

Date 24.01.2025

**PROCESS VERBAL – Contract type - Goods**

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

*(These minutes are for publication purposes together with the tender documents)*

**OBJECT OF THE PROCEDURE:** “FUEL PURCHASE” divided into lots as follows:

Lot 1: Purchase diesel oil 10 ppm ULSD,

Lot 2: Purchase of Premium Unl 10ppm gasoline

**RELEVANT CODE IN THE COMMON PROCUREMENT VOCABULARY ( CPV ):**

Diesel 09134000 - 7

Gasoline 09132000 - 3

**VALUE OF THE LIMIT FUND: 210,133,139** (two hundred ten million one hundred thirty-three thousand one hundred thirty-nine) lek excluding VAT divided into lots as follows:

**Lot 1: Purchase diesel fuel 10 ppm ULSD** with a limit fund of **196,383,139** (one hundred and ninety-six million three hundred and eighty-three thousand one hundred and thirty-nine) Lekë excluding VAT .

**Lot 2: Purchase of Premium Unl 10 ppm gasoline** with a limit fund of **13,750,000** (thirteen million seven hundred and fifty thousand) Lekë excluding VAT.

The value of the limit fund in the international currency euro according to the exchange rate of the Bank of Albania is 2,138,106.8 (one million one hundred thirty-eight thousand one hundred six point eight) euros excluding VAT.

The official exchange rate according to the Bank of Albania for the euro on 23.01.2025 is 98.28 lekë.

**Lot 1: Purchase gasoil 10 ppm ULSD** The value of the limit fund in the international currency euro according to the exchange rate of the Bank of Albania is 1,998,200.4 (one million nine hundred ninety-eight thousand two hundred point four) euros excluding VAT.

**Lot 2: Purchase of Premium Unl 10 ppm gasoline** , the value of the limit fund in the international currency euro according to the exchange rate of the Bank of Albania is 139,906.3 (one hundred and thirty-nine thousand nine hundred and six thousand point three) euros excluding VAT.

Based on Article 21, point 2, of Law No. 162/2020 "On Public Procurement", Article 2, point 2/c and Article 78, point 2, of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of the public procurement rules", as amended, the contracting authority/entity, **the General Directorate of Roads and Public Lighting**, has drafted the minutes for the argumentation and approval of the technical specifications and qualification criteria for the above-mentioned procedure, with the following content:

### **Lot 1: Purchase diesel fuel 10 ppm ULSD**

#### **I. SPECIAL QUALIFICATION CRITERIA**

1. The candidate/bidder must submit:

a. *Summary Self-Declaration Form, according to Annex 9*

b. *Bid Security, according to Annex 4;*

**Argument** : The above requests are based on Articles 76, 82 and 83 of the LPP, Articles 26, 34, 35, 40 of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules".

**2. The candidate/bidder must submit:**

**2.1. Suitability to carry out the professional activity (if applicable):**

1. **ISO 9001-2015 Certificate or equivalent** ( valid and accredited by DPA or BY BODIES intErnAtionAl Accreditor , of recognized BY Republic of Albania ).

*Argument* : The above request is based on Article 77, point 1/a), Article 79 of the LPP, Article 44 of the DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", this certificate is required in order for the economic operators that will implement the contract to be certified in the quality management system. The certificate must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania. Given the importance, volume of the contract, the importance of the CA (Contracting Authority) involved in this procedure, it is important for the successful implementation of this procedure that the participating operator proves that it has a quality management system, i.e. to demonstrate its ability to consistently provide products that meet the requirements of customers, i.e. the CA, and the applicable legal and regulatory requirements in order to increase customer satisfaction through the effective implementation of the system, including processes for continuous improvement of the system and ensuring conformity to the customer, i.e. the CA.

**2. ISO 14001-2015 certificate or equivalent** ( valid and accredited by DPA or BY BODIES intErnAtionAl Accreditor , of recognized BY Republic of Albania ).

