



**REPUBLIC OF ALBANIA
PUBLIC PROCUREMENT AGENCY**

**STANDARD DOCUMENTS OF THE RESTRICTED
PROCEDURE / SERVICES ¹**

---FRAMEWORK AGREEMENT---

*„Performance-based maintenance of roads - Central Region“
(divided into 10 Lots)*

*General limit fund: 2.160.710.894 ALL, excluding VAT

¹

In case of non-specific provisions in this set of documents, the responsible authority shall refer to the provisions of the applicable normative act, legislation and public procurement rules.

I CONTRACT NOTIFICATION

Section 1. Responsible Authority

1.1 Name and address of the responsible authority

Name Albanian Road Authority
Address “Rruga Sami Frashëri no.33”, Tirana
Tel/Fax +355 4 2234487
Responsible Person Miranda Shkurti
E-mail miranda.shkurti@arrsh.gov.al
Website www.arrsh.gov.al

1.2 Type of Responsible Authority:

Central Institution	Independent institution
<input type="checkbox"/>	<input type="checkbox"/>
Local government unit	Other
<input type="checkbox"/>	X

1.3 Contract under a special agreement between Albanian and another state

Yes ☐ No ☐

Section 2 Object of the contract

2.1 Number of reference of the procedure /lot: REF-65715-07-16-2020

- Number of reference of Loti 1: REF-65726-07-16-2020
- Number of reference of Loti 2 : REF-65728-07-16-2020
- Number of reference of Loti 3: REF-65730-07-16-2020
- Number of reference of Loti 4: REF-65733-07-16-2020
- Number of reference of Loti 5 REF-65735-07-16-2020
- Number of reference of Loti 6 : REF-65738-07-16-2020
- Number of reference of Loti 7: REF-65740-07-16-2020
- Number of reference of Loti 8: REF-65742-07-16-2020
- Number of reference of Loti 9: REF-65744-07-16-2020
- Number of reference of Loti 10: REF-65746-07-16-2020

2.2 Type of “Public Contracts for Services”

Design Competition

1

Consultancy Services

11

Other Services

X

2.3 Contract based on Framework Agreement

Yes

x

No

1

2.4 Type of Framework Agreement

With one Economic Operator

1

With several Economic Operators

X

All terms are defined

Yes x

No ☐

In the Framework Agreement with 1 Economic Operator, when all conditions are defined, provide the reasons for selecting said Framework Agreement

2.5 Number of economic operators with which the Framework Agreement will conclude: 1 (one) winner per lot. (Define the maximum number of Economic Operators with which the Framework Agreement will conclude).

<p>2.6</p>	<p>The terms to be followed in case of reopening of the bidding process and/or</p>	<p>The competition shall not be reopened.</p> <p>The contracts with the successful economic operator will be concluded according to the requirements of the responsible Authorities as defined in Clause 4.2 of the DST.</p> <p>The contract awarding shall be performed by the Contracting Authority defined in paragraph 2.7 of STD.</p>	
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Performance-based maintenance of roads- Central Region, Tirana

	potential use of electronic bidding	<p>The Framework Agreement will be implemented by sending invitations to tender to economic operators that are party to the Agreement.</p> <p>In the event of a need to enter into a contract within the framework agreement, the responsible authority shall send the "invitation to tender" to the operators, parties in the contract agreement specifying the list of construction sites.</p> <p>The Contracting Authority requests the Winning Economic Operator to submit their bid.</p> <p>Communication between the contracting authority and the economic operator shall be in writing or electronically (email, fax, etc.) and shall in any case be documented and made part of the procedure file.</p> <p>The foreseen and required Services shall only serve to inform and the Contracting Authority shall NOT be obliged to carry out said services.</p> <p>The Contracting Authority has the right to request more or less objects than those provided (but in any case within the estimated value of the Framework Agreement).</p> <p>The Contractor shall not be entitled to compensation and shall NOT be allowed to make changes to the unit prices, for example, should the Contracting Authority decide to request less or more services than those specified and/or should the Contracting Authority decide to request no services for several items.</p> <p>Unit prices are provided in the Bid Price Form.</p> <p>Unit prices shall be fixed and shall not be subject to changes for orders determined in this Framework Agreement.</p>	
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2.7 The responsible Authority / Authorities, which will conclude the framework agreement:
The Framework Agreement shall be entered into by the Albanian Road Authority on behalf of Tirana Central Region Directorate.
The contract/contracts shall be concluded by the Tirana Central Region Directorate.

2.8 Brief description of the framework agreement/contract

1. Limit fund: of the framework agreement (general): ALL 2.160.710.894 (two billion and one hundred and sixty million and seven hundred and ten thousand and eight hundred and ninety-four) VAT excluded, divided into 10 lots.

Performance-based maintenance of roads- Central Region, Tirana

Lot 1: “Performance-based maintenance Vorë - Maminas, Kthesa Kamëz - Vorë (parallel roads), Kamëz – Zall Herr – Bovillë, Intersection Rd. No. 52 Kala Prezë, Gjola Bridge – Bilaj, Bubq - Ishëm, Bërxullë - Domje, Bërxullë - Laknas ”, with limit fund ALL 185.737.630 (one hundred and eighty-five million and seven hundred and thirty-seven thousand and six hundred and thirty) excluding VAT

Lot 2: “Performance-based maintenance Fushë Krujë - Thumanë - Milot, Fushë Krujë - Krujë, Luz - Fabrika e çimentos, Krujë - Sarisalltik, Laç - Patok”, with limit fund ALL 182.252.677 (one hundred and eighty-two million and two hundred and fifty-two thousand and six hundred and seventy-seven) excluding VAT

Lot 3: “Performance based maintenance Tiranë - Dajt - Qafë Mollë - Bizë, Qafë Priskë - Shkallë – Shëngjergj, Uzina e Traktorit - Lanabregas, Sauk - Farkë”, with limit fund ALL 255.787.340 (two hundred and fifty-five million and seven hundred and eighty-seven thousand and three hundred and forty) excluding VAT

Lot 4: “Performance-based maintenance K/Sauk - Sanatorium, Sauk - Km 29 - new roundabout Shijon - Zaranika Bridge, Km22 - Qytezë Krrabë - Object X, Sauk - Sauk i Vjetër Roundabout, Farka Bridge - Baldushk - Mustafa Koçaj, Vaqarr - Vishaj”, with limit fund ALL 263.424.859 (two hundred and sixty-three million and four hundred and twenty-four thousand and eight hundred and fifty-nine) excluding VAT

Lot 5: “Performance-based maintenance Maminas - Rrashbull - Dajlani Bridge, Katër Rugët - Pjezë, Durrës - Bishti i Pallës, Xhafzotaj - Fllakë - Katundi i Ri, Katër Rugët - Shijak, Shijak - Maminas, Shijak - Gjepalaj, Plepa - Golem - Kavajë entrance overpass (parallel roads) , Luz i vogël - Spille, Bishti i Zhurit - Rrogozhinë Center - Rrogozhinë Exit, Rrogozhinë Center - Shkumbin Bridge” with limit fund ALL 258.934.359 (two hundred and fifty-eight million and nine hundred and thirty-four thousand and three hundred and fifty-nine) excluding VAT

Lot 6: “Performance-based maintenance Shirgjan - Kaçivel - Drizë, Mjekës - Uzinë, Elbasan - Gjinar, Gramsh - Kodovjat - Mollë Grabovë, Drizë - Poroçan”, with limit fund ALL 302.066.588 (three hundred and two million and sixty-six thousand and five hundred and eighty-eight) excluding VAT.

Lot 7: “Performance-based maintenance Cërrik - Shalës - Belsh - Vlashuk, Belsh - Fierzë - Kosovë e vogël, Grekan - Dëshiran - Vlashuk, Shtërmën - Radio Stacion, Mollas - Selitë, Kthesa Rrasës - Rrasë”, with limit fund ALL 194.768.956 (one hundred and ninety-four million and seven hundred and sixty-eight thousand and nine hundred and fifty-six) excluding VAT

Performance-based maintenance of roads- Central Region, Tirana

Lot 8: “Performance-based maintenance Librazhd - Steblevë, Urakë - Golik, Hotolisht - Frarë, Qukës – Qafë Plloçë Lot 1” with limit fund 148.823.123 (one hundred and forty-eight million and eight hundred and twenty-three thousand and one hundred and twenty-three) excluding VAT.

Lot 9: “Performance- based maintenance K/Zëmbak-Liqenas- Goricë Border crossing, Libonik - Rrëmbec - Plasë” with limit fund ALL 169.973.967 (one hundred and sixty-nine million and nine hundred and seventy-three thousand and nine hundred and sixty-seven) excluding VAT

Lot 10: “Performance-based maintenance Libonik - Lozhan - Kufi Gramsh” with limit fund ALL 198.941.396 (one hundred and ninety-eight million and nine hundred and forty-one thousand and three hundred and ninety-six) excluding VAT.

2. If the procurement object is composed of several items, **the unit price sum shall be**

3. Financing source : State Budget

4. Object of the contract/framework agreement: **“Performance-based maintenance of roads - Central Region” (divided into 10 Lots).**

2.9 Duration of the contract or time limit for execution:

Duration of the framework agreement: **48 months**

Duration of the contract/contracts, based on the framework agreement according to the Contracting Authority’s requirements.

2.9.1 Duration of the Framework Agreement

Duration in months: ☐☐ or **days:** ☐☐☐☐ (after the signature of the Framework Agreement) *(jo më)*

Lot I - 48(forty eight) months after the signature of the Framework Agreement.
Lot II - 48(forty eight) months after the signature of the Framework Agreement.
Lot III - 48(forty eight) months after the signature of the Framework Agreement.
Lot IV - 48(forty eight) months after the signature of the Framework Agreement.
Lot V - 48(forty eight) months after the signature of the Framework Agreement.
Lot VI - 48(forty eight) months after the signature of the Framework Agreement.
Lot VII - 48(forty eight) months after the signature of the Framework Agreement.
Lot VIII - 48(forty eight) months after the signature of the Framework Agreement.
Lot IX - 48(forty eight) months after the signature of the Framework Agreement.
Lot X - 48(forty eight) months after the signature of the Framework Agreement.

Komentoi [V1]: Shenim i perkthyesit:
Cfare i referohet

2.10 Place of performance of services, object of contract / framework agreement:

Road axes traversed in accordance with paragraph 2.8, of the Central region, Tirana

2.11

Division into Lots:

Yes **x** No ☐

If yes,

2.12 Short description of lots

(Lot object and limit fund)

Lot 1: "Performance-based maintenance Vorë - Maminas, Kthesa Kamëz - Vorë (parallel roads), Kamëz – Zall Herr – Bovillë, Intersection Rd. No. 52 Kala Prezë, Gjola Bridge – Bilaj, Bubq - Ishëm, Bërxullë - Domje, Bërxullë - Laknas (69.4km)", with limit fund ALL 185.737.630 (one hundred and eighty-five million and seven hundred and thirty-seven thousand and six hundred and thirty) excluding VAT.

Lot 2: "Performance-based maintenance Fushë Krujë - Thumanë - Milot, Fushë Krujë - Krujë, Luz - Fabrika e çimentos, Krujë - Sarisalltik, Laç - Patok (60.9 km)", with limit fund ALL 182.252.677 (one hundred and eighty-two million and two hundred and fifty-two thousand and six hundred and seventy-seven) excluding VAT.

Lot 3: "Performance based maintenance Tiranë - Dajt - Qafë Mollë - Bizë, Qafë Priskë - Shkallë – Shëngjergj, Uzina e Traktorit - Lanabregas, Sauk - Farkë (93.1 km)", with limit fund ALL 255.787.340 (two hundred and fifty-five million and seven hundred and eighty-seven thousand and three hundred and forty) excluding VAT.

