

RECORD OF PROCEEDING –Contract type- Good

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

(This record of proceeding is intended to be published together with the tender documents)

OBJECT OF THE PROCEDURE: “Purchase of construction materials for the needs of Ukt sh.a

THE CORRESPONDING CODE IN THE COMMON PROCUREMENT VOCABULARY (CPV): Building materials 44110000-4

THRESHOLD VALUE: 49,999,568 (forty-nine million nine hundred ninety-nine thousand five hundred sixty-eight) Lekë excluding VAT

The threshold value in the international currency Euro according to the exchange rate of the Bank of Albania is 508.694,35 (five hundred eight thousand and six hundred ninety four point thirty five) euros excluding VAT.

The official exchange rate for the euro according to the Bank of Albania on 03.06.2025 is 98.29

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 DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended, the contracting authority/entity UKT sh.a has drawn up the record of proceeding for the argumentation and approval of the technical specifications and criteria for qualification for the above-mentioned procedure, with the content as follows:

I. SPECIAL QUALIFICATION CRITERIA

1. The candidate/bidder must submit:

a. Summary Self-Declaration Form, according to Appendix 8

*b. Bid Security, according to Appendix 3, respectively in the value of **999.991,36** (nine hundred ninety nine thousand nine hundred and ninety one piont thirty six) lekë.*

The required amount of bid security in the international currency Euro according to the exchange rate of the Bank of Albania is 10,173.89 (ten thousand one hundred seventy three point eight) euros.

The official exchange rate according to the Bank of Albania on 03.06.2025 is 98.29 euros.

Argumentation: The above-mentioned requirements are pursuant to articles 76, 82 and 83 of the PPL, article 26 of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules" as amended

2. Candidate/Bidder must submit the following:

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

2.2 Economic - 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 2022, 2023, 2024 where the value of turnover for at least one of the years of the requested period must be no less than the threshold value . The criterion for completing the financial capacities shall be deemed fulfilled if the economic operators reach the value of the minimum turnover, in at least one year of the period requested by the contracting authority/entity.

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

The determination of the required value is argued as follows:

Note: Since the legal and by-laws provide a margin for the turnover value that can be claimed, contracting authorities/entities must justify the required turnover value within this margin.

The determination of the years required for the presentation of the certification of the annual turnover is pursuant to article 43, point 1, point 2, and article 64 of the Law no. 9920, dated 19.5.2008 (as amended) "On the Tax Procedures in the Republic of Albania", Instruction of the Minister of Finance no. 5, dated 30.01.2006, "On income tax", as amended, DCM no. 922 dated 29.12.2014 "On the mandatory declaration of tax declarations and other tax documents, only through the electronic form".

2.2.2 The bidding economic operator must submit the annual financial statements (balance sheets) during the last 3 (three) years (2022, 2023, 2024) certified by the 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 act-expertise of the authorized accounting expert. This requirement is considered fulfilled if, in two consecutive balance sheets, there is no negative ratio between assets and liabilities.

Argumentation: The above requirement is defined pursuant to Article 77, point 3 of the PPL, 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 in Article 29, point 1 of Law no. 8438, dated

28.12.1998 "On income tax" as amended as well as the requirements of Law no. 25/2018 "On accounting and financial statements".

2.2.3. The economic operator must submit an attestation for the payment of local taxes provided by the Local Government for the year 2025, which includes the installment for the relevant period matured according to law no. 9632 dated 30.10.2006 "On the local tax system" as amended; **(related to the deadlines for making certain payments by local self-government units for the year 2025).**

In any case, the CA has the right 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.

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

To fulfill this criterion, economic operators must self-declare that they have paid local tax obligations for the year 2025 according to law no. 9632, dated 30.10.2006 in the summary form of the self-declaration of the STD subject to procurement.

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

Note: While the qualified economic operator must submit to the CA, **before the publication of the announcement of the winner and the start of the appeal deadlines**, all the evidentiary documentation for the self-declarations in the self-declaration summary form.