*Argument* : The above request is based on Article 77, point 1/a), Article 79 of the LPP, Article 44 of the DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended. This certificate is required in order for the economic operators who will implement the contract to be certified in the environmental management system. The certificate must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania. This certificate provides a practical framework for companies that manage existing and potential environmental risks. it's Received IN AROUND the world than the world 's resources ours , which are decreasing from day to day day , no ARE THE endless and that the impacts environmental THE products AND ACTIVITY NOT ARE LOCAL AND regional but This awareness has brought need ABOUT THE checked IMPAcT environmental . BEING The present IN MARKET cafeteria AND the global one, now being measured with respect AND respect which is given to them people . Except FULFILLING OF THE expectations AND NEEDS THE CONSUMER THE today's IN LEVEL MORE THE high , required THAT THE AWARDED AND respected eNviroNmeNt and the world in THE which one we live .

THESE DEVELOPMENT HAVE FOUND the fact that it exists A need ABOUT systems MANAGERIAL that will be enable BUSINESS THE hold UNDER control their interactions with the environment AND THE improve CONTINUALLY ACTIVITIES AND their achievements environmental . ISO 14001 is a standard of the system , the WHAT is based IN MONITORING AND continuous improvement THE pERFORMANCE environmental . It is IN compliance with the specified conditions BY LEGISLATION pertinent AND law IN connection with environmental factors . System The management THE environment CALLED system The management THAT ANY company develops ABOUT reduction systematic AND possible elimination THE DAMAGE THAT those can THE CAUSING IN environment . So HOW RESULT The this judgment MANAGEMENT The environment related to the ISO 14001 : 2015 certificate is standard with it WHICH MUST THE respect ANY company DESPITE field OF THE ITS THE activity or size OF THE This standard shows that the company long exercising THE activity OF THE it operates in compliance with the principles of protection OF THE ECOSYSTEM AND minimizing negative effects on environment .

3. The economic operator must submit the relevant License for the retail sale of fuels, according to the procurement object.

**Argument:** The above request is determined based on Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement", Article 40, point 5, letter a) of Council Decision No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules"; in implementation of Law No. 8450, dated 24.02.1999 "On the Processing, Transportation and Trading of Oil, Gas and Their By-products", as amended, of Council Decision No. 970, dated 02.12.2015 "On the Implementation of Procedures and Conditions for Granting Licenses for Trading in Oil and Its By-products".

This criterion requires economic operators to prove that they have professional licenses for the supply of goods, the subject of the contract, issued by the competent state authorities.

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

1. To prove financial and economic capacities, economic operators must submit a certificate of annual turnover for the financial years 2021, 2022, 2023 , where the turnover value for at least one of the years of the required period must be no less than the value of the limit fund of the lot/sum of lots for which they are competing. The criterion is considered fulfilled if economic operators reach the minimum turnover value in at least 1 (one) year of the required period.

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

*The determination of the required value is argued as follows:*

*The Contracting Authority referred to the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules", article 43, point 2, letter b) and determined the value of the minimum annual turnover within the maximum limit allowed by this article.*

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*Note: Since the legal and sub-legal acts provide for a margin for the turnover value that may be requested, contracting authorities/entities must justify the requested turnover value within this margin.*

*The determination of the years required for submitting proof of annual turnover is based on Law No. 8438, dated 28.12.1998 " On TAX ABOUT THE income ", of changed , the Instruction THE MINISTER THE Finance No. 5, dated 30.01.2006, " For TAX ABOUT THE income ", of amended , DCM No. 922 dated 29.12.2014 " On mandatory declaration THE STATEMENTS TAX AND THE documents THE other tax , only vIA shape " electronic " .*

*(Note: cite the relevant provision of tax legislation, which sets out the deadlines for taxpayers to submit their annual declaration to the tax authorities).*

2. Operators ECONOMIC MUST THE present annual balance sheets, for the financial years 2021, 2022, 2023 accompanied by the Expertise Report of the Authorized Accounting Expert, only in the case when they are in accordance with the provisions of Article 41 of Law No. 10091, dated 05.03.2009 “ On audit legal, professional organization THE expert ACCOUNTING THE Joined AND THE accountant THE approved ", of amended , where the balance sheets of two consecutive years must not have a negative ratio between assets and liabilities.

**Argument:** *The above request is determined based on Article 77, point 3, of the LPP, as well as Article 43, point 4, of the Council of Ministers 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 in the field, specifically, Article 41 of the Law No. 10091, dated 05.03.2009 “ On audit legal , organization of the profession THE expert ACCOUNTING THE Joined AND THE accountant THE approved " , of changed , IN Article 29, point 1 of Law No.*

8438, dated 28.12.1998 " On TAX ABOUT THE " income " AMENDED HOW AND requests THE Law No. 25/2018 " On accounting AND STATEMENTS financial " .