Lot 4: "Performance-based maintenance K/Sauk - Sanatorium, Sauk - Km 29 - new roundabout Shijon - Zaranika Bridge, Km22 - Qytezë Krrabë - Object X, Sauk - Sauk i Vjetër Roundabout, Farka Bridge - Baldushk - Mustafa Koçaj, Vaqarr - Vishaj (84.6 km)", with limit fund ALL 263.424.859 (two hundred and sixty-three million and four hundred and twenty-four thousand and eight hundred and fifty-nine) excluding VAT

Lot 5: “Performance-based maintenance Maminas - Rrashbull - Dajlani Bridge, Katër Rugët - Pjezë, Durrës - Bishti i Pallës, Xhafzotaj - Fllakë - Katundi i Ri, Katër Rugët - Shijak, Shijak - Maminas, Shijak - Gjepalaj, Plepa - Golem - Kavajë entrance overpass (parallel roads) , Luz i vogël - Spille, Bishti i Zhurit - Rrogozhinë Center - Rrogozhinë Exit, Rrogozhinë Center - Shkumbin Bridge (89.4 km)”, with limit fund ALL 258.934.359 (two hundred and fifty-eight million and nine hundred and thirty-four thousand and three hundred and fifty-nine) excluding VAT

Lot 6: “Performance-based maintenance Shirgjan - Kaçivel - Drizë, Mjekës - Uzinë, Elbasan - Gjinar, Gramsh - Kodovjat - Mollë Grabovë, Drizë - Poroçan (84 km)”, with limit fund ALL 302.066.588 (three hundred and two million and sixty-six thousand and five hundred and eighty-eight) excluding VAT.

Lot 7: “Performance-based maintenance Cërrik - Shalës - Belsh - Vlashuk, Belsh - Fierzë - Kosovë e vogël, Grekan - Dëshiran - Vlashuk, Shtërmën - RadioStacion, Mollas - Selitë, Kthesa Rrasës - Rrasë (67.7 km)”, with limit fund ALL 194.768.956 (one hundred and ninety-four million and seven hundred and sixty-eight thousand and nine hundred and fifty-six) excluding VAT.

Lot 8: “Performance-based maintenance Librazhd - Steblevë, Urakë - Golik, Hotolisht - Frarë, Qukës – Qafë Plloçë Lot 1 (54.75 km)” with limit fund 148.823.123 (one hundred and forty-eight million and eight hundred and twenty-three thousand and one hundred and twenty-three) excluding VAT

Lot 9: “Performance- based maintenance K/Zëmlak-Liqenas- Goricë Border crossing, Libonik - Rrëmbec - Plasë (44.3 km)” with limit fund ALL 169.973.967 (one hundred and sixty-nine million and nine hundred and seventy-three thousand and nine hundred and sixty-seven) excluding VAT

Lot 10: “Performance-based maintenance Libonik - Lozhan - Kufi Gramsh (51km)”, with limit fund ALL 198.941.396 (one hundred and ninety-eight million and nine hundred and forty-one thousand and three hundred and ninety-six) excluding VAT

Performance-based maintenance of roads- Central Region, Tirana

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

2.13 Options: *pursuant to the legislation in force*

Or: from ☐ ☐ to ☐ ☐

2.14 Variants will be accepted:

Yes ☐ No ☐

2.14.1 Subcontracting will be accepted:

Yes ☒ No ☐

If subcontracting is allowed, specify the percentage allowed for subcontracting: _____

The Responsible Authority shall make direct payments to the subcontractor:

Yes ☒ No ☐

Other notes

2.15 During the procurement process in the area of Information and Communication Technology (ICT) were used the standards developed by the National Information Society Agency:

Yes ☐ No ☐

2.16 During the procurement process in the area of Information and Communication Technology (ICT), where standards are non-applicable, was received the preliminary approval of the National Information Society Agency:

Yes ☐ No ☐

Section 3 Legal, Economic, Financial and Technical Information

3.1 Acceptance Criteria as according to Annex 10.

Bid Security²: (applicable in case of procurement procedures of a higher value than the highest monetary limit, should it be requested by the Contracting Authority).

When required, the Economic Operator shall submit the Bid Security Form as provided in **Appendix 5**. The required Bid Security value shall be in the amount of ALL 43.214.218 (forty-three million and two hundred and fourteen thousand and two hundred and eighteen).

In case of Bid submission for Lots, the Bid Security amount for each lot, when required, shall be as follows:

Lot I: 2% of Lot value, or ALL 3.714.753 (three million and seven hundred and fourteen thousand and seven hundred and fifty-three) excluding VAT.

Lot II: 2% of Lot value, or ALL 3.645.054 (three million and six hundred and forty-five thousand and fifty-four) excluding VAT.

Lot III: 2% of Lot value, or ALL 5.115.747 (five million and one hundred and fifteen thousand and seven hundred and forty-seven) excluding VAT.

Lot IV: 2% of Lot value, or ALL 5.268.497 (five million and two hundred and sixty-eight thousand and four hundred and ninety-seven) excluding VAT.

Lot V: 2% of Lot value, or ALL 5.178.687 (five million and one hundred and seventy-eight thousand and six hundred and eighty-seven) excluding VAT.

Lot VI: 2% of Lot value, or ALL 6.041.332 (six million and forty-one thousand and three hundred and thirty-two) excluding VAT.

Lot VII: 2% of Lot value, or ALL 3.895.379 (three million and eight hundred and ninety-five thousand and three hundred and seventy-nine) excluding VAT.

Lot VIII: 2% of Lot value, or ALL 2.976.462 (two million and nine hundred and seventy-six thousand and four hundred and sixty-two) excluding VAT.

Lot IX: 2% of Lot value, or ALL 3.399.479 (three million and three hundred and ninety-nine thousand and four hundred and seventy-nine) excluding VAT.

Lot X: 2% of Lot value, or ALL 3.978.828 (three million and nine hundred and seventy-eight thousand and eight hundred and twenty-eight) excluding VAT.

² Sigurimi i ofertes nuk kërkohet në procedurat e prokurimit me vlerë më të ulët se kufiri i lartë monetar

Section 4 Procedure

4.1 Type of procedure: Restricted (above the Highest Monetary Limit)

Repeated procurement procedure

Yes ☐ No ☒

If it is a re-announced procedure to complete the identification data of the canceled procedure:

- a) If it is a re-announced procedure to complete the identification data of the canceled procedure_____
- b) The procurement object of the canceled procurement procedure_____
- c) Restriction Fund for canceled procurement procedure_____

This procedure consists of two main phases:

Phase 1 – Pre-qualification: The candidates will submit the documents required in TD. The responsible Authority will review the documents submitted by the Candidates, and will assess whether such documentation meets the requirements set in the tender documents.

Phase 2 - Bid Invitation: The Contracting Authority shall send a bid invitation to Candidates who have met the pre-qualification requirements, wherein it invites such Candidates to submit a technical and economic bid. The Bids shall be reviewed and evaluated by the Contracting Authority in order to determine the winning bid.

4.2 Selection Criteria for the Winner:

A) Lowest price ☐

Or

B) most economically favorable Bid X

As regards relevance: Price ☐ ☐ points ☐

etc. ☐ ☐ points

Evaluation Criteria

Points

(i) **Lowest Price**

[0-60]

The Economic Operator shall describe the Bid.

(ii) Company work experience [0-20]

The Economic Operator shall describe the works carried out in the form of a CV, accompanied by an attestation of works carried out in the last 10 years.

(iii) Quality [0 - 20]

Such as indicators and qualitative analysis at work by defining its elements, but not limited to the quality of the technical proposal in terms of methods used, key personnel and their sustainability during the contract implementation period, availability of key equipment, organization of the site, safety at work, quality assurance, mobilization plan, work schedule and any other activity as may be determined by the employer.

The Contracting Authority shall specify the points for each evaluation criteria included.

4.3 Time limit for receipt of tenders or requests to participate:

Date: **07/08/2020**(dd/mm/yyyy) Hour: **12:00**

Location: electronically at PPA's official website, www.app.gov.al

When the offer is required to be submitted by electronic means, economic operators must submit the offer electronically on the PPA official website, www.app.gov.al

4.4 Timetable for the opening of tenders or requests to participate:

Date: **07/08/2020**(dd/mm/yyyy) Hour: **12:00**

Location: electronically at PPA's official website, www.app.gov.al

Information on bids submitted by electronic means shall be communicated to all those Economic Operators who have submitted bids, upon their request.

4.5 Bid validity period: 150(expressed in the day)

4.6 Language (s) for the compilation of tenders or requests to participate:

Albanian	X	English	X
Other	_____		

Section 5 Additional information

5.1 Payable Documents (applicable only to procedures not conducted by electronic means):

Yes ☐ No ☐

If yes

Currency _____ Price _____

This price covers the actual costs of copying and distributing DT to Economic Operators. Interested economic operators have the right to control DT before their purchase.

5.2 Additional information (place, office, ways for withdrawal of tender documents)

Date of distribution of this notice **15/07/2020**

Notice to be completed by the Responsible Authority, which will be published in the Bulletin of Public Notifications

1.Name and address of the contracting authority

Name Albanian Road Authority
Address “Rruga Sami Frashëri no.33”, Tirana
Tel/Fax +355 4 2234487
Person Responsible Miranda Shkurti
E-mail miranda.shkurti@arrsh.gov.al
Website www.arrsh.gov.al

2. Type of procurement procedure: Restricted (above the Highest Monetary Limit)

2. **3. Object of the contract/framework agreement:** “Performance-based maintenance of roads Central Region” (divided into 10 Lots).

4. Reference number of procedure/lot: REF-65715-07-16-2020

- Number of reference of Loti 1: REF-65726-07-16-2020
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- Number of reference of Loti 9: REF-65744-07-16-2020
- Number of reference of Loti 10: REF-65746-07-16-2020

5. Limit fund: of the framework agreement (general): *ALL 2.160.710.894 (two billion and one hundred and sixty million and seven hundred and ten thousand and eight hundred and ninety-four) VAT excluded, divided into 10 lots.*

Performance-based maintenance of roads- Central Region, Tirana

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Lot 5: “Performance-based maintenance Maminas - Rrashbull - Dajlani Bridge, Katër Rugët - Pjezë, Durrës - Bishti i Pallës, Xhafzotaj - Fllakë - Katundi i Ri, Katër Rugët - Shijak, Shijak - Maminas, Shijak - Gjepalaj, Plepa - Golem - Kavajë entrance overpass (parallel roads) , Luz i vogël - Spille, Bishti i Zhurit - Rogozhinë Center - Rogozhinë Exit, Rogozhinë Center - Shkumbin Bridge”, with limit fund ALL 258.934.359 (two hundred and fifty-eight million and nine hundred and thirty-four thousand and three hundred and fifty-nine) excluding VAT

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(three hundred and two million and sixty-six thousand and five hundred and eighty-eight) excluding VAT.

Lot 7: “Performance-based maintenance Cërrik - Shalës - Belsh - Vlashuk, Belsh - Fierzë - Kosovë e vogël, Grekan - Dëshiran - Vlashuk, Shtërmën - RadioStacion, Mollas - Selitë, Kthesa Rrasës - Rrasë”, with limit fund ALL 194.768.956 (one hundred and ninety-four million and seven hundred and sixty-eight thousand and nine hundred and fifty-six) excluding VAT

Lot 8: “Performance-based maintenance Librazhd - Steblevë, Urakë - Golik, Hotolisht - Frarë, Qukës – Qafë Plloçë Lot 1 ” with limit fund 148.823.123 (one hundred and forty-eight million and eight hundred and twenty-three thousand and one hundred and twenty-three) excluding VAT.

Lot 9: “Performance- based maintenance K/Zëmlak-Liqenas- Goricë Border crossing, Libonik - Rrëmbec - Plasë” with limit fund ALL 169.973.967 (one hundred and sixty-nine million and nine hundred and seventy-three thousand and nine hundred and sixty-seven) excluding VAT

Lot 10: “Performance-based maintenance Libonik - Lozhan - Kufi Gramsh” with limit fund ALL 198.941.396 (one hundred and ninety-eight million and nine hundred and forty-one thousand and three hundred and ninety-six) excluding VAT

Duration of the contracts or time limit for execution: The duration of the Framework Agreement will be 48 months. Duration of the contract/contracts, based on the framework agreement according to the Contracting Authority’s requirements.

