

MINUTES - Type of contract - Services

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

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

OBJECT OF THE PROCEDURE: "**Design Study of the road axis Elbasan - Lekaj Corridor 8**"

RELEVANT CODE IN THE COMMON PROCUREMENT VOCABULARY (CPV): **Design consultancy services 79415200-8**

VALUE OF LIMIT FUND: **83,139,834.24** (eighty - three one million one hundred and thirty nine one thousand eight hundred and thirty - four point twenty four) **Lek _ without VAT**

In Euro **739,809.88** (seven hundred and thirty - nine one thousand eight hundred and nine point eighty - eight) **EUR without VAT.**

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

The procurement procedure is provided for in the State Budget for 2023 , **according to letter No. 982/3 prot, dated 22.02.2023 for the Albanian Road Authority**. Based on Article 42 of Decision no. 285, dated 19.05.2021 point 1 "The contracting authority/entity divides a contract into lots as often as possible. In any case, the size and object of these lots must be clearly defined". In the present case, it is technically impossible to divide into lots. If the object were to be divided into lots, the design study would become almost impossible because it is the same axis, moreover in the Terms of Reference is the entire description. Also, the division of the object into lots would complicate the delivery deadline of the project and would cause delays for the start of construction works.

Pursuant to *point 2 of Article 56 of Law 162/2020 "On Public Procurement" and point 3 of Article 24 of VKM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules"* , the Contracting Authority will publish the contract notice in English in the newspaper "**TED**" with distribution in Europe.

Pursuant to *point 2, article 12 of VKM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules"* , the Contracting Authority has converted the limit value of the contract into Euros, according to the official exchange rate of the Bank of Albania, dated **18.05.2023, 12:27:07**

I. SPECIAL QUALIFICATION CRITERIA

1. The bidder must submit:

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

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

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

2. The candidate/bidder must submit:

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

according to appendix 12

2.2. Economic and financial capacity:

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

Argumentation: The above request is determined based on the value of the limit fund of this procedure, as well as based on article 77, point 3, of the LPP, as well as article 43, of VKM no. 285, dated 19.05.2021 "On the approval of public procurement rules".

The determination of the required value is argued as follows: The type of procedure is "Consultancy Service", the determination of the required value was made in support of Article 43, point 2, letter "c" of VKM no. 285, dated 19.05.2021 "On the approval of public procurement

rules" where it is determined that: " 40% of VALUE OF THE ESTIMATED THE cONTRACT IN procurement procedures and _ in procurement procedures " Service _ Consultancy " HOW AND IN law no . 8438, dated 28.12.1998 " For TAX ABOUT THE income ", i amended , VKM no . 922 dated 29.12.2014 " For mandatory declaration _ THE STATEMENTS TAX AND THE documents THE others tax , only through electronic forms ", as AND IN Minister 's Instruction THE Finance no . 5, dated 30.01.2006 " For TAX ABOUT THE income " , i changed .

The determination of the years required for the presentation of the certification of the annual turnover is based on the support of Article 43, point 1 of VKM no. 285, dated 19.05.2021 "On the approval of public procurement rules" where it is determined that: " Authority / entity contractor , for THE TESTED CAPACITY FINANCIAL AND economic , requires copies of STATEMENTS THE throughput annual THE COMPLETED BY OPERATOR -ECONOMIC and , according to case THE throughput THAT COVERED contract , for A period maximum UP in the last 3 (three) years financial " .

2.2.2 Operators ECONOMIC MUST THE present BALANCE SHEETS annual , for years FINANCIAL 2020, 2021, 2022 (Balance sheets to be presented in accordance with the provision of article 41 letter c) of Law no. 1009/2009), **where the balance sheets of two consecutive years must not have a negative ratio between assets and liabilities.**

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

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

2.3 Technical and professional skills:

2.3.1. The economic operator must present proof of previous similar services, performed during the last three years from the date of announcement of the contract notice, in a value not less than 40% of the value of the limit fund of this contract.

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

- a) for the previous experience realized with the public sector, the economic operator must present certificates issued by a public entity for the successful fulfillment of the contract, where the value, the deadline for the completion of the contract, as well as the sales tax invoices, completed according to the requirements of the legislation in force, where the dates, amounts and services performed are noted.
 - b) for the previous experience realized with the private sector, the economic operator must submit sales tax invoices, completed according to the requirements of the legislation in force, and declared to the tax authorities, where the dates, amounts and services performed are noted.
- ***In the case of "Consultancy Service" procurement procedures, as previous experience for services similar to the object of procurement will be recognized and/or services similar to the relevant areas of expertise, part of the object of procurement.