*(Note: cite the relevant provision of tax legislation, which defines the cases when legal entities are obliged to conduct a statutory audit of their annual financial statements, prior to their publication, by an accounting expert or auditing company).*

### **2.3 Technical and professional skills :**

1. The economic operator must submit evidence of previous similar supplies, carried out during the last three years from the date of publication of the contract notice, in a value not less than 40% of the limit fund of the lot/sum of lots for which it is competing .

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

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

**Justification :** *The above requirement is determined based on Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement" and Article 40, point 4 (or in the case of simplified procedures in Article 55, point 4/b ), of Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules". This criterion requires economic operators to prove that they have the experience necessary to implement the contract, therefore it is required that previous similar supplies be in a value not less than 40% of the limit fund of the lot/sum of lots for which it is competing , which is within the limit value set out in the aforementioned article.*

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

*The determination of the required value for similar contracts is set within the value limit set in the public procurement rules and serves the CA to demonstrate that the bidders with their capacities have implemented contracts similar to the object being procured, in a value not less than 40% of the limit fund, on time, with quality and increases the credibility of the experience that the bidder has in the market. Similar experience is considered an essential criterion and therefore economic operators must submit evidence such as references/tax invoices, to prove their performance with both the private and public sectors.*

*Note: Since the legal and sub-legal acts provide for a margin for the value of similar contracts that may be requested, contracting authorities/entities must justify the requested value of similar contracts within this margin.*

2. Operator -ECONOMIC PARTICIPANTS MUST THE present station list THE SELLING OF THE retail fuel , minimum 7 ( seven ) in the territory of the Municipality Tirana , certified with a from the forms of disposition according to Civil Code ( act possession OR rent , to reflected IN registration extract COMMERCIAL released from the Central Bank or contract cooperation NOTARIAL ABOUT all duration of the agreement WITHIN etc. ). These stations THE BE THE equipped with a permit environmental according to LEGISLATION IN FORCE THE released from the National Library of Kosovo, Certification TECHNICAL released from the IST or BY Approved Bodies THE ASSESSMENT THE Conformity (OMVK), Technical Act released from PMNDH and police officer SECURING released BY insurance companies THAT OPERATING IN Albania .

**Argument:** Based on point 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and article 40 of Council of Ministers no. 285, dated 19.05.2021, "On the approval of the Public Procurement Rules", this criterion requires economic operators to prove that they have the capacity to fulfill the contract.

3. Evidence of means of transport , which has available or can IT put IN AVAILABLE operator economic , that are needed ABOUT execution of the contract .

No.	Tools	amount	Condition
1	Autobot with a minimum holding capacity of 1000 liters	2	Ownership or for rent

- a) For vehicles registered in public registers, the following must be presented: a) a document certifying the vehicle's registration; b) a vehicle registration certificate; c) a technical inspection certificate; d) a valid vehicle insurance; d) a certificate for the transport of hazardous materials; and d) a vehicle passport showing the carrying capacity in liters.
- b) For rented vehicles, the following must be submitted: a) a document certifying the vehicle registration; b) a traffic permit; c) a technical inspection certificate; d) vehicle insurance (valid); d) a certificate for the transport of hazardous materials; dh) a vehicle passport for the carrying capacity in liters. The vehicles must be accompanied by the relevant rental contract, valid for the entire period of the contract, the subject of this procurement.
- c) The economic operator must submit a photo for each declared vehicle, showing the vehicle's license plate.
- d) The trucks must be equipped with a counter-liter from the DPM and registered in the economic operator's CKB Extract.
- e) The Contracting Authority reserves the right to verify and control the declared technical means and equipment at any time until the conclusion of the contract. (Declaration from the administrator of the bidding company).

**Justification :** Based on point 4, article 77, of law no. 162, dated 23.12.2020 “On public procurement” and article 40, point 5/ç, of Council of Ministers decision no. 285, dated 19.05.2021, “On the approval of the Public Procurement Rules”, this criterion requires economic operators to prove that they have at their disposal or that they can be made available the means

and technical equipment to fulfill the contract, necessary for the execution of the procurement object.