3. Time limit for submitting bids or requests for participation:

Date: **07/08/2020**(dd/mm/yyyy) Hour: **12:00**

Location: electronically at PPA’s official website, www.app.gov.al

8. Time limit for opening bids or requests for participation:

Date: **07/08/2020**(dd/mm/yyyy) Hour: **12:00**

Location: electronically at PPA’s official website, www.app.gov.al

II. INSTRUCTIONS FOR ECONOMIC OPERATORS

Section 1. Bid Drafting

- 1.1 The bidders shall draft their bids, in compliance with the requirements provided under TDs herein. The bids that are not prepared according to these TDs shall be refused as non-acceptable.
- 1.2 All costs for the preparation, drafting and sending of the bid shall be borne by the bidding economic operator. The Responsible Authority is not liable for such costs.
- 1.3 In procurement procedures carried out by mail, the original bid shall be typed or written in indelible ink. All sheets must be bonded together and numbered. All pages of the bid, except printed non-changeable papers, shall bear the initials of or signed by the Authorized Person(s). Any change in the bid must be readable and signed by the Authorized Persons.
- 1.4 In the case of bids submitted by a consortium of economic operators, the bid shall be accompanied with the Power of Attorney/written authorization for the Authorized Persons representing the consortium during the procurement procedure.
- 1.5 The economic operator is responsible for all documentation submitted as part of the bid. In case of verification of such documentation, or self declarations their content does not appear to be true, the economic operator shall be in the conditions provided for in Article 13, paragraph 3, letter (a) of the LLP.

Section 2 Phase I - Pre-qualification

- 2.1 The submission of Requests for Participation shall be within the final deadline defined in the Contract Notification.

By filling in the Appendix "Statement on guarantee of applicability of legal provisions on labor relations", the Economic Operator admits that there are employment contracts with any employee and that it respects the rights of employees, pursuant to the provisions of the Labor Code (which includes the rights of pregnant women, new mothers and/or lactating mothers, provided for in Articles 104, 105, 105/a, 106, 108 and 115), and the labor legislation in its entirety.

Requests submitted after the deadline shall be returned unopened to the Candidate.

- 2.2 Requests must be submitted to the following address:

In case the Request is required to be submitted electronically, economic operators must submit it at the APP's official website, www.app.gov.al.

- 2.3 For procurement procedures carried out in written form, economic operators shall submit the original application and related documentation, enclosed in a non-transparent envelope, stamped and signed with the name and address of the Candidate and marked: "Request for Pre-Qualification in procedure No. of Contract Notice _____"

"DO NOT OPEN IT, EXCEPT IN CASES WHEN THE BID EVALUATION COMMISSION IS PRESENT, AND NOT BEFORE _____ (dd/mm/yy), _____ time".

In case the Request is required to be submitted electronically, economic operators must submit it at the APP's official website, www.app.gov.al.

Section 3 **PHASE 2 – Bid submission**

- 3.1 The bids shall be submitted solely by the candidates who have received an invite for tender by the responsible Authority, according to the model provided in **Appendix 2**.

In case the Request is required to be submitted electronically, economic operators must submit it at the APP's official website, www.app.gov.al.

- 3.2 The bid should include the following documents:

- a) Bid Form (Estimate), filled according to Appendix 3 of TD.
- b) independent Bid Submission declaration according to Appendix 3/1 TD.
- c) documents pertaining to the procurement object (*sketches, projects, etc*)

_____,
_____,
_____.

- ç) (optional) the alternative technical bid (if provided for)

One Economic Operator should submit only one bid.

- 3.3 Process confidentiality pursuant to Article 25 of the LPP.

- 3.4 For procurement procedures that are carried out in writing, Economic Operators should submit only the original bid enclosed in a nontransparent envelope, sealed, stamped and signed with the Bidder's name and address with the following: "Bid for carrying out _____ services; Notification No. _____"

"DO NOT OPEN, EXCEPT WHEN THE BID EVALUATION COMMISSION IS PRESENT, AND NOT BEFORE _____ (dd/mm/yy) hour _____".

When the bid is requested to be submitted via electronic means, economic operators should submit their bid electronically on APP official website, www.app.gov.al.

- 3.5 For procurement procedures that are carried out in writing, the bidders may modify or withdraw their bids, with the condition that such modification or withdrawal shall be carried out before the final deadline for bid submissions. Both modifications and withdrawals shall be communicated to the responsible Authority in writing prior to the final bid submission deadline. The envelope that contains the Bidder's declaration should respectively state: **"BID MODIFICATION"** or **"BID WITHDRAWAL"**.

When the bid is requested to be submitted via electronic means, the bidder may modify the bid at any time before the final bid submission deadline, without any required communication with the responsible authority, after carrying out any action in their accounts, on APP official website, www.app.gov.al.

Section 4 Calculation of economic offer

- 4.1 The Economic Operator shall fill in the Bid Submission Form, attached herein, defining the services to be delivered and their price.
- 4.2 All prices must be given in Albanian Currency (ALL), including applicable taxes, and excluding VAT. If prices are given in foreign currency, they shall be changed in Albanian Lek according to the Bank of Albania official exchange rate on the date the contract notification was sent for publication and shall be kept in that rate until the expiration of Bid Validity Period.
- 4.3 The bidder shall include in the Bid Submission Form, the total bid price of all goods, excluding VAT. The VAT amount, where appropriate, is added to the given price and consists in the total bid value.
- 4.4 In case of a Framework Agreement which does NOT defines all the terms, prices for the contracts under the Framework Agreement are not fixed; they are subject to change following mini-bidding among economic operators, parties to the framework agreement.
- 4.5 When requested, the Bid Security shall be submitted with the Bid prior to the bid submission deadline expiry. Failure to fulfill the Bid Security requirements shall result in bid rejection.
- 4.6 Bid security shall be in any of the following forms:
- a) Bank guarantee
 - b) Bond

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

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

4.7 Bid Validity Period

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

4.8 Unlawful actions are considered under Article 26 of Law on Public Procurement

Section 5. Bid Evaluation

5.1 Selection Criteria

(Option 1) Lowest qualified bid price.

The Contract shall be awarded to the Bidder that shall offer the lowest qualified bid price.

(Option 2) Most economically favorable bid.

The specific weight of each criterion shall be defined for evaluation criteria, i.e, the points for each criterion and the calculation method for consecutive bidders.

All the criteria for bid evaluation shall be as objective as possible and shall be expressed in figures. In each case where the criteria are more than one, the price criterion weight shall be no less than 50 points. The maximum eligible points for each bid shall be 100.

The following formula shall be used to calculate the bidders' score:

$P_o = P_{k1} + P_{k2} + P_{k3} + \dots$

Where:

Po - total score of the evaluated bid

Pk1/Pk2/Pk3/... - are the points for each criterion

The points for each criterion shall be calculated as follows:

$$Pk1 = Vmin k1 \times Pmaxk1 / Ok1$$

Pk1 _____ Points of evaluated criterion

Vmin k1 _____ Lowest value of the evaluated

Pmaxk1 _____ Maximum points awarded to the evaluated criterion

Ok1 _____ Bid indicator for the evaluated criterion

Clarification

Only one of the options shall be selected as an evaluation criterion. The application of both options shall render the procedure invalid.

In case of the Framework Agreement procurement, when the object of said agreement shall be the international flight tickets, instead of the price will be used the profit margin expressed in percentage.

5.2 Correction of errors and removed parts

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

5.2.2 Errors in the price calculation shall be rectified by the Responsible Authority as follows:

- if there is any discrepancy between amounts in figures and words, the amounts expressed in words shall prevail, except when the amount in concern relates to an arithmetical error;

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

5.3 Abnormally low bids

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

5.3.2 The Bid shall be considered abnormally low in accordance with the definition provided in Article 66, Chapter VII of PPRs.

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

If three or more bids are valid pursuant to Article 56 of the LPP, a bid is considered abnormally low if its value is lower than 85 percent of the average valid bids.

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

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

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

O – Bid
M_O – Average of valid bids
n – Number of valid bids
Z_M – Possible discount

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

$$Z_M = 85 \% M_O$$

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

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

5.4 Administrative complaint available to Economic Operators pursuant to Article 63 of LPP.

Section 6 Signing of Contract

6.1 Notification of the Winner

The Responsible Authority notifies the winning Bidder, by sending the Notification of the winner, pursuant to **Appendix 16**. A copy of such notice is published in the Public Notices Bulletin, as provided for in Article 58 of LPP.

6.2 Contract Insurance

6.2.1 The Responsible Authority demands an insurance for the contract's execution. The amount of such insurance shall be the 10% of the contract's value. The Contract's Insurance Form, according to **Appendix 22 of TDs**, shall be signed and submitted before the signing of the contract.

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

- i. Bank guarantee
- ii. Insurance guarantee

This form is not used by the contracting authorities for sectorial contracts procurement.

6.3 Notification of the signed contract

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

Note: The Responsible Authority shall not make any modification in the tender documents from section 1 to 6.

IV. APPENDIXES

The following Appendixes are integral part of TDs:

Appendix 1: Request for Participation Form

Performance-based maintenance of roads- Central Region, Tirana

Appendix 2: Bid Invitation
Appendix 3: Financial Bid Form
Appendix 3/1: Declaration for the submission of independent bids
Appendix 4: Bid Invitation Form (In case of Framework Agreement)
Appendix 5: Bid Security Form (if required)
Appendix 6: Confidential Information List
Appendix 7: Declaration on Technical Specifications Fulfilment
Appendix 8: Declaration on General Criteria Fulfillment
Appendix 9: Declaration on General Criteria Fulfillment
Appendix 9/1: Declaration On Guarantee Of Applicability Of Legal Provisions On Labor Relations
Appendix 10: General Accreditation / Qualification Criteria
Appendix 11: Technical Specifications
Appendix 12: Planning Of Contracts in The Framework Agreement
Appendix 13: Services and The Execution Graph
Appendix 14: Reference Terms
Appendix 15: Standard Notification for the Disqualified Bidder
Appendix 16: Winner Notification Form
Appendix 17: Notice Form of Successful Economic Operators In The Framework Agreement
Appendix 18: General Contract Conditions
Appendix 19: Specific Conditions
Appendix 20: Signed Contract Notice Form
Appendix 21: Signed Contract Notice for Publication In The Public Notice Bulletin
Appendix 22: Contract Insurance Form
Appendix 23: Complaint Form to the Contracting Authority
Appendix 24: Draft Framework Agreement (Defining All Terms) For Work/Goods/Services)
Appendix 25: Draft Framework Agreement (Not All Terms Defined) For Work/Goods/Services
Appendix 26: Cancellation Notice Form

Komentoi [V2]: duhet te shtohet perkthimi i titujve

Appendix 1

[Appendix to be filled in by the economic operator]

REQUEST FOR PARTICIPATION FORM

Name of Bidder _____

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

* * *

Procurement procedure: *[type of procedure]*

Brief contract description: *[object]*

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

* * *

Procurement procedure: *[Type of procedure]*

Short description of contract: *[object]*

Publication *(if applicable)*: Public Notices Bulletin *[Date]* *[Number/Reference No. on PPA website]*

In reference to the above mentioned procedure, We, the undersigned, we submit our request to participate in this procedure. *Tender Documents*

Representative of Bidder

Signature

Seal

Appendix 2

(Appendix to be filled in by the Contracting Authority)

BID INVITATION

(Only for candidates selected in the first phase)

[Date]

To: [Name and Address of selected Bidder]

Procurement Procedure: _____

In reference to the abovementioned procedure, we hereby inform you that [name and address of selected Candidate], upon evaluation of your legal, financial and economic, and technical capacities, you qualify for the bidding phase of this procedure.