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

In witness whereof, the procurement unit judges that the criterion established by the contracting authority regarding the self-declaration by the economic operators of the verification of the repayment of the local obligations for the year 2024 according to the municipality/s where the economic operator exercises its activity is in accordance with the legal framework in force, specifically with law no. 9632, dated 30.10.2006 on the "Local Tax System" as amended. All entities that carry out business activities have the legal obligation to register with the National Business Center to make the location of their activity identifiable and to submit to the payment of local taxes expressly provided for in this law.

2.3 Technical and professional skills:

2.3.1. The economic operator must submit proof of previous similar supplies, carried out during the last three years from the date of the announcement of the contract notice, in a value not less than 40% of the threshold value of this contract,

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

- a) for the previous experience realized with the public sector, the economic operator must present certificates issued by a public entity for the successful fulfillment of the contract,

where the value, the deadline for the completion of the contract and the sales tax invoice, completed according to the criteria of legislation in force, where the dates, amounts and quantities of goods supplied are noted,

or,

- b) for the previous experience realized with the private sector, the economic operator must submit sales tax invoices, completed according to the criteria of the legislation in force, and declared to the tax authorities, where the dates, amounts and quantities of goods supplied are noted.

Argumentation: The above criterion is determined pursuant to article 77 of Law no. 162, dated 23.12.2020 "On public procurement" and Article 40, point 4 of DCM no. 285, dated 19.05.2021 "On the approval of Public Procurement Rules". By means of this criterion, economic operators are required to prove that they have the necessary experience to implement the contract successfully, therefore it is required that previous similar contracts be worth no less than 40% of the threshold value, which is within the limit value defined in the above-mentioned article.

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

The estimated value of the contract is above the upper monetary limit. The value for similar supplies constitutes a sufficient level of experience having regard to the object and threshold value.

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

Previous experience is a very necessary element that guarantees the contracting authority that economic operators on the basis of the value of similar contracts possess the capacity to implement the contract successfully according to an appropriate quality standard. In support of Article 88 point 1 of DCM 285/2021, it provides that "The offer can be presented by a union of economic operators, according to the definition of points 2 and 3, of Article 14, of the PPL, where one of them represents others during the procedure and, in case of selection, also during the implementation of the contract. The offer must specify the part of the service, work or supply, which will be performed by each of the members of this union through a cooperation contract drawn up between the parties.

Other special requirements for qualification

2.4 The bidding economic operator must be Certified according to ISO standards issued by conformity assessment bodies accredited by DPA or by international accrediting bodies recognized by the Republic of Albania, specifically:

- a) Quality management certificate ISO 9001:2015 (or equivalent) (valid). (In cases of union of economic operators, each member of the group must present the ISO Certificate according to the items that will be received according to the act-agreement).

Argumentation: The above request is defined pursuant to Article 79 of Law No. 162/2020, dated 23.12.2020 "On Public Procurement", as well as based on Article 44 of DCM no. 285,

dated 19.05.2021 "On the approval of Public Procurement Rules" as well as with the recommendation of PPA, dated 20.03.2018, prot 3341/1.

Based on this criterion, it is required that the participating economic operators prove that they meet the quality requirements, and therefore it is the right of the CA to request the bidders to present certificates issued by independent bodies recognized by the National or International Standardization Systems.

ISO 9001 provides a set of rules that guarantee a preventive quality risk basis which covers a wide range of issues including: high management commitment to quality by the supplier, customer focus, adequacy of its resources, competence/professionalism of employees, the management process (for production, service delivery and support and administrative processes), quality planning, product design and the services it offers, guaranteeing a quality supply process, ensuring conformity for goods and services, its processes to resolve customer complaints, corrective actions, and a request to promote improvement. This requirement proves that its holder guarantees the international standards of quality management of the exercise of its commercial activity.

2.5. The economic operator must submit the following:

- Authorization from the manufacturer or distributor authorized by the manufacturer for the requested goods. In case the latter will be presented, the relationship between the authorized distributor and the manufacturer must be verified. The authorization must contain complete data of the manufacturer such as: phone, fax, e-mail, website, this is necessary for the Contracting Authority in case of verification by it.