The Contracting Authority exercises a wide range of activities throughout the territory of the Municipality of Tirana, which includes not only urban areas but also all territories of former municipalities, i.e. rural areas. The scope of the Contracting Authority's activities includes the maintenance of urban and rural roads, the public lighting network, road signage (vertical and horizontal, with or without lighting) as well as the maintenance of drainage and irrigation canals in the territory of the Municipality of Tirana.

In order to successfully carry out its tasks, the Contracting Authority has a fleet of around 86 vehicles, the typology and variety of which varies from pickup trucks, trucks with different axles, trailer transporters, dump trucks, wheeled and chain excavators, rollers, tower trucks, asphalt milling machines, asphalt pavers, etc.

Some of the Authority's vehicles are heavy-duty technological vehicles, which are stationed at work sites located in various rural areas and carry out continuous work processes such as cleaning drainage and irrigation canals, removing soil from landslides, etc. and for this reason they are unable to be supplied with fuel at supply stations due to their remoteness. In addition to the distance from the supply points, the movement and transport (chain excavators are transported only by tugboat) of these vehicles from the site to these points would result in a loss of time and cost for the Contracting Authority.

The main technological tools available to the Authority, which need to be supplied with autobots, are:

- Track excavator (Volvo), about 24 tons, with a fuel tank capacity of about 350 liters.
- Chain excavator (Volvo), about 10 tons, with a fuel tank capacity of about 100 liters.
- (Be-Wheel excavator (Terex), about 18 tons, with a fuel tank capacity of about 250 liters.
- Excavator with rubber tires, about 12.5 tons, with a fuel tank capacity of about 250 liters.

A rough calculation shows that the amount of fuel needed to supply the above vehicles varies around 1000 liters.

Under these conditions and as argued above, the Contracting Authority considers that this request for the supply of a tanker truck with a minimum carrying capacity of 1000 liters is fully justified, in accordance with and proportionate to the object and nature of the procurement contract.

Economic operator PARTICIPANTS MUST THE present sheet / report analysis THE released BY A laboratory The certified IN The Republic of Albania , for SUBJECT FUEL Gasoil 10 ppm ULSD, according to specification Technical sheet / report ANALYSIS MUST THE BE released within 6 (six) months from the date of opening of bids.

**Argument :** Based on point 4, article 77, of law no. no. 162, dated 23.12.2020 “On public procurement” and point 6/c, article 40, of the Council of Ministers no. 285, dated 19.05.2021 “On the approval of the Public Procurement Rules”, this criterion requires economic operators to provide evidence of official results, issued by authorized institutions, that certify the compliance of products with the technical specifications.

5. The economic operator must submit a certificate issued by ISHTI, that the bidding entity has traded the goods subject to procurement, according to the standards of Albanian legislation and has not had penalties for quality violations for the year 2024.

**Justification** : Based on point 4, article 77, of law no. no. 162, dated 23.12.2020 "On public procurement" and article 40, point 7/c, of the Council of Ministers no. 285, dated 19.05.2021, "On the approval of the Public Procurement Rules", this criterion requires economic operators to prove that they exercise their activity in compliance with the legal requirements of environmental, social and labor legislation.

**Justification** : Based on point 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and article 40 of Council of Ministers no. 285, dated 19.05.2021, "On the approval of the Public Procurement Rules", this criterion requires economic operators to prove that they have the capacity to fulfill the contract.

authority contractual exercising A activity THE WIDER IN THE all the territory of the Municipality Tirana , where include not only urban areas but ALSO THE all the territories of former municipalities , i.e. AREAS rural . Object The activity OF THE Authority contractual It includes maintenance of urban roads and rural , network THE lighting public , signage road ( vertical AND horizontal , with or without lighting ) as AND canal maintenance drain AND watering can IN the territory of the Municipality Tirana.In function THE successful implementation THE duties THE his , Authority contractual disposes A fleet FROM about 86 vehicles , typology AND the variety of WHICH varies THAT BY pickup trucks , truck with axles THE various , transporter trailer , dump truck , wheeled excavator and with chain , roller , autotower , milling machine asphalt , paver ASPHALT etc. Seeing TAKE IN consideration the vast territory where operated AND the dynamics of the works THAT CARRIED IS The necessary access at points of MANY fuel avoiding defeat IN AGE AND COST that will brought for the Authority contractual lack of access BY supply points.In THESE conditions AND as far as was argued MORE above , the CA considers that this CALL IS fully argued , in COMPLIANCE AND IN proportion to the object AND the nature of the contract OF THE procurement .