Therefore, we ask you to please submit to [the Contracting Authority herein]

Name _____

Address _____

Your bid, while taking into consideration the following:

The bid submission deadline is:

Date, time and address

Date □□/□□/□□□□(dd/mm/yyyy)

Time: _____

Address _____

When the bid is requested to be submitted through electronic means, the Economic Operators shall submit the bid electronically at the official PPA website, www.app.gov.al

The bid opening deadline is:

Date, time and address

Date □□/□□/□□□□(dd/mm/yyyy)

Time: _____

Address _____

Through electronic means, bidding Economic Operators shall be provided with information, upon their request.

The language(s) for bid drafting shall be:

Albanian ☐ English ☐
Other _____

Winner selection criteria

The winner selection criteria are as follows:

A) Lowest price ☐

or

B) Most economically favorable bid ☐
(criteria as defined in the tender documents)

We await your bids.

[Contracting Authority Official]

Appendix 3

(Appendix to be provided by Economic Operator)

BID INSURANCE FORM

[Date ____]

To: [Name and address of Responsible Authority]

* * *

Procurement procedure [Type of procedure]

Brief description of contract: [object]

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

* * *

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

1. The total price of our offer is [currency and value of bid]; excluding VAT;
2. The total price of our offer is [currency and value of bid]; including VAT

Nr.	Description of Works	Unit	Amount	Price/Unit	Total price	Description of Works
1.						
2.						
3.						
Net Price						
VAT (%)						
TOTAL AMOUNT						

Bidder representative

Signature of Bidder _____

Seal

Note:

1. Prices shall be expressed in Currency ____ (as required in tender documents)

Appendix 3/1

[Appendix to be provided by Economic Operator]

DECLARATION

For Introducing Independent Offers

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

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

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

1. I have read and understood the content of this Declaration;
2. I understand that the submitted bid will be disqualified and / or excluded from participation in public procurement if this Statement is found to be incomplete and / or accurate in all respects;
3. I am authorized by the Bidder to sign this Statement and to submit an offer in the interest of the Bidder;
4. Any person whose signature appears in the Bid Documentary is authorized by the Bidder to prepare and to sign the Bid in the interest of the Bidder;
5. For the purpose of this declaration and the submitted bid, I understand that the word "competitor" means any other economic operator, other than the Bidder, whether or not it is a merger of economic operators, that:
 - a) submit a bid in response to the Contract Notice and / or the Invitation to Invitation made by the Responsible Authority;
 - b) is a potential bidder who, based on his / her qualifications, abilities or experiences, may submit a Bid in reply, Contract Notice and / or Bid Invitation.
6. The bidder declares that: (click one of the following alternatives):
 - a) The Bidder has prepared his bid independently, without consulting, communicating and without making any agreement or agreement with any other competitor;

☐

- b) The Bidder has consulted, communicated, has entered into agreements with one or more competitors in connection with this procurement procedure. The bidder states that in the attached documents, the details of this offer include the names of the competitors, the nature and the reasons for the consultation, communication, agreement or engagement (case of merger of economic operators or subcontracting).□
2. In particular, without prejudice to paragraphs 6 (a) and 6 (b) above, there has been no consultation, communication, contract or agreement with any competitor in respect of:
- a) prices;
 - (b) the methods, factors or formulas used to calculate the price;
 - c) the purpose or the decision to submit or not an offer; or
 - d) submission of a bid that does not meet the specifications of the Bid Request.
3. In addition, there has been no consultation, communication, agreement or contract with any competitor regarding the quality, quantity, specifications or specific deliveries of the goods or services which are related to the concerned procurement, except where stated under paragraph above 6. b).
4. Bid conditions have not been made known or disclosed to the other Bidder by any means, either in advance of the date and time of the official opening of the Bids, of the Winning Bid and of the conclusion of the Contract , only if required by law or if specifically stated under paragraph 6.b).

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

(Title by position at work) (Date)

Appendix4

[Appendix to be filled in by Responsible Authority under the Framework Agreement during the reopening of mini-bidding process]

BID INVITATION FORM

(write the name of Responsible Authority)

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

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

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

Delivery of Goods Location

(provide a short description)

The goods shall be delivered within date _____

The bid shall be send to

.....

[Provide the accurate address]

Before

.....

[Define date and time]

Form of communication:

In writing __by electronic means (email, fax, etc.) _____

Eligibility criteria of winner bid

As defined in the Bid Invitation for the Second procedure phase.

Appendix5

[Headed letter of the Bank / Insurance Company]

[Appendix to be submitted by Economic Operator when requested by Responsible Authority]

BID INSURANCE FORM

[Date_____]

To: [Name and address of Responsible Authority]

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

Procurement procedure [Type of procedure]

Short description of contract: [object]

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

In reference to the above mentioned procedure,

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

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

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

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

[Representative of bank/insurance company]

Appendix6

[Appendix to be filled in by the Economic Operator]

CONFIDENTIAL INFORMATION LIST

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

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

ATTENTION

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

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

Representative of bidder

Signature

Seal

Appendix 7

[Appendix to be filled in by Economic Operator]

DECLARATION ON TECHNICAL SPECIFICATIONS FULFILMENT

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

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

We fulfill all technical specifications, defined in the tender documents, and we can certify this fulfillment through certificates and documents (if requested by the Contracting Authority), submitted with this declaration.

Date of declaration submission _____

Name Surname

Signature

Seal

Appendix 8

[Appendix to be filled in by the Economic Operator]

DECLARATION ON GENERAL CRITERIA FULFILLMENT

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

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

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

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

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

When the official is a mayor or deputy mayor of a municipality or commune, or the chairman of a regional council, member of the respective council, or a high management official of a local government unit, the prohibition due to private interests of the official, specified herein, is applicable only in the case of entering into contracts, if any, with the municipality, commune or region where the official exercises such duty. This prohibition is applicable also when party to the

contract is a public institution at the dependency of this unit. (Article 21, clause 2, Law No.9367, date 07.4.2005).

The prohibitions provided for under Article 21 clauses 1, 2 of Law no. 9367, date 07.04.2005, with the respective exemptions, are applicable to the same extent also to the persons related with the official, i.e. **spouse, cohabitant, adult children and parents of the official and of the spouse.**

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

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

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

Date of declaration submission _____

Name, Surname, Signature

Seal

Appendix 9

[Appendix to be filled in by the Economic Operator]

DECLARATION ON GENERAL CRITERIA FULFILLMENT

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

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

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

_____etc.
they are not or have not been convicted by a final court decision for any of the offenses, set forth in article 45/1 of the PPL³.

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

³ Autorizoj Autoritetin Kontraktor të bëjë verifikimet përkatëse të gjendjes gjyqësore të personave të deklaruar në këtë Deklaratë

Performance-based maintenance of roads- Central Region, Tirana

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

Date of statement submission _____

Bidder's signature _____

Seal _____

Appendix 9/1

[Supplement to be filled by Economic Operator]

**DECLARATION ON GUARANTEE OF APPLICABILITY OF LEGAL PROVISIONS
ON LABOR RELATIONS**

Declaration of the Economic Operator participating in the procurement procedure to be held on _____ by the Responsible Authority _____ with object _____ with limit fund _____.

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

- Economic operator _____ guarantees the protection of the right to employment and occupation from any form of discrimination as provided by applicable labor legislation.
- Economic operator _____ connects with the employee the respective employment contracts and guarantees measures in terms of safety and health at work for All and, in particular, for vulnerable groups, based on applicable labor legislation.
- Economic operator _____ does not have an effective legal force, established by the State Labor Inspectorate and Social Services. In cases where legal violations, the economic operator has taken the necessary measures to address them within the deadlines set by SLISS.

Date of submission of statement _____

Bidder Representative

Signature

Seal

Lot 1: “Performance-based maintenance Vorë - Maminas, Kthesa Kamëz - Vorë (parallel roads), Kamëz – Zall Herr – Bovillë, Intersection Rd. No. 52 Kala Prezë, Gjola Bridge – Bilaj, Bubq - Ishëm, Bërxullë - Domje, Bërxullë - Laknas (69.4km)”, with limit fund ALL 185.737.630 (one hundred and eighty-five million and seven hundred and thirty-seven thousand and six hundred and thirty) excluding VAT..

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. Bid Security, in compliance with Appendix 5;
- b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;
- c. Declaration on Conflict of Interest, in compliance with Appendix 8;
- ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;
- d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**
In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, **which shall demonstrate that there have been no negative balances for at least two consecutive years.***

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer/ Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.6 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- *NP -1/A (Topsoil Excavation Works)*
- *NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)*
- *NP -5/A (Underground works, Works of Art)*
- *NP -9/A (River protection works, hydraulic and bonification systems)*
- *NP -12/A (Environmental Engineering Works)*
- *NS -6/A (Non-illuminated road signs)*
- *NS-7/A (Guardrails and road safety)*

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- *EN-ISO 14001:2004 (Environmental Management Systems)*
- *EN- ISO 9001-2015 (Quality Management System)*
- *EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018*
- *ISO 39001:2012 (Road Traffic Safety Management System)*

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.

No.	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 3
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 2
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 7
11	Pick-up up to 3.5 tons	owned or rented	Pcs 2
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 1
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: *The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.*

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: *The submitted documentation shall be clearly legible*

Lot II : “*Performance-based maintenance Fushë Krujë - Thumanë - Milot, Fushë Krujë - Krujë, Luz - Fabrika e çimentos, Krujë - Sarisalltik, Laç - Patok (60.9 km)*”, with limit fund ALL 182.252.677 (one hundred and eighty-two million and two hundred and fifty-two thousand and six hundred and seventy-seven) excluding VAT.

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 45/1 of the LPP**.
- d) has not been sentenced by a final court decision for acts related to professional activity.
- E) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force.

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. Bid Security, in compliance with Appendix 5;
- b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;
- c. Declaration on Conflict of Interest, in compliance with Appendix 8;
- ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;
- d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria,

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator over the last three years 2017, 2018 and 2019, shall not be lower than 30% of the limit fund of the relevant lot. *The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. In order to demonstrate fulfillment of this condition, the Economic Operator shall submit an annual turnover copy for the last 3 (three) years.*

2.2.2 The Economic Operator shall have a positive and sustainable activity over the last three years 2017, 2018, 2019. *In order to verify fulfillment of this condition, the Economic Operator must submit copies of the balance sheets of the last three years for the years 2016, 2017, 2018 submitted to the relevant tax authority, confirmed by this authority, which shall prove that it has not been in loss position for at least two consecutive years.*

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply".

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 35 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer/ Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.6 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions.

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules

provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- NP -1/A (Topsoil Excavation Works)
- NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)
- NP -5/A (Underground works, Works of Art)
- NP -9/A (River protection works, hydraulic and bonification systems)
- NP – 12/A (Environmental Engineering Works.)
- NS -6/A (Non-illuminated road signs)
- NS-7/A (Guardrails and road safety)

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 “On some amendments and addenda to DCM No. 759, dated 12.11.2014, “On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works”, the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- EN-ISO 14001:2004 (Environmental Management Systems)
- EN- ISO 9001-2015 (Quality Management System)
- EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018
- ISO 39001:2012 (Road Traffic Safety Management System)

***All the above certificates shall be issued by a conformity evaluation body**, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.*

No	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 3
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1

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5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 2
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 7
11	Pick-up up to 3.5 tons	owned or rented	Pcs 2
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 1
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1
20	Snow removal machine (APV) or snow removal Aggregates with sander trucks (truck+blade+salt applicator)	Owned/rented	Pcs 1

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.

- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply”.

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply”.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: The submitted documentation shall be clearly legible

Lot III : “Performance based maintenance Tiranë - Dajt - Qafë Mollë - Bizë, Qafë Priskë - Shkallë – Shëngjergj, Uzina e Traktorit - Lanabregas, Sauk - Farkë”, with limit fund ALL 255.787.340 (two hundred and fifty-five million and seven hundred and eighty-seven thousand and three hundred and forty) excluding VAT.

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force.

