this contract.
- b) When the similar service is performed with private entities, the economic operator will certify this service by presenting the relevant tax invoices, completed according to the requirements of the legislation in force, and declared to the tax authorities, where the dates, amounts and services performed are noted.

*In the case of procurement procedures "Consulting service", as previous experience for services similar to the object of procurement will be recognized and/or services similar to the relevant areas of expertise, part of the object of procurement.*

**Argumentation:** The above requirement is determined based on Article 77 of Law no. 162, dated 23.12.2020 "On public procurement" and in article 54 of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules". By means of this criterion, it is required that the economic operators prove that they have the necessary experience to implement the contract,

therefore, it is required that the previous similar services are in a value not less than 40% of the value of the limit fund of this contract, which is within the limit value defined in the above-mentioned article. Similar experience is considered an essential criterion and therefore economic operators must present evidence such as tax references/invoices to prove their performance either with the private or public sector.

**Note:** Since the legal and by-laws provide for a margin for the value of similar contracts that can be claimed, contracting authorities/entities must justify the claimed value of similar contracts within this margin

**2.3.1 Professional license of the economic operator (valid) for design (issued by the Ministry of Education or the Authorized Institution according to the legislation in force for the granting of professional licenses in the field of study and design in construction), where the categories are included:**

## 2. ARCHITECT DESIGNER

- b-1) Covered or partially covered sports facilities;
- b-2) Shopping center; socio-cultural objects; cult objects; educational facilities;
- c- Interior design;

## 3. CONSTRUCTOR DESIGNER

- a) Design of civil - industrial - tourist buildings made of masonry and reinforced concrete frame up to 5 floors.
- b) 1. Civil - industrial - tourist facilities over 5 floors - 2. facilities with metal skeleton.
- c) 1. Objects with a high degree of difficulty Reinforced concrete - metal - 2. terrain and slopes with low durability.
- d) Assessment of bearing capacity and reinforcement of reinforced concrete, masonry and metal bearing structures;

## 4. INSTALLER DESIGNER

- a) Design of hydro-thermosanitary installations;
- b) Design of thermotechnical installations - conditioning, as well as thermal energy production plants from renewable sources;
- c) Design of electrical network lines, for civil and industrial facilities;
- e) Design of gas supply systems;
- f) Design of fire protection systems;
- h) Design of lifting and transport plants (elevators, escalators, etc.);
- j) Design of telephone networks, intercom, phone, internet, TV, access control, CCTV, alarm systems, fire detection systems, etc., for civil and industrial facilities.

## 5. DESIGNER OF PLUMBING WORKS

- b) Water supply design - discharge collectors.

## 8. GEODETIC DESIGNERS

- a) Engineering surveys
- b) Cadastral engineering surveys
- c) GIS systems

## 9. GEOLOGICAL ENGINEERING - HYDROGEOLOGICAL STUDY

- a) Geological-engineering study/evaluation of the land for civil-economic objects up to 5 floors.
- b) Geological-engineering study/evaluation of the land for civil-economic facilities over 5 floors.

## 10. DESIGN OF ELECTRICITY PRODUCTION AND DISTRIBUTION PLANTS

- c) Plants for the production and distribution of electricity - solar - wind, etc.
- e) Designing electrical cabinetets of the distribution network - low - medium voltage lines.

## 12. ENGINEERING SEISMOLOGY STUDIES

- b) Geological-seismic studies/assessments for the lands where civil, social and cultural facilities are built.

*(For foreign Operators, the professional license they have from the country of origin at the relevant institution should be counted, in addition to the professional licenses required for the execution of the contract).*

*Clarification: For licenses issued after the entry into force of Decision no. 943, dated 28.12.2016 "On some changes and additions to decision no. 759, dated 12.11.2014, of the Council of Ministers 'On professional licensing of individuals and legal entities' that will carry out activities in the field of construction design studies and supervision and approval of construction implementation works", The participating economic operator must present the company's **professional license (valid) for design (issued by the MZHUT** or other institutions authorized according to the legislation in force for the granting of professional licenses in the field of study and design in construction), valid, where included the above categories with the corresponding changes in the name.*