6. The participating economic operator must declare that:

- a) It undertakes the supply during 24 hours, at its retail fuel stations, with a public pistol for every vehicle of the Public Administration, equipped with a personalized electronic card .
- b) Undertakes the supply of a boat, at its own expense, in service 24 hours a day at the location requested by the Contracting Authority .
- c) Undertakes to provide, in accordance with the DCM No. 561, dated 29.07.2016 “ On the Standardization and Discipline of Fuel Expenditures in General Government Units ” , a fuel management page (webpage), where the supply and consumption of fuel for effective means of transport is carried out via electronic card. The fuel management page (webpage) must offer the service of loading the fuel quantity from the economic operator to the Contracting Authority, in order for the refilling of electronic cards personalized with the vehicle license plate as well as the management of the fuel quantity to be carried out by the Contracting Authority itself. Failure to



provide the above-required services electronically via the fuel management page (webpage), which is offered by each participating economic operator constitutes a condition for disqualification.

**Justification** : Based on point 4, article 77, of law no. no. 162, dated 23.12.2020 "On public procurement" and point 8 of article 40, of the Council of Ministers no. 285, dated 19.05.2021, "On the approval of the Public Procurement Rules", this criterion requires economic operators to prove their availability for fuel supply in the places determined by the CA according to its requirements in order to ensure the smooth running of work processes as well as supply at retail fuel stations, with public fuel dispensers.

## **Lot 2: Purchase of Premium Unl 10ppm gasoline**

### **I. SPECIAL QUALIFICATION CRITERIA**

1. The candidate/bidder must submit:

- a. *Summary Self-Declaration Form, according to Annex 9*
- b. *Bid Security, according to Annex 4;*

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

**2. The candidate/bidder must submit:**

**2.1. Suitability to carry out the professional activity (if applicable):**

1. **ISO 9001-2015 Certificate or equivalent** ( valid and accredited by DPA or BY BODIES intErnAtionAl Accreditor , of recognized BY Republic of Albania ).

*Argument* : The above request is based on Article 77, point 1/a), Article 79 of the LPP, Article 44 of the DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", this certificate is required in order for the economic operators that will implement the contract to be certified in the quality management system. The certificate must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania. Given the importance, volume of the contract, the importance of the CA (Contracting Authority) involved in this procedure, it is important for the successful implementation of this procedure that the participating operator proves that it has a quality management system, i.e. to demonstrate its ability to consistently provide products that

*meet the requirements of customers, i.e. the CA, and the applicable legal and regulatory requirements in order to increase customer satisfaction through the effective implementation of the system, including processes for continuous improvement of the system and ensuring conformity to the customer, i.e. the CA.*

**2. ISO 14001-2015 certificate or equivalent** ( valid and accredited by DPA or BY BODIES intErnAtionAl Accreditor , of recognized BY Republic of Albania ).

*Argument : The above request is based on Article 77, point 1/a), Article 79 of the LPP, Article 44 of the DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended. This certificate is required in order for the economic operators who will implement the contract to be certified in the environmental management system. The certificate must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania. This certificate provides a practical framework for companies that manage existing and potential environmental risks. it's Received IN AROUND the world than the world 's resources ours , which are decreasing from day to day day , no ARE THE endless and that the impacts environmental THE products AND ACTIVITY NOT ARE LOCAL AND regional but This awareness has brought need ABOUT THE checked IMPAcT environmental . BEING The present IN MARKET cafeteria AND the global one, now being measured with respect AND respect which is given to them people . Except FULFILLING OF THE expectations AND NEEDS THE CONSUMER THE today's IN LEVEL MORE THE high , required THAT THE AWARDED AND respected eNviroNmeNt and the world in THE which one we live .*