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. *Bid Security, in compliance with Appendix 5;*
- b. *Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;*
- c. *Declaration on Conflict of Interest, in compliance with Appendix 8;*
- c. *Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;*
- d. *A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.*

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Economic and financial capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**
In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years.

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, **which shall demonstrate that there have been no negative balances for at least two consecutive years.***

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer / Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- NP -1/A (Topsoil Excavation Works)
- NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)
- NP -5/A (Underground works, Works of Art)
- NP -9/A (River protection works, hydraulic and bonification systems)
- NP -12/A (Environmental Engineering Works)
- NS -6/A (Non-illuminated road signs)
- NS-7/A (Guardrails and road safety)

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- EN-ISO 14001:2004 (Environmental Management Systems)
- EN- ISO 9001-2015 (Quality Management System)
- EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018
- ISO 39001:2012 (Road Traffic Safety Management System)

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

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2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows*

No.	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 4
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 2
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 10
11	Pick-up up to 3.5 tons	owned or rented	Pcs 3
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 3
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 3

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also

be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply.

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply.

*****Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: The submitted documentation shall be clearly legible

Lot IV : *“Performance-based maintenance K/Sauk - Sanatorium, Sauk - Km 29 - new roundabout Shijon - Zaranika Bridge, Km22 - Qytezë Krrabë - Object X, Sauk - Sauk i Vjetër Roundabout, Farka Bridge - Baldushk - Mustafa Koçaj, Vaqarr - Vishaj”, with limit fund ALL 263.424.859 (two hundred and sixty-three million and four hundred and twenty-four thousand and eight hundred and fifty-nine) excluding VAT.*

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

Bid Security, in compliance with Appendix 5;

b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;

c. Declaration on Conflict of Interest, in compliance with Appendix 8;

ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1:

d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**

In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, **which shall demonstrate that there have been no negative balances for at least two consecutive years.***

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer / Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.7 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with

Decision of Council of Ministers No. 42, dated 16.01.2008, “On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities”. The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- *NP -1/A (Topsoil Excavation Works)*
- *NP -4/D (Roads, highways, overpasses, railways, trams, subway, airport tracks)*
- *NP -5/A (Underground works, Works of Art)*
- *NP -9/A (River protection works, hydraulic and bonification systems)*
- *NP -12/A (Environmental Engineering Works)*
- *NS -6/A (Non-illuminated road signs)*
- *NS-7/A (Guardrails and road safety)*

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 “On some amendments and addenda to DCM No. 759, dated 12.11.2014, “On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works”, the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- *EN-ISO 14001:2004 (Environmental Management Systems)*
- *EN- ISO 9001-2015 (Quality Management System)*
- *EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018*
- *ISO 39001:2012 (Road Traffic Safety Management System)*

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.*

No	Machinery type	Ownership	Quantity
.			

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1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 5
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 2
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 9
11	Pick-up up to 3.5 tons	owned or rented	Pcs 3
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 1
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1
20	Snow removal machine (APV) or snow removal Aggregates with sander trucks (truck+blade+salt applicator)	owned/rented	Pcs 1

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: *The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.*

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: *The submitted documentation shall be clearly legible*

Lot V: “Performance-based maintenance Maminas - Rrashbull - Dajlani Bridge, Katër Rugët - Pjezë, Durrës - Bishti i Pallës, Xhafzotaj - Fllakë - Katundi i Ri, Katër Rugët - Shijak, Shijak - Maminas, Shijak - Gjepalaj, Plepa - Golem - Kavajë entrance overpass (parallel roads) , Luz i vogël - Spille, Bishti i Zhurit - Rrogozhinë Center - Rrogozhinë Exit, Rrogozhinë Center - Shkumbin Bridge” with limit fund ALL 258.934.359 (two hundred and fifty-eight million and nine hundred and thirty-four thousand and three hundred and fifty-nine excluding VAT.

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. *Bid Security, in compliance with Appendix 5;*
- b. *Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;*
- c. *Declaration on Conflict of Interest, in compliance with Appendix 8;*
- ç. *Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;*
- d. *A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.*

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**

In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, **which shall demonstrate that there have been no negative balances for at least two consecutive years.***

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer / Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.8 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- *NP -1/A (Topsoil Excavation Works)*
- *NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)*
- *NP -5/A (Underground works, Works of Art)*
- *NP -9/A (River protection works, hydraulic and bonification systems)*
- *NP -12/A (Environmental Engineering Works)*
- *NS -6/A (Non-illuminated road signs)*
- *NS-7/A (Guardrails and road safety)*

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- *EN-ISO 14001:2004 (Environmental Management Systems)*
- *EN- ISO 9001-2015 (Quality Management System)*
- *EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018*
- *ISO 39001:2012 (Road Traffic Safety Management System)*

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

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2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows..*

No	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 5
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 2
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 9
11	Pick-up up to 3.5 tons	owned or rented	Pcs 3
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 1
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also

be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot. Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: The submitted documentation shall be clearly legible

Lot VI: “Performance-based maintenance Shirgjan - Kaçivel - Drizë, Mjekës - Uzinë, Elbasan - Gjinat, Gramsh - Kodovjat - Mollë Grabovë, Drizë - Poroçan”, with limit fund ALL 302.066.588 (three hundred and two million and sixty-six thousand and five hundred and eighty-eight) excluding VAT.

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. KRITERET E VEÇANTA TË KUALIFIKIMIT

SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. Bid Security, in compliance with Appendix 5;*
- b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;*
- c. Declaration on Conflict of Interest, in compliance with Appendix 8;*
- ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;*
- d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.*

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**
In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, which shall demonstrate that there have been no negative balances for at least two consecutive years.*

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer /Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.9 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- *NP -1/A (Topsoil Excavation Works)*
- *NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)*
- *NP -5/A (Underground works, Works of Art)*
- *NP -9/A (River protection works, hydraulic and bonification systems]*
- *NP -12/A (Environmental Engineering Works)*
- *NS -6/A (Non-illuminated road signs)*
- *NS-7/A (Guardrails and road safety)*

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- *EN-ISO 14001:2004 (Environmental Management Systems)*
- *EN- ISO 9001-2015 (Quality Management System)*
- *EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018*
- *ISO 39001:2012 (Road Traffic Safety Management System)*

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.*

Performance-based maintenance of roads- Central Region, Tirana

No .	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 4
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 1
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 8
11	Pick-up up to 3.5 tons	owned or rented	Pcs 3
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 1
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1
20	Snow removal machine (APV) or snow removal Aggregates with sander trucks (truck+blade+salt applicator)	owned/rented	Pcs 4

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also

be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, “On Public Procurement” as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: *The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot. Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.*

Note 2: *The submitted documentation shall be clearly legible*

Lot VII: “Performance-based maintenance Cërrik - Shalës - Belsh - Vlashuk, Belsh - Fierzë - Kosovë e vogël, Grekan - Dëshiran - Vlashuk, Shtërmën - RadioStacion, Mollas - Selitë, Kthesa Rrasës - Rrasë”, with limit fund ALL 194.768.956 (one hundred and ninety-four million and seven hundred and sixty-eight thousand and nine hundred and fifty-six) excluding VAT.

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. Bid Security, in compliance with Appendix 5;
- b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;
- c. Declaration on Conflict of Interest, in compliance with Appendix 8;
- ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;
- d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**
In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, which shall demonstrate that there have been no negative balances for at least two consecutive years.*

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer / Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.10 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- *NP -1/A (Topsoil Excavation Works)*
- *NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)*
- *NP -5/A (Underground works, Works of Art)*
- *NP -9/A (River protection works, hydraulic and bonification systems)*
- *NP -12/A (Environmental Engineering Works)*
- *NS -6/A (Non-illuminated road signs)*
- *NS-7/A (Guardrails and road safety)*

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- *EN-ISO 14001:2004 (Environmental Management Systems)*
- *EN- ISO 9001-2015 (Quality Management System)*
- *EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018*
- *ISO 39001:2012 (Road Traffic Safety Management System)*

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

Performance-based maintenance of roads- Central Region, Tirana

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.*

No	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 3
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
7	Concrete mixer	owned or rented	Pcs 2
8	Water carrying vehicle	owned or rented	Pcs 1
9	Bitumen mixing machine	owned or rented	Pcs 1
10	Asphalt paving machine	owned or rented	Pcs 1
11	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 7
12	Pick-up up to 3.5 tons	owned or rented	Pcs 2
13	Mini excavator	owned or rented	Pcs 1
14	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
15	Digger	owned or rented	Pcs 1
16	Excavator with chains	owned or rented	Pcs 1
17	Excavator with wheels	owned or rented	Pcs 1
18	Road marking machinery	owned or rented	Pcs 1
19	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
20	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also

be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: *The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.*

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: *The submitted documentation shall be clearly legible*

Lot VIII: *“Performance-based maintenance Librazhd - Steblevë, Urakë - Golik, Hotolisht - Frarë, Qukës – Qafë Ploçë Lot 1” with limit fund 148.823.123 (one hundred and forty-eight million and eight hundred and twenty-three thousand and one hundred and twenty-three) excluding VAT..*

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. Bid Security, in compliance with Appendix 5;
- b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;
- c. Declaration on Conflict of Interest, in compliance with Appendix 8;
- ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;
- d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**
In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, which shall demonstrate that there have been no negative balances for at least two consecutive years.*

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer/ Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.11 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- *NP -1/A (Topsoil Excavation Works)*
- *NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)*
- *NP -5/A (Underground works, Works of Art)*
- *NP -9/A (River protection works, hydraulic and bonification systems)*
- *NP -12/A (Environmental Engineering Works)*
- *NS -6/A (Non-illuminated road signs)*
- *NS-7/A (Guardrails and road safety)*

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- *EN-ISO 14001:2004 (Environmental Management Systems)*
- *EN- ISO 9001-2015 (Quality Management System)*
- *EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018*
- *ISO 39001:2012 (Road Traffic Safety Management System)*

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.*

Performance-based maintenance of roads- Central Region, Tirana

No	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 3
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 2
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 7
11	Pick-up up to 3.5 tons	owned or rented	Pcs 2
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 2
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1
20	Snow removal machine (APV) or snow removal Aggregates with sander trucks (truck+blade+salt applicator)	owned/rented	Pcs 2

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also

be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: *The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.*

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: *The submitted documentation shall be clearly legible*

Lot IX: *“Performance- based maintenance K/Zëmlak-Liqenas- Goricë Border crossing, Libonik - Rrëmbec - Plasë” with limit fund ALL 169.973.967 (one hundred and sixty-nine million and nine hundred and seventy-three thousand and nine hundred and sixty-seven) excluding VAT..*

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act,**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. Bid Security, in compliance with Appendix 5;
- b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;
- c. Declaration on Conflict of Interest, in compliance with Appendix 8;
- ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;
- d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**

In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, which shall demonstrate that there have been no negative balances for at least two consecutive years.*

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer / Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.12 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- *NP -1/A (Topsoil Excavation Works)*
- *NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)*
- *NP -5/A (Underground works, Works of Art)*
- *NP -9/A (River protection works, hydraulic and bonification systems)*
- *NP -12/A (Environmental Engineering Works)*
- *NS -6/A (Non-illuminated road signs)*
- *NS-7/A (Guardrails and road safety)*

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- *EN-ISO 14001:2004 (Environmental Management Systems)*
- *EN- ISO 9001-2015 (Quality Management System)*
- *EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018*
- *ISO 39001:2012 (Road Traffic Safety Management System)*

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.*

Performance-based maintenance of roads- Central Region, Tirana

No .	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 2
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 1
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 4
11	Pick-up up to 3.5 tons	owned or rented	Pcs 2
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 1
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1
20	Snow removal machine (APV) or snow removal Aggregates with sander trucks (truck+blade+salt applicator)	owned/rented	Pcs 3

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also

be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: *The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.*

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: *The submitted documentation shall be clearly legible*

Lot X: *“Performance-based maintenance Libonik - Lozhan - Kufi Gramsh” with limit fund ALL 198.941.396 (one hundred and ninety-eight million and nine hundred and forty-one thousand and three hundred and ninety-six) excluding VAT.*

Appendix 10

1. GENERAL ACCREDITATION / QUALIFICATION CRITERIA

The bidder must state that:

- a) It is registered at the National Business Center and has in the field of activity the object of the procurement. In the case where the Bidder is a non-profit organization, it must state that it is registered as a legal person under Law No. 8788, dated 07.05.2001 "On Non Profit Organizations".
- b) is not in the process of bankruptcy, (active status)
- c) has not been convicted of a criminal offense, in accordance with **Article 42 of the Normative Act.**
- d) has not been sentenced by a final court decision for acts related to professional activity.
- e) has paid all the fees for the payment of taxes and social security contributions, according to the legislation in force

The foreign Bidder shall also declare fulfillment of all requirements listed above through submitting a written self-declaration.