**Argumentation:** The above requirement is determined pursuant to Article 77 of Law no. 162, dated 23.12.2020 "On public procurement", Article 41, point 4, letter a,) of DCM no. 285, dated 19.05.2021 "On the adoption of Public Procurement Rules" as amended, as well as *decision no. 759, dated 12.11.2014 of the Council of Ministers, "On the professional licensing of individuals and legal entities that will exercise activity in the field of study and design in construction and supervision and coordination of implementation works in construction", amended with DCM no. 943 dated 28.12.2016" (note - determine the specific legal or sub-legal act and the corresponding article, which provides for the licensing of entities, in relation to the relevant activity for the realization of services subject to the contract).*

By means of this criterion, it is required that the economic operators prove that they have the professional licenses provided by the legislation in force for the performance of the services, the object of the contract, issued by the competent authorities.

Required category	Category points	Description by category
<b>Architect Designer</b>	b-1) Covered or partially covered sports facilities;	<i>Architectural design of outdoor sports fields of educational facilities, gyms, etc.</i>
	b-2) Shopping center; socio-cultural objects; cult objects; educational facilities;	<i>Architectural design of educational facilities, 9-year-old schools, upper secondary schools, kindergartens, etc.</i>
	c- Interior design;	<i>Design of interior furniture from the functional side.</i>
<b>Constructor Designer</b>	a) Design of civil - industrial - tourist buildings made of masonry and reinforced concrete frame up to 5 floors.	<i>Design of civil structures (schools, kindergartens, educational centers, etc.) with a height of up to 5 floors.</i>
	b) 1. Civil - industrial - tourist facilities over 5 floors - 2. facilities with metal skeleton.	<i>Design of the structures of civil facilities (schools, kindergartens, educational centers, etc.) with a height of over 5 floors, structural design of metal structures, parts of educational facilities, such as upper secondary schools with metal structures, buildings with metal roofs, etc.</i>
	c) 1. Objects with a high degree of difficulty Reinforced concrete - metal - 2. terrain and swamps with low stability.	<i>Design of educational structures and not only with a high degree of structural difficulty, adapted to the architectural forms of the buildings. The forecast of the structural project for facilities mainly in rural areas located in relatively hilly or mountainous terrain with a degree of difficulty in the realization of the constructive project.</i>
	d) Assessment of bearing capacity and reinforcement of reinforced concrete, masonry and metal bearing structures;	<i>Design of interventions in existing structures to increase the seismic bearing capacity and not only of structural elements.</i>
<b>Installation Designer</b>	a) Design of hydro-thermosanitary installations;	<i>Realization of projects for hydro-thermo-sanitary installations (toilets in educational facilities, showers in bathrooms, etc.)</i>
	b) Design of thermotechnical installations - conditioning, as well as thermal energy production plants from renewable sources;	<i>Design of heating plants in educational facilities and not only, Design of renewable resource systems such as solar panels, etc.</i>
	c) Design of electrical network lines, for civil and industrial facilities;	<i>Design of electrical networks and electrical systems in buildings</i>

	e) Design of gas supply systems;	<i>Design of gas supply systems in buildings, mainly in sanitary facilities, kitchens in kindergartens and other objects listed in these subcategories.</i>
	f) Design of fire protection systems.;	<i>Design of fire protection systems, with central hydraulic systems or with cylinders. Modernized anti-fire systems.</i>
	h) Design of lifting and transport plants (elevators, escalators, etc.);	<i>Design of elevators, in educational facilities mainly in function of persons in need. Or other plants in function of these categories</i>
	j) Design of telephone networks, intercom, phone, internet, TV, access control, CCTV, alarm systems, fire detection systems, etc., for civil and industrial facilities.	<i>Design of alarm and fume detection systems, Internet telephone systems for the creation of computer laboratories, etc. Any other installation of telephone, phone, access control in these categories of objects</i>
<b>Hydraulic Works Designer</b>	b) Water supply design - discharge collectors.	<i>Design of water supply systems in buildings and used water discharge. Connection to the main networks and the creation of the necessary infrastructure for the proper functioning of the facilities.</i>
<b>Geodesist Designer</b>	a) Engineering surveys	<i>Engineering surveys for all categories of objects subject to this procedure</i>
	b) Cadastral engineering surveys	<i>Cadastral engineering surveys for the effect of building permit applications or similar procedures provided for in the designs of this category of objects.</i>
	c) GIS systems	<i>GIS systems referenced for all objects subject to design.</i>
<b>Hydrological Geological-Engineering Study</b>	a) Geological-engineering study/evaluation of the land for civil-economic objects up to 5 floors.	<i>Study and evaluation of the geology of the land where the existing facility is located or the new facility is expected to be built, up to a height of 5 floors</i>
	b) Geological-engineering study/evaluation of the land for civil-economic facilities over 5 floors	<i>Study and evaluation of the geology of the land where the existing facility is located or the new facility is expected to be built, up to a height of over 5 floors</i>
<b>Engineering Seismology Studies</b>	b) Geological-seismic studies/assessments for the lands where civil, social and cultural facilities are built.	<i>Seismology studies and evaluations for objects subject to this procedure (educational objects)</i>