Argumentation: The above-mentioned request is determined pursuant to law no. 162/2020, article 73 dated 23.12.2020 "On Public Procurement", DCM no. 285, dated 19.05.2021 "On the adoption of Public Procurement Rules" amended article 40, point 6, letter "c", gives the possibility to contracting authorities to request economic operators to submit evidence, showing that they meet the requirements minimum, defined in the tender documents, such as: evidence of the originality of samples, description and/or photographs or technical catalogs; that certify the compliance of the products with the technical specifications.

The Procurement Unit considers that the criterion determined by the contracting authority on the presentation of the Authorization of the Manufacturer or by the Distributor Authorized by the Manufacturer is proportionate and closely related to the object of the contract as well as in accordance with the aforementioned legal provisions.

The contracting authority, since it is the direct beneficiary of the contract subject to procurement, is within its right to guarantee that the participating economic operators prove the originality of the goods supplied, and consequently may request the bidders to present documentation related to the origin of the goods issued directly by the manufacturer.

Therefore, through the establishment of the above-mentioned criterion, the CA guarantees and gains certainty that the contracting economic operator will supply and fulfill the contract successfully.

Regarding the authority, it is important to provide "goods" according to the required standards, technical specifications, and also the documentation required to be presented is foreseen and within the legal framework provided in the legal provisions.

2.6. The Economic Operator must declare that he undertakes the supply of the goods requested in the procurement object, to the Contracting Authority, within the terms that will be determined during the execution of the mini-contracts, the quantities and specifications determined

All documents must be originals or notarized copies.

Cases of non-presentation of a document, or false and incorrect documents, are considered conditions for disqualification.

In all cases where a certificate, brand, special name, patent, drawing or type, specific origin, manufacturer or entrepreneur is mentioned, their equivalent is also accepted.

Argumentation: The special qualification criteria are proportional to the duration, implementation ability, nature and value of the contract to be procured and serve the Contracting Authority to get to know the technical, financial, and professional capacities of possible bidders for the successful implementation of the contract.

Argumentation on technical specifications:

The sewerage network is very wide depending on the terrain, quotas and their functionality. This network is made of plastic pipes and concrete pipes. Concrete pipes are mainly those with a large diameter (over 800mm).

The black water network in Tirana is by gravity. The pipes are placed with a certain slope and gradually passing from pipes with a smaller diameter to pipes with a larger diameter.

The main discharge points of these collectors are the River of Tirana and Lana.

Their collection is done in a main collector and through it they are taken out of the territory of the residential center and poured into the main collectors.

1. Concrete pipes and caissons are important in the maintenance of large collectors of polluted water in the City of Tirana and its surroundings. All must be of a high quality to ensure longevity in work. To achieve the solidity of the concrete pipes, they are reinforced with iron in order to carry a high load. Concrete pipes and caissons are mainly used to close open channels that are in residential areas.

2. Concrete Iron should be used for large volumes of concrete as a technical condition.

3. Stabilizer, Gravel, Sand are used for filling and leveling the place where the works were carried out. Sand and gravel serve to protect the pipeline from external factors, while the stabilizer serves to stabilize the place where the works were carried out.

During the laying of pipelines for their filling with substrates according to technical conditions (sewage or water supply)

4. Bricks and Cement are important in the construction and reconstruction of wells in interventions in investments and defects according to the problem. In the case of building wells with brick masonry, it is built with cement mortar and plastered from the outside with cement mortar.

5. The wells serve to control the functioning of the sewerage network as well as to clean and maintain the pipes. Wells can be built of brick or concrete. Wells are built in all the places where we have: change in the direction of the network, change in the diameter or slope of the pipelines, branches that are made during the laying of the line, etc.

6. Manhole covers can be made of cast iron metal or reinforced concrete. The covers are placed at the level of the road surface and must withstand the temporary weights that pass over them.

7. The caissons are made of highly qualified concrete and are prefabricated, waterproof, reinforced with concrete and high viscosity. The caisson is placed in the mixed networks of polluted water and rain. Dimensioning, placement and shape are carried out according to hydraulic calculations. Caissons are placed in cases of large flows where the pipelines cannot withstand them and also to cover open channels.

Procurement Unit