*THESE DEVELOPMENT HAVE FOUND the fact that it exists A need ABOUT systems MANAGERIAL that will be enable BUSINESS THE hold UNDER control their interactions with the environment AND THE improve CONTINUALLY ACTIVITIES AND their achievements environmental . ISO 14001 is a standard of the system , the WHAT is based IN MONITORING AND continuous improvement THE pERFORMANCE environmental . It is IN compliance with the specified conditions BY IEGISLATION pertinent AND law IN connection with environmental factors . System The management THE environment CALLED system The management THAT ANY company develops ABOUT reduction systematic AND possible elimination THE DAMAGE THAT those can THE CAUSING IN environment . So HOW RESULT The this judgment MANAGEMENT The environment related to the ISO 14001 : 2015 certificate is standard with it WHICH MUST THE resect ANY company DESPITE field OF THE ITS THE activity or size OF THE This standard shows that the company long exercising THE activity OF THE it operates in compliance with the principles of protection OF THE ECOSYSTEM AND minimizing negative effects on environment .*

3. The economic operator must submit the relevant License for the retail sale of fuels, according to the procurement object.

Argument: The above request is determined based on Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement", Article 40, point 5, letter a) of Council Decision No. 285,

dated 19.05.2021 “On the Approval of Public Procurement Rules”; in implementation of Law No. 8450, dated 24.02.1999 “On the Processing, Transportation and Trading of Oil, Gas and Their By-products”, as amended, of Council Decision No. 970, dated 02.12.2015 “On the Implementation of Procedures and Conditions for Granting Licenses for Trading in Oil and Its By-products”.

This criterion requires economic operators to prove that they have professional licenses for the supply of goods, the subject of the contract, issued by the competent state authorities.

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

1. To prove financial and economic capacities, economic operators must submit a certificate of annual turnover for the financial years 2021, 2022, 2023, where the turnover value for at least one of the years of the required period must be no less than 40% of the value of the limit fund. of the lot/amount of lots for which you are competing. The criterion is considered fulfilled if economic operators reach the minimum turnover value in at least 1 (one) year of the required period.

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

*The determination of the required value is argued as follows:*

*The Contracting Authority referred to the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules", Article 43, point 2, letter c) and determined the value of the minimum annual turnover within the maximum limit allowed by this article.*

*Note: Since the legal and sub-legal acts provide for a margin for the turnover value that may be requested, contracting authorities/entities must justify the requested turnover value within this margin.*

*The determination of the years required for submitting proof of annual turnover is based on Law No. 8438, dated 28.12.1998 " On TAX ABOUT THE income ", of changed , the Instruction THE MINISTER THE Finance No. 5, dated 30.01.2006, " For TAX ABOUT THE income ", of amended , DCM No. 922 dated 29.12.2014 " On mandatory declaration THE STATEMENTS TAX AND THE documents THE other tax , only vIA shape " electronic ".*

*(Note: cite the relevant provision of tax legislation, which sets out the deadlines for taxpayers to submit their annual declaration to the tax authorities).*

2. Operators ECONOMIC MUST THE present annual balance sheets, for the financial years 2021, 2022, 2023 accompanied by the Expertise Report of the Authorized Accounting Expert, only in the case when they are in accordance with the provisions of Article 41 of Law No. 10091, dated 05.03.2009 “ On audit legal, professional organization THE expert ACCOUNTING THE Joined AND THE accountant THE approved ", of amended , where the balance sheets of two consecutive years must not have a negative ratio between assets and liabilities.

**Argument:** *The above request is determined based on Article 77, point 3, of the LPP, as well as Article 43, point 4, of the Council of Ministers 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 in the field, specifically, Article 41 of the Law No. 10091, dated 05.03.2009 " On audit legal , organization of the profession THE expert ACCOUNTING THE Joined AND THE accountant THE approved ", of changed , IN Article 29, point 1 of Law No. 8438, dated 28.12.1998 " On TAX ABOUT THE " income " AMENDED HOW AND requests THE Law No. 25/2018 " On accounting AND STATEMENTS financial " .*

*(Note: cite the relevant provision of tax legislation, which defines the cases when legal entities are obliged to conduct a statutory audit of their annual financial statements, prior to their publication, by an accounting expert or auditing company).*

### **2.3 Technical and professional skills:**

**1.** The economic operator must submit evidence of previous similar supplies, carried out during the last three years from the date of publication of the contract notice, in a value not less than 40% of the limit fund of the lot/sum of lots for which it is competing .

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

- a)** for previous experience with the public sector, the economic operator must submit certificates issued by a public entity for the successful fulfillment of the contract, indicating the value, the deadline for the completion of the contract and tax sales invoices, completed according to the requirements of the legislation in force, indicating the dates, amounts and quantities of goods supplied,
- b)** For previous experience with the private sector, the economic operator must only submit tax sales invoices, completed according to the requirements of the legislation in force, and declared to the tax authorities, where the dates, amounts and quantities of goods supplied are noted.