**2.3.2 The Economic Operator must have the following staff as technical managers and be included in the company's payroll for the last month declared:**

- 1 (one) Architect;
- 1 (one) Construction engineer;
- 1 (one) Hydrotechnical Engineer;
- 1 (one) Geodesic Engineer;
- 1 (one) Geological Engineer;
- 1 (one) Electrical Engineer;
- 1 (one) Mechanical Engineer;

Regarding the above-mentioned staff, the Economic Operator must submit:

**Individual employment agreements (valid), Professional licenses, Degree.**

*A designer must not be engaged simultaneously in the staff of two companies participating in the procurement procedure.*

*The staff engaged to submit a declaration of availability for the performance of the services they have undertaken to perform (appendix 7).*

**Note:** We shall highlight that in fulfilling the above-mentioned criterion, the bidding economic operators must present the self-declaration form according to appendix no. 12, where the disposition of the above-mentioned employee must be declared.

In any case, the CA shall be entitled to carry out the necessary verifications on the authenticity of the information declared by the economic operator or to ask the economic operator for clarifications and supporting documents for the information provided.

**Note:** The qualified economic operators of the first phase (short list) must submit to the CA all the proof documentation for the self-declarations presented in the self-declaration form as well as other documents accompanying the offer, submitted electronically.

**Argumentation:** Pursuant to paragraph 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and Article 41, point 4/b), of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", by means of this criterion it is required that economic operators prove that they have the staff, the necessary qualified personnel for the successful implementation of the contract. The procurement unit for the placement of staff is referred to the Terms of reference and license points requested in paragraph 2.3.1.

- The works for the service of structural projects also have an important volume, as it is mainly expected to have the realization of objects with different degrees of difficulty

which require judgment and specialized works in the field of structural design for which support staff are also required. The structural engineer will be needed in the design of new interventions, therefore it is deemed that at least 1 (one) **construction engineer** is needed as part of the technical staff.

- Architectural design services are expected to have a moderate volume of projects that are carried out for the level of objects and landscape realization subject to this procedure, as objects of a special category for which the presence of at least 1 (a ) **Architect** as technical staff (building architects, landscape, etc.).
- The works for the geological study and evaluation will be present mainly in the geological evaluation for the evaluation, therefore the presence of at least 1 **geological engineer**, as technical staff, is deemed necessary.
- The works for the topographic design service will be an important part in the realization of the projects that are expected to have a significant volume of topographic works, therefore the presence of at least 1 (one) **surveyor**, as part of the technical staff, is deemed necessary .
- The works for the hydrotechnical design service will be an important part in the realization of the projects that are foreseen, as a result, the presence of at least 1 (one) **hydrotechnical engineer**, as part of the technical staff, is deemed necessary.
- The works for the design service of electrical systems are foreseen based on the terms of reference, therefore the presence of at least 1 (one) **electrical engineer**, as part of the technical staff, is deemed necessary.
- The works for the design service of mechanical systems are foreseen based on the terms of reference, therefore the presence of at least 1 (one) **mechanical engineer**, as part of the technical staff, is deemed necessary.

### **2.3.3** Operatori Ekonomik ofertues duhet te kete si staf mbështetës si më poshtë:

- 2 (two) Architects;
- 1 (one) Construction Engineer Profile Structuralist;
- 1 (one) Geological Engineer/Geophysicist/Seismologist;
- 1 (one) Geodetic Engineer/Markscheider/Topographer;
- 1 (one) Hydrotechnical Engineer;
- 1 (one) Fire Expert;
- 1 (one) IT/Telecommunications/Electronics/Systems Engineer.
- 1 (one) employee equipped with a certificate issued by the Ministry of Environment for Environmental Impact Assessment.