If the language used for the procedure is the Albanian language, document in a foreign language shall be accompanied by a notarized translation into Albanian.

In case of a Joint Venture, each JV member shall submit the abovementioned self-declaration.

The General Admission Criteria should not be changed by the Responsible Authorities.

These criteria must be submitted by filling the written declaration of the subject on the day of the Bid Opening, according to Appendix 10.

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

In addition, if the bid is submitted by joint economic operators, the following documents must be submitted:

- a. Notarized agreement according to which the joint economic operators is officially established;
- b. Special power of attorney.

2. SPECIFIC QUALIFICATION CRITERIA

1. The Applicant / Bidder must submit:

- a. Bid Security, in compliance with Appendix 5;
- b. Declaration on fulfillment of Technical Specification, in compliance with Appendix 7;
- c. Declaration on Conflict of Interest, in compliance with Appendix 8;
- ç. Statement on guarantee of applicability of legal provisions on labor relations in compliance with Appendix 9/1;
- d. A certificate confirming the settlement of all matured electricity obligations of energy contracts for the economic operator registered in Albania.

2. The candidate/bidder should submit:

2.1 Legal/professional capacity of economic operators:

In accordance with the General Qualification Criteria.

2.2 Legal / Professional Capacity:

2.2.1. The average turnover realized by the Economic Operator during the last three years (2017, 2018, 2019) shall not be less than **30% of the value of the limit fund of the relevant lot.**

In order to demonstrate the fulfillment of this condition, the Economic Operator shall submit a statement from the responsible taxation authority regarding the annual turnover of the last 3 (three) years

2.2.2 The Economic Operator shall have a positive sustainable activity during the last three years, 2017, 2018, 2019. *In order to demonstrate fulfillment of this condition, the Economic Operator shall submit a profit and loss statement copy for the last three years at the relevant authority, confirmed by said authority, which shall demonstrate that there have been no negative balances for at least two consecutive years.*

2.2.3 The Economic Operator shall submit a written statement by the entity administrator, as well as an attestation issued by any local unit, demonstrating payment of all tax duties and local fees, in the past and current places of business of the Operator for 2019.

The Contracting Authority is entitled to verify the authenticity of the submitted information. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, as amended, "On Public Procurement" shall apply.

2.3 Technical capacity

2.3.1 The Candidate/Bidder shall have prior experience with performing similar services to the procurement object, with a value no less than 30% of the limit fund of the relevant lot, realized successfully during the last three years.

- *In the case of prior experience realized with a public entity, the Economic Operator shall submit a copy of the Contract signed with the public entity, an Attestation issued by a public entity (or evaluation form should it be issued); wherein the quality of the service/works and the fact that the contract was successfully realized are explicitly defined. As well as tax invoices containing the dates, amounts and performed service;*
- *In the case of prior experience with the private sector, the evidences shall include: the relevant sale tax invoices signed by both parties (wherein dates, amounts and performed services/works are explicitly shown).*

2.3.2 As evidence for the work force required to execute the procurement object, the Candidate/Bidder shall demonstrate having no less than 37 insured workers on average for the period January 2020-June 2020. This shall be evidenced through: *An attestation issued by the Tax Administration for the required period, accompanied by the E-SIG forms confirmed by the relevant authorities (bearing an electronic signature or a hard copy).*

2.3.3 The Bidding Candidate, through a statement (by the Company Administrator) shall assign the Technical Director of services/works herein, who shall be included in the Company license and shall declare that he will be present throughout the delivery of service/works defined herein, accompanied by the following documentation: diploma, valid employment contract. Insured pursuant to the legislation in force.

2.3.4 The Economic Operator shall submit a list of key personnel concerning the performance of all works/services herein, which shall minimally contain: 1 (one) Construction engineer, 1 (one) Mechanical Engineer, and 1 (one) Geological Engineer/ Geotechnical, *for each technical staff member, the Economic Operator shall submit a valid Employment Contract, a diploma and the respective CV.*

2.3.5 *The Economic Operator shall declare in writing that the Engineers required in paragraph 2.3.3 and 2.3.4 for qualification, are not engaged in other contracts.*

2.3.13 The Bidding Economic Operator shall employ at least 8 (eight) steering system technicians, for whom it shall submit a valid individual employment contract, a Professional Skills Certificate (valid), issued by the relevant institutions,

2.3.7 The Economic Operator's staff composition shall be in full compliance with DCM No. 632, dated 15.07.2015, as amended.

The Economic Operator shall employ a Doctor in full compliance with DCM No. 108, dated 09.02.2011, as amended, demonstrated with a valid employment contract, a diploma, a CV, a profession exercise permit issued by the Order of Physicians.

2.3.8 The Economic Operators shall have the required licenses for contract implementation. For this, they shall submit the Company relevant license, based on the format approved with Decision of Council of Ministers No. 42, dated 16.01.2008, "On the Criteria and procedures of issuing professional implementation licenses, classification and disciplining of legal entities exercising construction activities". The license review shall be performed in accordance with the rules provided above. The professional license of Economic Operators regarding the executions of works contained in the contract shall include the following categories:

- NP -1/A (Topsoil Excavation Works)
- NP -4/C (Roads, highways, overpasses, railways, trams, subway, airport tracks)
- NP -5/A (Underground works, Works of Art)
- NP -9/A (River protection works, hydraulic and bonification systems)
- NP -12/A (Environmental Engineering Works)
- NS -6/A (Non-illuminated road signs)
- NS-7/A (Guardrails and road safety)

Pursuant to Decision of Council of Ministers No. 943, dated 28.12.2016 "On some amendments and addenda to DCM No. 759, dated 12.11.2014, "On professional licensing of individuals and legal persons exercising activity in the field of construction study and design, and surveillance and commissioning of construction implementation works", the foreign natural/legal entities shall apply to have their foreign licenses recognized in the Republic of Albania.

2.3.9 The Economic Operator shall have and submit the following valid certificates:

- EN-ISO 14001:2004 (Environmental Management Systems)
- EN- ISO 9001-2015 (Quality Management System)
- EN-OHSAS 18001:2007 (Occupational health and safety management system), or an equivalent certificate recognized by the Albanian standards ISO 45001-2018
- ISO 39001:2012 (Road Traffic Safety Management System)

***All the above certificates shall be issued** by a conformity evaluation body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

If the Bidder is a Joint Venture, the certificates shall be in compliance with the works above.

2.3.10 The Economic Operator shall have the necessary technical means and equipment for the performance of the contract. *It shall submit documentary evidences of the technical means and equipment available or that may be made available to the Economic Operator, as follows.*

Performance-based maintenance of roads- Central Region, Tirana

No .	Machinery type	Ownership	Quantity
1	Self-unloading transportation vehicle over 8 tons	owned or rented	Pcs 3
2	Grader	owned or rented	Pcs 1
3	Vibratory roller	owned or rented	Pcs 1
4	Asphalt cutter	owned or rented	Pcs 1
5	Asphalt milling machine	owned or rented	Pcs 1
6	Concrete mixer	owned or rented	Pcs 2
7	Water carrying vehicle	owned or rented	Pcs 1
8	Bitumen mixing machine	owned or rented	Pcs 1
9	Asphalt paving machine	owned or rented	Pcs 1
10	Motor vehicle or Aggregates for cutting low vegetation	owned or rented	Pcs 5
11	Pick-up up to 3.5 tons	owned or rented	Pcs 2
12	Mini excavator	owned or rented	Pcs 1
13	Mini digger (Bobcat or equivalent)	owned or rented	Pcs 1
14	Digger	owned or rented	Pcs 1
15	Excavator with chains	owned or rented	Pcs 1
16	Excavator with wheels	owned or rented	Pcs 1
17	Road marking machinery	owned or rented	Pcs 1
18	Machine (Batipal) for placing metal guardrails	owned or rented	Pcs 1
19	Asphalt-concrete factory, equipped with NLC, environmental permit	owned/rented/supply contract	Pcs 1
20	Snow removal machine (APV) or snow removal Aggregates with sander trucks (truck+blade+salt applicator)	owned/rented	Pcs 3

- For vehicles registered in public records, when under ownership, the Economic Operator shall submit the documentation demonstrating vehicle ownership: ownership certificate; - driving permit; - technical check-up certificate; transportation permit issued by the local unit and the relevant color photos, with visible license plate; whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For vehicles not registered in public records, when under ownership, the Economic Operator shall submit the purchase or customs contract, the relevant photos and tax invoice, whereas for rented vehicles, aside from the documentation above, the Economic Operator shall submit the rental contract, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.
- For the asphalt-concrete factory, if under ownership, the Economic Operator shall submit the purchase or customs contract and the relevant tax invoice, the environmental permit issued by NCL. If such factory is rented, aside from the above documentation, the rental contract shall also

be submitted, which shall include the relevant object and shall be valid throughout the contract/contracts performance period.

- For the asphalt-concrete factory, the Economic Operator may also submit valid supply contracts with economic operators. In this case, it shall submit the supply contract and the documentation demonstrating the existence and ownership of the plant.
- The Economic Operator shall submit a written statement on the availability of the machines throughout the entire contract/contracts performance period.
- The Economic Operator shall submit a statement wherein the Contracting Authority is entitled to carry out a physical verification of the machine availability, at any time, with or without prior notice, and shall also correctly declare the location address of the machines for the purpose of verification”

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply

2.3.11 The above machines shall not be involved in other contracts. To demonstrate this, the Bidding Company Administrator shall submit a statement regarding said machines not being engaged in other contracts.

The Contracting Authority reserves the right to verify the authenticity of the statement. In case of false declaration, the provisions of Article 13, paragraph 3, subparagraph "a" of Law No. 9643, dated 20.11.2006, "On Public Procurement" as amended, shall apply.

***** Documents secured outside of the territory of the Republic of Albania by foreign legal subjects, shall be legalized with an apostille in accordance with Law No. 9060, dated 08.05.2003 "On accession of the Republic of Albania to the Convention on Abolishing the Requirement of Legalization for Foreign Public Documents". (Hague Convention of 5 OCTOBER 1961)***

All documents shall be attached in original or notarized copies. Failure to submit any of the documents or in case of submitting any false or incorrect document shall constitute sufficient grounds for disqualification.

Note 1: *The Economic Operator submitting a bid for more than one Lot, shall have the economic-financial capacities (subparagraph 2.2.1 of section 2.2 of Specific Qualification Criteria), as well as the technical capacities, subparagraph 2.3.1, 2.3.2, 2.3.3.,2.3.4 and 2.3.10 of Specific Qualification Criteria), equal to the amount of lots under bid together. In such case, the Economic Operator submitting a bid for more than Lot, shall provide a statement listing the documents submitted for the purpose of meeting the cumulative criteria for the specific Lot.*

Should the declared and submitted documentation for the purpose of cumulative criteria fulfillment not be completed regarding economic-financial capacities and technical capacities for each Lot the Economic Operator has submitted a bid for, the Economic Operator shall be disqualified from all Lots it has submitted a bid for.

Note 2: *The submitted documentation shall be clearly legible*

Appendix 11

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

TECHNICAL SPECIFICATIONS

Description of the technical data of the works object of procurement described as accurately and thoroughly as possible, creating conditions for fair and transparent competition between all candidates and bidders. Where possible, technical specifications should be defined in a manner that is understood by persons with disabilities.