*Justification: The above requirement is determined based on Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement" and Article 40, point 4 (or in the case of simplified procedures in Article 55, point 4/b), of Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules". This criterion requires economic operators to prove that they have the necessary experience to implement the contract, therefore it is required that previous similar supplies be in a value not less than 40% of the limit fund of the lot/sum of lots for which they are competing, which is within the limit value set out in the aforementioned article.*

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

*The determination of the required value for similar contracts is set within the value limit set in the public procurement rules and serves the CA to demonstrate that the bidders with their capacities have implemented contracts similar to the object being procured, in*

*a value not less than 40% of the limit fund, on time, with quality and increases the credibility of the experience that the bidder has in the market. Similar experience is considered an essential criterion and therefore economic operators must submit evidence such as references/tax invoices, to prove their performance with both the private and public sectors.*

*Note: Since the legal and sub-legal acts provide for a margin for the value of similar contracts that may be requested, contracting authorities/entities must justify the requested value of similar contracts within this margin.*

2. The participating economic operator must submit a list of retail fuel stations, minimum 7 (seven) in the territory of the Municipality of Tirana, certified by one of the forms of disposal according to the Civil Code (ownership or lease deed, reflected in the commercial registration extract issued by the CCB or notarial cooperation contract for the entire duration of the framework agreement, etc.). These stations must be equipped with an environmental permit according to the legislation in force issued by the CCB, a technical certificate issued by the ISHTI or by the Approved Conformity Assessment Bodies (OMVK), a technical act issued by the PMNDZ and insurance policies issued by insurance companies operating in Albania.

*Justification: Based on point 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and article 40 of Council of Ministers no. 285, dated 19.05.2021, "On the approval of the Public Procurement Rules", this criterion requires economic operators to prove that they have the capacity to fulfill the contract.*

*The Contracting Authority exercises extensive activity throughout the territory of the Municipality of Tirana, which includes not only urban areas but also all territories of former municipalities, i.e. rural areas. The scope of the Contracting Authority's activity includes the maintenance of urban and rural roads, the public lighting network, road signage (vertical and horizontal, with or without lighting) as well as the maintenance of drainage and irrigation canals in the territory of the Municipality of Tirana. In order to successfully carry out its tasks, the Contracting Authority has a fleet of around 70 vehicles, the typology and variety of which vary from pickup trucks, trucks with different axles, trailer transporters, wheel loaders, tire and chain excavators, rollers, tower trucks, asphalt milling machines, asphalt pavers, etc. Taking into account the vast territory where it operates and the dynamics of the works being carried out, access to numerous fuel points is essential, avoiding the loss of time and cost that the lack of access to supply points would bring to the Contracting Authority. Under these conditions and as argued above, the CA considers that this request is fully justified, in accordance with and in proportion to the object and nature of the procurement contract.*

Economic operator PARTICIPANTS MUST THE present sheet / report analysis THE released BY A laboratory The certified IN Republic of Albania ABOUT CASE FUEL gasoline , according to specification Technical sheet / report ANALYSIS MUST THE BE released within 6 (six) months from the date of opening of bids.

**Argument** : Based on point 4, article 77, of law no. no. 162, dated 23.12.2020 “On public procurement” and point 6/c, article 40, of the Council of Ministers no. 285, dated 19.05.2021 “On the approval of the Public Procurement Rules”, this criterion requires economic operators to provide evidence of official results, issued by authorized institutions, that certify the compliance of products with the technical specifications.

4. The economic operator must submit a certificate issued by ISHTI, that the bidding entity has traded the goods subject to procurement, according to the standards of Albanian legislation and has not had any penalties for quality violations for the year 2024.

**Justification** : Based on point 4, article 77, of law no. no. 162, dated 23.12.2020 "On public procurement" and article 40, point 7/c, of Council of Ministers no. 285, dated 19.05.2021, "On the approval of the Public Procurement Rules", this criterion requires economic operators to prove that they exercise their activity in compliance with the legal requirements of environmental, social and labor legislation.