-1 (one) Energy auditor certified by the Agency for Energy Efficiency to perform audits in Buildings;

Regarding the above-mentioned staff, the Economic Operator must submit:

**Individual employment agreements (valid), Degree, CV.**

**Note:** We shall highlight that in fulfilling the above-mentioned criterion, the bidding economic operators must present the self-declaration form according to appendix no. 12, where the disposition of the above-mentioned employee must be declared.

In any case, the CA shall be entitled to carry out the necessary verifications on the authenticity of the information declared by the economic operator or to ask the economic operator for clarifications and supporting documents for the information provided.

**Note:** The qualified economic operators of the first phase (short list) must submit to the CA all the proof documentation for the self-declarations presented in the self-declaration form as well as other documents accompanying the offer, submitted electronically.

*A designer must not be engaged simultaneously in the staff of two companies participating in the procurement procedure.*

*The staff engaged to submit a declaration of availability for the performance of the services they have undertaken to perform (appendix 7).*

**Argumentation:** Pursuant to paragraph 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and Article 41, point 4/b), of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", as amended, by means of this criterion it is required that economic operators prove that they have the staff, the necessary qualified personnel for the successful implementation of the contract. The procurement unit for the deployment of support staff has been referred to the Terms of Reference and the degree of difficulty for the facilities that are expected to be part of this agreement and the effectiveness in their successful design.

Architectural design services are expected to have a large volume of projects that are realized for the level of architectural details for the categories of objects subject to this procedure, as objects of a special category for which the presence of at least **2 (two) Architects** is deemed necessary as support staff (building, interior, landscape architects, etc.)

-The works for the service of structural projects also have an important volume, since it is mainly expected to have the realization of objects with different degrees of difficulty which require judgment and specialized works in the field of structural design for which

support staff are also required. The structural engineer will be needed in the design of new buildings, so it is judged that at least 1 (one) structural engineer is needed as part of the support staff.

- The works for the services provided by the geological/geophysicist/seismologist based on the license points specifically requested for geological-seismic engineering works and evaluations, the geotechnical evaluations of the land will be necessary to be carried out, specifically in this facility since we also have the construction of new facilities as well as of different types of engineering with deep foundations (underground parking, or facilities with more than one floor under the ground, there is a need for the presence of **1 specialist geological engineer/seismologist/geophysical engineer** as support staff for the category of above mentioned for the geological - seismological assessment.
- The works for the topographical design service will be an important part in the realization of projects that are expected to have a significant volume of topographical works, therefore the presence of at least 1 (one) **geodet/markscheider/surveyor** is deemed necessary as part of support staff.
- The works for the hydrotechnical design service will be present for the realization of sanitary joints, water supply, discharge collectors, etc., as a result, the presence of at least 1 (one) **hydrotechnical engineer** as part of the support staff is deemed necessary.
- **The fire expert** is required to be present during the drafting of fire protection projects and relevant assessments of the field based on the terms of reference
- The works for the design service of telecommunication systems, internet, telephone, radiophone, audio visual systems, with projectors, etc. are foreseen based on the terms of reference. Therefore, the presence of at least 1 (one) **IT/Telecommunications/Electronics/Systems Engineer** is deemed necessary.
- The works for the design service of electrical systems are foreseen based on the terms of reference, therefore the presence of at least 1 (one) **electrical engineer**, as part of the support staff, is deemed necessary.
- 1 (one) employee equipped with a certificate issued by the Ministry of Environment for Environmental Impact Assessment, deemed necessary for the realization of EIA (Environmental Impact Assessments) for the projects to be realized.
- **1 (one) Energy Auditor Certified by the Agency for Energy Efficiency** to carry out audits in the Building is necessary because for every new facility that will be subjected to construction or reconstruction works, the Energy Efficiency Study will be needed.

**2.3.4** The bidding Economic Operator must have in its staff at least 20 (twenty) employees for the last declared month, certified by:

a) Certificate issued by the Tax Administration, specifying the number of employees for the last declared period.

b) Payrolls of employees confirmed by the relevant authorities according to the format required by the legislation in force for the last period declared.