WARNING

Technical specifications must not contain any requirements or references to any particular brand or name, patent, drawing or type, specific origin, manufacturer or service entrepreneur, unless there is a sufficient, accurate or understandable way of description of the requirements, provided that the words “or equivalent” are necessarily included in these specifications.

Designs, technical parameters etc: Technical Specifications attached to the DSTs

Materials Specification: In the technical specifications attached to the DSTs

Description of service implementation requirements related to them: In the technical specifications attached to the DSTs.

Appendix 12

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

PLANNING OF CONTRACTS IN THE FRAMEWORK AGREEMENT

<input type="checkbox"/> Service:		
Total number of contracts under Framework Agreement, Indefinite. <u><i>Within the limits of the validity of the framework agreement</i></u>		
Contract No.	Contract title	Brief Description of the contract
01		
02		
03		
...		

Appendix 13

(Appendix to be filled in by the Contracting Authority)

(This Appendix in the case of the Framework Agreement will be filled in by the contracting authority only during the reopening of the mini-competition process)

SERVICES AND THE EXECUTION GRAPH

Required services:

Execution date:

Performance-based maintenance of roads- Central Region, Tirana

Appendix 14

(Appendix to be filled in by the Contracting Authority)

REFERENCE TERMS

Object and purpose of services: *Performance and maintenance of roads in the Central Region, Tirana"*

Tasks: *Technical reports attached*

Distribution:

Time and place of service distribution: *Directorate of the Central Region, Tirana, according to the lot object*

Appendix 15

[Appendix to be filled-in by the Responsible Authority]

STANDARD NOTIFICATION FOR THE DISQUALIFIED BIDDER⁴

[Location and Date]

[Name and address of the Responsible Authority]

[Bidder's address]

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

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

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

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

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

With respect

⁴This notice should be used in the case of procurement procedures that take place in a written form

< Name >

Appendix 16

[Appendix to be filled in by the Responsible Authority]

WINNER NOTIFICATION FORM

[Date]

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

Procurement procedure:

Reference Procedure / Lot Reference:

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

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

Winner selection criteria: lowest price ☐ most economically advantageous bid ☐

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

1. _____
Company's full name VAT Identification Number

Amount _____
(in numbers and words)

2. _____
Company's full name VAT Identification Number

Amount _____
(in numbers and words)

Etc. _____

The following bidders have been disqualified:

1. _____
Company's full name VAT Identification Number

2. _____
Company's full name VAT Identification Number

Respectively for the following reasons:

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* * *

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

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

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

Award Notification published on _____

Complaint: yes, or no _____

(If any) answer received on _____

[Head of Responsible Authority]

Appendix 17

[Appendix to be filled in by Responsible Authority under Framework Agreement]

NOTICE FORM OF SUCCESSFUL ECONOMIC OPERATORS IN THE FRAMEWORK AGREEMENT

[[Date]

To: [Name and address of successful economic operators]

1. _____
2. _____
3. _____

* * *

Procurement procedure:

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

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

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

Successful bidder selection criteria: lowest price ☐ most economically advantageous bid ☐

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

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

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

Etc. _____

The following economic operators have been disqualified:

1. _____
Company's full name VAT Identification Number

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

Respectively for the below noted reasons:

* * *

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

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

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

Etc. _____

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

Classification Notice done in date _____

Complaint: yes, or no _____

(If any) answer received on _____

[Head of Responsible Authority]

Appendix 18

GENERAL CONTRACT CONDITIONS Services – Open Procedure

Article 1 Scope

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

Article 2 Definitions

- 2.1 “Contract” means the written agreement entered into by the Responsible Authority and contractor consisting of the tender documents including GCC and SCC, all attachments and completed forms and all other documents included in the referral of each document.
- 2.2 “Contract price” means the price to be paid to the contractor under the contract for the full and proper performance of its contractual obligations.
- 2.3 “Object of contract” means all works that the Contractor shall provide under the terms of the contract.
- 2.4 “Party (Parties)” means signatory parties of the contract.
- 2.5 “Responsible Authority” means the Responsible Authority part of this contract and that contracts the work object of this contract. This term, wherever used, has the same meaning as defined by law.

- 2.6 “Contractor” means the physical or legal person party to this contract providing the work according to the provisions of this contract.
- 2.7 “Services” refers to all tasks to be performed by the Contractor pursuant to the contract.
- 2.8 "Terms of reference" express the object and purpose of the contract, define the tasks, requirements, objectives, delivery, of the service to be provided.

Article 3 Drafting of Contract

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

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

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

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

Article 5 Confidential Information

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

Article 6 Intellectual Property

- 6.1 Except as otherwise provided in the contract, all intellectual property rights provided by the Contractor in performing the contract shall belong to the contractor who may use his discretion.
- 6.2 Except otherwise provided in the contract, the Contractor, after completion of the contract, the Responsible Authority shall submit all reports and data such as maps, diagrams, drawings, specifications, plans, statistics, calculations and supporting records or materials acquired, or

prepared by the Contractor in performing the contract. Contractor may retain copies of such documents and data, but shall not be used for purposes related to the contract without prior written approval of the Responsible Authority.

- 6.3 The Contractor shall provide the Responsible Authority from liability for infringement of intellectual property rights that may arise from the production or distribution of goods under the contract.
- 6.4 In the event of any claim or suit against the Responsible Authority in connection with any violation of intellectual property rights caused by the implementation of the contract or the use of goods supplied under the contract, the Contractor shall provide the Responsible Authority all evidence and information in the possession Contractor pertaining to such suit or claim.

Article 7 General Obligations of the Contractor

- 7.1 The Contractor should perform the Services and meet his obligations with all efficient and economical efforts, pursuant to the generally accepted professional techniques and practices.
- 7.2 The contractor should follow sound business practices and use advances and suitable technology and safe methods.
- 7.3 In case the contract requires performing professional advisory services, the Contractor shall always act as a loyal adviser to the Contracting Authority, in accordance with the rules and codes of conduct of his profession and shall always uphold and maintain the public interest.
- 7.4 In case the contract requires performing professional advisory services, the Contractor must be very careful with third parties relations including the media and must not take part in actions that are outside his competence in respecting the Contracting Authority.

Article 8 Special Obligations of the Contractor

- 8.1 The Contractor must perform all Services as specified in the Terms of Reference.
- 8.2 The Contractor shall submit to the Contracting Authorities all services, in the quantities specified, as required by the contract, including but not limited to, all reports, documents, studies, drawings and layouts.
- 8.3 The Contractor should provide the reports related to the implementation of Services as required by the contractor.

Article 9 Specifications and Drawings

- 9.1 If the contract requires sketching services, the Contractor should prepare all specifications and drawings by using accepted and recognised systems in general and acceptable for the Contracting Authority and should take in consideration the most recent standards.

- 9.2 If the contract requires sketching services, the Contractor should ensure that all specifications, drawings and other requirements are prepared on a neutral basis with respect to promoting competition in the procurement of sketching objects.

Article 10 Permits and Licenses

- 10.1 The Contractor is liable for the provision of permits and licenses in accordance with the requirements of the Laws of the Republic of Albania for the performance of Services in this contract unless the parties agree otherwise.

Article 11 Removal and Replacement of Key Personnel

- 11.1 The Contractor shall obtain prior written approval from the Contracting Authority prior to the removal or replacement of key personnel as described in the Contractor's bid.
- 11.2 The Contractor shall replace any employee if the Contracting Authority discovers that the person has committed an unlawful act or that the Contracting Authority is highly dissatisfied with the work of the person.
- 11.3 If the need arises to replace one of the key personnel members, the Contractor shall provide as a replacement a person with equivalent or better qualifications.
- 11.4 The Contractor shall pay additional costs for the replacement of key personnel, unless the cause for the replacement is due to the negligence or lack of care of the Contracting Authority.

Article 12 Location

- 12.1 The services should be performed in the location or locations specified in the contract.
- 12.2 If the location has not been specified, the Contracting Authority reserves the right to approve the place or places where the Services will be carried out, however, the approval must not be unreasonably delayed. If the location has not been specified,

Article 13 Professional Liability Insurance

- 13.1 The Contractor guarantees that the materials embodied in the works are new, unused and of the latest models and incorporating the latest improvements to the project and materials, except otherwise provided in the contract.
- 13.2 Except as otherwise provided in the contract or by law, the contractor guarantees that the materials do not have defects caused by any action or omission of the contractor or caused by the design, materials or conditions of use, under the conditions that prevail in Albania.

Article 14 Price of the Contract

- 14.1 The Contractor's prices for works performed according to this contract shall not differ from prices offered by the contractor in his bid.

Article 15 Payment Terms

- 15.1 The contract price, including upfront payment, shall be paid in the manner specified in the contract.
- 15.2 Unless otherwise provided in the contract, payment shall be made in the Albanian currency. The exchange rate of the different currencies shall be the rate of the Bank of Albania on the publication date of the contract notice and as specified in the contract.
- 15.3 Except as otherwise provided in the contract, the Contractor's request for payment shall be made to the Contracting Authority in writing. For each request, the Contractor must submit the original and copy along with a list of items describing the services performed for which it must be paid.
- 15.4 Except as otherwise provided in the contract, the periodic payment shall be made within 30 calendar days from the date on which the progress of the implementation schedule has been verified by the project leader.
- 15.5 The payment date shall be the day on which funds are withdrawn from the account of the Responsible Authority.

Article 16 Delay in Payment

In the event of verifying delay in payment by the Responsible Authority, although the contractor has fulfilled all obligations in accordance with the terms of the contract, the overdue obligations and the corresponding delays will be fulfilled in accordance with the provisions of Law No. 48/2014 "On late payments for contractual and commercial obligations".

Article 17 Amendment of laws and regulations

If after the date of bids submission or signature date of the contract, any Albanian law or bylaws enter into force or is amended and which affect the conditions, including the submission date or price of the contract, the terms or price of the contract will be adjusted to the extent that the contractor is affected by the obligation to fulfill its obligations under the contract.

Article 18 Force Majeure

- 18.1 The Contractor shall not be responsible for loss of insurance of the contract, liquidated damages or cancellation for non-fulfillment, even to the extent of the delay in implementation or any other failure in fulfillment of its obligations according to this contract are cause of an event of Force Majeure.
- 18.2 For the purposes of this Article "Force Majeure" shall mean any unforeseeable event beyond the control of the contractor. Events may include, but are not limited to, the actions of the Responsible Authority, whether in its sovereign or contractual capacity, war, revolutions, fire, flood, earthquake, epidemics, quarantine constraints and transit embargoes.

18.3 In the event of Force Majeure the contractor shall give immediate notice to the Public Buyer. Except when the Responsible Authority gives different instructions, the Contractor shall agree to comply with its obligations under the Contract at the practically reasonable amount and shall request all reasonable measures for implementation that are not hindered by the Force Majeure.

Article 19 Delay in Implementation and Extension of Deadline

19.1 Except as otherwise provided, the Contractor shall start the performance of the Contract immediately upon its signature.

19.2 Except where the Responsible Authority agrees to extend the term of the contract, has the right to claim damages for delay in performance if the contractor fails to submit the work within the Full Delivery Deadline specified in the contract.

19.3 The Responsible Authority may deduct the amount of liquidated damages due from the amount payable to the Contractor. In such a case, the Responsible Authority shall give the Contractor written notice of the amount and the reason for the deduction.

19.4 The Responsible Authority shall agree for an extension of the term in case of Force Majeure.

19.5 The Responsible Authority may agree to extend the term in other circumstances if it is in the public interest to do so. In case the contractor encounters conditions that hinder the timely implementation, the contractor should immediately notify the responsible Authority in writing for the delay, cause and the proposed date of submission or completion. The responsible Authority must evaluate the request. If the Responsible Authority is in breach of the delay, the extension shall enter into force with an amendment in written form of the contract signed by the Responsible Authority and the contractor.