5. The participating economic operator must declare that:

- a) It undertakes the supply during 24 hours, at its retail fuel stations, with a public pistol for every vehicle of the Public Administration, equipped with a personalized electronic card .
- b) Undertakes to provide, in accordance with the DCM No. 561, dated 29.07.2016 “ On the Standardization and Discipline of Fuel Expenditures in General Government Units ” , a fuel management page (webpage), where the supply and consumption of fuel for effective means of transport is carried out via electronic card. The fuel management page (webpage) must offer the service of loading the fuel quantity from the economic operator to the Contracting Authority, in order for the refilling of electronic cards personalized with the vehicle license plate as well as the management of the fuel quantity to be carried out by the Contracting Authority itself. Failure to provide the above-required services electronically via the fuel management page (webpage), which is offered by each participating economic operator constitutes a condition for disqualification.

**Justification** : Based on point 4, article 77, of law no. no. 162, dated 23.12.2020 “On public procurement” and point 8, article 40, of the Council of Ministers no. 285, dated 19.05.2021, “On the approval of the Public Procurement Rules”, this criterion requires economic operators to prove their availability for supply to retail fuel stations, with a public pump.

## **II. Justification of technical specifications**

The technical specifications have been drafted by the special group, which was established by Order of the Head for the drafting of technical specifications in accordance with Article 4, point 38/b and Article 36, of Law No. 162/2020 “ On Public Procurement” , as well as Article 40, point 2, of Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules”.

### **Technical specifications:**

#### **LOT 1: Purchase of 10 ppm ULSD diesel oil**

Gasoil 10 ppm ULSD must comply with the standard S SH EN 590: 2013+A1:2017 according to the standards set by the General Directorate of Standardization, which is the National Standards Body in Albania.

#### **LOT 2: Purchase of gasoline**

Gasoline (Premium Unl 10 ppm) must comply with the standard S SH EN 228:2012 + A1:2017, according to the standards set by the General Directorate of Standardization, which is the National Standards Body in Albania.

### **Argument :**

authority contractual exercising A activity THE WIDER IN THE all the territory of the Municipality Tirana , where include not only urban areas but ALSO THE all the territories of former municipalities , i.e. AREAS rural . Object The activity OF THE Authority contractual It includes maintenance of urban roads and rural , network THE lighting public , signage road ( vertical AND horizontal , with or without lighting ) as AND canal maintenance drain AND watering can IN the territory of the Municipality Tirana.In function THE successful implementation THE duties THE his , Authority contractual disposes A fleet FROM about 80 tools , typology AND the variety of WHICH varies THAT BY pickup trucks , truck with axles THE various , transporter trailer , dump truck , wheeled excavator and with chain , roller , autotower , milling machine asphalt , paver ASPhAlt etc.

specification TECHNICAL THE substances incinerator , object procurement ARE specified RECALLING requests AND typology OF THE vehicles according to STANDARDS THE Agreed BY General Directorate of Standardization OR equivalent , as ORGANIZATION national The standardization IN Republic of Albania ABOUT drafting , adoption , approval AND publication of standards IN THE all sectors of the economy IN implementation THE Law no. 9870, dated 04.02.2008 " On standardization " , of changed .

*Note: For each standard or brand name mentioned, their equivalent is also accepted.*

*Technical specifications are found in Annex 6 of the Standard Tender Documents.*

*Note: Determine the technical specifications for the goods subject to procurement, which must describe the minimum or totality of the most important constituent elements, which guarantee the required quality, and which assess the goods as acceptable for the required functions, in accordance with the provisions of Article 4, point 38/b and Article 36, of the LPP, as well as Article 40, point 2, of the Council of Ministers No. 285, dated 19.05.2021, “On the approval of public procurement rules”, **arguing ANY functional or performance requirement, and/or any required standard** , where each reference must be accompanied by the words “or its equivalent”.*

*Attention: In the technical specifications, unless justified by the subject matter of the contract, no specific brand name or source or particular process shall be mentioned, characterising the products or services offered by a specific economic operator, nor any trade mark, patent, type or origin or specific production, with the aim of favouring or eliminating certain undertakings or products. Such a thing is permitted only in exceptional cases where there is no sufficient, accurate or intelligible way of describing the subject matter of the contract, according to point 3 of Article 36 of the LPP. Such references shall be accompanied by the words “or equivalent”.*

#### **PROCUREMENT UNIT**