**Note:** We shall highlight that in fulfilling the above-mentioned criterion, the bidding economic operators must present the self-declaration form according to appendix no. 12, where the disposition of the above-mentioned employee must be declared.

In any case, the CA shall be entitled to carry out the necessary verifications on the authenticity of the information declared by the economic operator or to ask the economic operator for clarifications and supporting documents for the information provided.

**Note:** The qualified economic operators of the first phase (short list) must submit to the CA all the proof documentation for the self-declarations presented in the self-declaration form as well as other documents accompanying the offer, submitted electronically.

**Argumentation:** Pursuant to paragraph 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and Article 41, point 4/b), of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", by means of this criterion it is required that economic operators prove that they have the staff, the necessary qualified personnel for the execution of the procurement object, which is available or which can be made available to the economic operator to fulfill the contract. The determined number of employees is calculated as follows: to determine the minimum required workforce, we argue that we are based on the services requested according to the Terms of Reference and the staff mentioned in the aforesaid paragraphs.

*The number of employees and their consistency in work, shows reliability for the authority. The declaration and registration of employees in the insurance register is a legal obligation of the employer provided by the Labor Code, therefore any evidence with this timing is a document certifying the stability of the employees and their experience, as long as they are proportionate with the nature and dimensions of the contract.*

2.3.5 The bidding economic operator must be equipped and present the appropriate certificates or **their equivalents** for the procurement object as follows:

- a) ISO 9001: 2015, For quality management;
- b) ISO 14001: 2015, For environmental quality management;
- c) ISO 18001-2007, equivalent to ISO 45001-2018 (valid). Occupational Health and Safety Management System;
- d) ISO 50001-2011, Energy Management System;
- e) PAS 99:2012, Integrated Management System

Note: In the case of Group of Economic Operators, each member of the group must submit the abovementioned certificate based on the items undertaken to realize according to the cooperation agreement.

**Argumentation:** *The above requests are established based on Article 79, point 1 of Law No. 162/2020, "On public procurement", according to which: "The authority or contracting entity to prove that the works, goods or services, object of procurement, meet the quality requirements, may ask the bidders to present certificates issued by a conformity assessment body, accredited by the national accreditation body or international accrediting bodies, recognized by the Republic of Albania", as well as in application of Article 44, point 1 and point 3 of DCM No. 285, dated 19.05.2021 "On the adoption of the Public Procurement Rules", which states that: "The contracting authority/entity, in order to prove that the works, goods or services, object of procurement, meet the quality requirements, may be asked bidders to submit certificates issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania, only if they are substantiated and closely and directly related to the object of procurement"*

*The quality certificates are in compliance with the nature and object of the contract being procured.*

### **2.3.6**The Economic Operator must own or lease:

- 2 (two) Equipment for GPS geodetic measurements;
- 1(one) Total Station geodetic measurement equipment.

In order to fulfill this request, a document must be presented which certifies the ownership or the lease act, as well as the technical file of these equipment.

**Note:** We shall highlight that in fulfilling the above-mentioned criterion, the bidding economic operators must present the self-declaration form according to appendix no. 12, where the disposition of the above-mentioned employee must be declared.

In any case, the CA shall be entitled to carry out the necessary verifications on the authenticity of the information declared by the economic operator or to ask the economic operator for clarifications and supporting documents for the information provided.

**Note:** The qualified economic operators of the first phase (short list) must submit to the CA all the proof documentation for the self-declarations presented in the self-declaration form as well as other documents accompanying the offer, submitted electronically.

**Argumentation:** Based on paragraph 4, article 77, of law no. no. 162, dated 23.12.2020 "On public procurement" and Article 41, paragraph 4/ç, of DCM no. 285, dated 19.05.2021 "On the adoption of Public Procurement Rules", by means of this criterion it is required that economic operators prove that they have available or can be made available the means and technical equipment to fulfill the contract, necessary for the execution of the procurement object.

***II. Argumentation of technical specifications***

*Note: Define the technical specifications, for the services subject to procurement, that will be included in the terms of reference, in accordance with the provisions of article 4, paragraph 38/b and article 36, of the PPL, as well as article 41, paragraph 1, of DCM no. . 285, dated 19.05.2021, "On the adoption of public procurement rules", **arguing any functional or performance requirement, or/and any required standard**, where each reference must be accompanied by the words "or its equivalent".*