Article 20 Liquidated damages for delay in finishing works

20.1 Liquidated damages for delay in finishing works shall be calculated at the following daily rates:

- a. For contracts with an implementation period of not more than 6 months, the daily fee will be 4/1000 of the corresponding value without total contract value, but this value will be calculated at a minimum above 25% of the contract value.
- b. For contracts with an implementation period of more than 12 months, the daily fee will be 2/1000 of the corresponding value without total contract value, but this value will be calculated at a minimum above 25% of the contract value.
- i. For contracts with an implementation period of more than 12 months, the daily fee will be 1/1000 of the corresponding value without total contract value, but this value will be calculated at a minimum above 25% of the contract value

Article 21 Negotiations and Amendments

21.1 The parties will not negotiate changes or amendments to any contract terms that would significantly alter the conditions that form the basis of the contractor's selection.

21.2 No amendment or other contractual change shall be valid unless it is in writing, dated, expressly referred to in the contract and signed by the authorized representative of the contractor and the responsible authority.

21.3 Any waiver of the rights, powers or powers by the parties shall be in writing, dated and signed by the authorized representative of the party who waives such right and shall specify the right and the extent to which it is issued.

Article 22 Change of Order

22.1 The Contracting Authority reserves the right to order Additional Services up to an amount not exceeding 20% of the total contract price. Any additional orders must be made in accordance with the rules and procedures provided in the Law on Public Procurement.

Article 23 Termination for Default

39.1 The Responsible Authority may terminate the contract in whole or in part, if:

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

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

Article 24 Termination for Insolvency

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

24.2 The Responsible Authority shall give written notice of termination.

Article 25 Termination for reasons of Public Interest

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

25.1 The Responsible Authority shall provide the Contractor written notice of termination.

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

Article 26 Subcontract

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

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

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

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

Article 27 Transfer of Rights

31.1 The Contractor should not transfer, fully or partially, his obligations pursuant to the agreement, except when the responsible Authority shall grant prior approval.

Article 28 Contract Insurance

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

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

28.3 The contract insurance guarantee shall be returned to the Contractor not later than 30 days after the date of receipt of the Goods.

Article 29 Legal Basis

29.1 The contract shall be regulated and interpreted according to the Albanians in the applicable legislation.

Article 30 Resolution of Disputes

30.1 The Responsible Authority and the Contractor shall make every effort to resolve any disagreement or dispute arising between them under or in connection with this agreement by direct negotiation.

30.2 If the parties fail to resolve the dispute or conflict, problems shall be considered through contract dispute resolution and legal procedures in force under the legislation of the Republic of Albania.

Article 31 Representation of Parties

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

Article 32 Notifications

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

Article 33 Calculation of deadlines

- 33.1 All references to days shall be calendar days unless otherwise provided.

Appendix19

[Appendix to be filled in by the Responsible Authority]

SPECIFIC CONDITIONS

Services – Open Procedure

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

Article 1: Definitions

1.1 Responsible Authority is _____

1.2 Contractor is _____

Article 2 Contract Insurance

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

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

Article 3 Contract Commencement

3.1 The implementation of the contract should begin on _____. If not specified, implementation will begin on the date the Contractor signs the contract form..

Article 4 Service Location

4.1 Services will be performed in: _____

Article 5 Information that should be provided by the Contracting Authority

5.1 Within 15 days from the receipt of the contract security, the Contracting Authority must provide the Contractor with the following information and documents: _____

Article 6 Reporting Requirements

- 6.1 During the extension of the contract, the Contractor must provide reports to the Contracting Authority pursuant to the following form: _____

Article 7 Professional Liability Insurance

- 7.1 Prior to the commencement of the contract, the Contractor shall provide the Contracting Authority with evidence of professional liability insurance with the following minimum amounts: _____

Article 8 Payment Schedule

- 8.1 Payment for Services should be made according to the following file: _____

- 8.2 Each filed payment must be made within _____ days from the date of reaching the agreement on the payment or from the date of receipt of the written request for payment whichever is the later. If left unmet, the time period will be 30 days.

- 8.3 The payment currency will be _____. If left unpaid, payment will be made with Albanian currency.

Article 9 Preliminary Payment

- 9.1 The pre-payment percentage will be _____. If left unpaid, the Contractor will not receive a pre-payment.

- 9.2 .If a pre-payment is promised, the advance will be paid in _____ days from the receipt of the contract security.

- 9.3 If a prior payment is made, the amount shall be deducted from the payment to be made to the Contractor under the following formula: _____

Article 10 Contract waiver deduction

- 10.1 If a contract waiver deduction shall be provided, it shall be carried out as follows

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If not completed, the guarantee remains unchanged.

Appendix 20

[Appendix to be filled in by the Responsible Authority]

SIGNED CONTRACT NOTICE FORM

Section 1 Responsible Authority

1.1 Name and address of the Responsible Authority

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

1.2 Type of Responsible Authority:

Central Institution	Independent Institution
<input type="checkbox"/>	<input type="checkbox"/>
Local Government Unit	Other
<input type="checkbox"/>	<input type="checkbox"/>

Section 2. Object of Contract

2.1 Number of reference of procedure/lot _____

2.2 Type of “Contracts for public work”

Performance of works	Design and implementation of works
<input type="checkbox"/>	<input type="checkbox"/>

2.1.2 Contract based in the Framework Agreement

Yes ☐ No ☐

If yes, type of Framework Agreement

With 1 Economic Operator ☐

With several Economic Operators ☐

All terms are defined

Po ☐ Jo ☐

2.2 Short description of the contract

- 1 Limit Fund _____
2. Source of Funding _____
3. Object of the contract / framework agreement _____

2.3 Duration of the contract or time limit for execution:

Duration in **months** ☐☐☐ or **days** ☐☐☐☐

Or

Starting from ☐☐☐☐☐☐ to ☐☐☐☐☐☐

2.4 Division into LOTS:

Yes ☐ No ☐

If Yes, number of LOTS: ☐☐

2.5 Options:

Number of possible renewals (if any): ☐☐

or: from ☐☐ to ☐☐☐☐

2.6 Subcontracting:

Yes ☐ No ☐

Section 3. Procedure

3.1 Type of procedure: Restricted Procedure

3.2 Criteria for the selection of winners:

A) lowest price ☐

or

B) the most economically favorable offer ☐

related to relevance: **Price** ☐ ☐ **points** ☐

etc. ☐ ☐ **points**

3.3 Number of bids submitted: ☐ ☐ ☐

Number of regular bids: ☐ ☐ ☐

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

Yes ☐ No ☐

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

Yes ☐ No ☐

Section 4 Contract Information

4.1 Number of Contract: _____ **Date of Contract** ☐ ☐ / ☐ ☐ / ☐ ☐ ☐ ☐

4.2 Name and address of the contractor

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

4.2.1 Name and address of the subcontractor (s)

Name _____
Address _____

Tel/Fax _____
E-mail _____
Webpage _____

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

Amount _____ *(without VAT)* Currency _____
Amount _____ *(with VAT)* Currency _____

4.3.1 Total amount of subcontracting: _____

Amount _____ *(without VAT)* Currency _____
Amount _____ *(with VAT)* Currency _____

4.4 Additional Information

Date of dispatch of this notice □□/□□/□□□□

Appendix 21

Signed Contract Notice For Publication In The Public Notice Bulletin

[Appendix to be filled in by the Responsible Authority for publication in the Public Notice Bulletin]

1. Name and address of Responsible Authority

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

2. Type of procedure: _____

3. Object of the contract / framework agreement _____

4. Number of reference of procedure/lot _____

5. Fund limit _____

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

Amount _____ *(with VAT)* Currency _____

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

7. Date of contract signature _____

7. Name and address of contractor/subcontractor

Name _____
Address _____
VAT Identification Number _____

Appendix 22

[Letter with Bank/Insurance Company logo]
[Appendix to be presented by the Economic Operator]

CONTRACT INSURANCE FORM

[Date]

To: *[name and address of the Responsible Authority]*

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

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

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

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

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

[Representative of the bank/insurance company]

Appendix 23

COMPLAINT FORM TO THE CONTRACTING AUTHORITY

Complaint to: Contracting Authority ☐

Section I. Identification of Complainer

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

Complainer full name (please type)

Address

City

State

Postal/Zip Code

Telephone number (including area code)

Fax number (including area code)

E-mail

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

Signature of the authorized official

Date (year/month/day)

Tel. No. (including Prefix)

Fax No. (including Prefix)

Section II. Information on the procedure

1. ID Number

Fill in the number of contract in the contract notice or in the tender documents, including the type of procedure used for the procurement in question (e.g., Proposal Requirements (PR), Open Procedure(OP), Restricted Procedure(RP), Negotiation procedure (NP), Consulting Service (CS), Design Competition (DC).

2. Responsible Authority

The name of the Responsible Authority administering the procurement process.

3. Estimated Value of the Procurement

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

4. Object of Contract

Brief Description of works/goods/services purchased.

5. Deadline for submission of Bid

The deadline for submission of bids.

Date (year/month/day)

6. Date of Contract Award

Date (year/month/day) if applicable

Section III. Description of complaint

1. Complaint Legal Basis

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

2. Detailed Statement of Facts and Arguments

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

3. List of Appendixes

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

Send the completed form procurement complaint, all necessary attachments and additional copies, to the **Public Procurement Commission**

Note: Regarding complaints to the Public Procurement Commission you should refer to the Complaint Form issued by this institution

No. Fax:

E-mail:

Signature and seal of the applicant

Appendix 24

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

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

No. __

DATE:

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

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

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

All the present attached documents shall constitute an integral part of the present Agreement.

Article 1 Object

- 1.1 The scope of the framework agreement is to define terms, including prices per unit and rules for the delivery of goods/services/works below.

General description]

- 1.2 The framework agreement shall be implemented with dispatch of invitations to tender to economic operators participating to the agreement.
- 1.3 foreseen are only a quantity orientation and do NOT condition the Responsible Authority to acquire them. The responsible Authority has the right to buy less or more quantity than those indicated.
- 1.4 The Contractor shall not be entitled to compensation and shall not be allowed to make changes to the unit price, for instance in case the Responsible Authority decides to purchase fewer or more quantities than those specified and/or in case the Responsible Authority decides not to purchase any of these quantities for some items.

- 1.5 **Duration of the framework agreement**
-

Article 2 Price

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

Signatures and Dates

For the Contractor

For the Responsible Authority

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

Appendix 25

DRAFT FRAMEWORK AGREEMENT

(NOT ALL TERMS DEFINED)

FOR WORK/GOODS/SERVICES

Name of Responsible Authority,

And

Name of Contractor

Agree as follows:

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

Article 1 Object

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

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

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

Article 2 Obligations of Parties

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

2.3 The Contractor is obliged to submit an offer whenever required by the Responsible Authority.

Article 3 Contracts implementing the framework agreement

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

Article 4 Mini –bidding process

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

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

4.3 Whenever there is a need for work/good/service, the Responsible Authority must prepare a bid invitation and send it to all economic operators who are part of the framework agreement.

Bid evaluation shall be done according to the criteria specified in the Bid Invitation

Article 5 Duration of the framework agreement:_____

Signatures and dates

For the Contractor		For the Responsible Authority	
Name:		Name:	
Position:		Position:	
Signature:		Signature:	
Date:		Date:	

Seal:		Seal:	
-------	--	-------	--

Appendix 26

[Appendix to be filled in by the Contracting Authority]

CANCELATION NOTICE FORM

1. Name and address of the Contracting Authority

Name _____

Address _____

Tel/Fax _____

E-mail _____

Webpage _____

1. Type of Procedure: _____

2. Reference Number: _____

3. Contract Object _____

4. Limit fund _____

5. Cancellation Reason:

Based on Law no. 9643, dated 20.11.2006 “On Public Procurement” as amended, Article 24,
point 1:a) ;

b) ;

c) ;

ç) ;

d) ;

dh) ;

Etc.. _____

6. Additional information

Date of dispatch of this notice _