Argumentation : The above request is defined based on Article 77 of Law no. 162, dated 23.12.2020 "On public procurement" and Article 41, point 3 (*or in the case of simplified procedures in Article 55, point 4/b*), of VKM no. 285, dated 19.05.2021 "On the approval of Public Procurement Rules". By means of this criterion, economic operators are required to prove that they have the necessary experience to implement the contract, therefore it is requested that the previous similar services be worth no less than **40%** of the value of the limit fund, which is within the limit value defined in the above-mentioned article.

2.3.2 Economic operators must have the necessary licenses for the implementation of the contract based on the approved format. The professional license of economic operators related to the execution of contract services subject to procurement, must contain the following categories:

- **1.b- 1.** Sectoral plans at the district level;
 2. Sectoral plans at the municipality level.
- **2.b- 3.** Hospital facilities; terminals in the infrastructure; Acts art in infrastructure.
- **2.d-** Landscape design, arrangement of green areas, flower gardens and parks.
- **3.c-1.** Objects with a high degree of difficulty Reinforced concrete - metal -
 2. trowels and swords with low durability.
- **4.i-** Design of street lighting, squares, decorative lighting, lighting of large sports facilities, ports, airports, etc.
- **5.d-** Irrigation works - drainage - irrigation plants - small dams (those that do not meet the condition of large dams) - dams, siphons, cascades, spillways, current accelerators, plugs, bridges, gates, tombinos.
- **5.f-** Hydrotechnical works, hydraulic galleries and tunnels, water intake, discharge-dischargers of excess water, water intake works from reservoirs, water intake works from rivers and water intake by wells.
- **6.a-** Local roads, secondary urban roads and secondary interurban roads.

- **6.b-** Design of main urban road and main interurban road.
- **6.c-** Highway.
- **7.a-** Bridges and small works of art up to 10 m.
- **7.b-** Bridges and works of art over 10 m.
- **7.c-** Bridges/viaducts with large spans of light, suspension bridges, bridges with indefinite systems
- static and other special systems.
- **7.e-** Road - railway tunnels.
- **8.a-** Engineering discoveries.
- **8.b-** Cadastral engineering surveys.
- **8.d-** Geodetic foundations.
- **8.e-** Photogrammetric and cartographic design
- **9.d-** Geological-engineering study/evaluation of soft terrains and slopes with low stability.
- **9.e-** Hydrogeological studies and designs.
- **10.e-** Electrical cabins of the distribution network - low - medium voltage lines.

- **11.a-** Non-illuminated signage on local roads, secondary urban roads, secondary interurban roads, squares and parking lots.
- **11.b-** Non-illuminated signaling on highways, main urban roads and main interurban roads and at junctions with the railway.
- **11.d-** Illuminated signaling in the infrastructure.
- **12.a-** Studies/evaluations of engineering seismology for the geoseismic classification of lands.
- **12.c-** Studies/evaluations of engineering seismology for the lands where road and railway infrastructure facilities of all types, bridges, tunnels, viaducts, etc. are built.

Note: *Regarding the validity of the existing licenses and the adaptation of the categories to the relevant descriptions, bidders should keep in mind the decision no. 759, dated 12.11.2014 of the Council of Ministers, "On the professional licensing of individuals and legal entities that will exercise activity in the field of the study of design in construction and the supervision and coordination of implementation works in construction", amended by VKM no. 943 dated 28.12.2016".*

(Foreign companies must make the equivalence of the professional licenses they have issued by the country of origin, at the competent Albanian state authority, in accordance with VKM 759, dated 12.11.2014, amended by VKM no. 943, dated 28.12.2016)

Argumentation : The above request is defined based on Article 77 of Law no. 162, dated 23.12.2020 "On public procurement", Article 41, point 4, letter a,) of VKM no. 285, dated 19.05.2021 "On the approval of Public Procurement Rules", as well as Decision no. 759, dated 12.11.2014 of the Council of Ministers "On the professional licensing of individuals and legal entities that will exercise activity in the field of study of design in construction and supervision of coordination of implementation works in construction", amended by VKM no. 943, dated 28.12.2016".

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

The design study categories are set in accordance with the Terms of Reference.

2.3.3 The economic operator must certify that it has the appropriate qualifications of the technical management staff of the company, capable of performing all services according to the Terms of Reference for this facility, as follows:

- Project manager (Construction Engineer) with over 15 years of professional experience
- engineer Experiential environment _ over 5 years
- Construction Engineer Structuralist profile with professional experience over 10 years.
- Electrical Engineer with professional experience of over 7 years
- Hydrotechnical engineer with professional experience of over 7 years
- Construction Engineer Profile Transport Infrastructure with professional experience on 10 years
- Geotechnical engineer with over 10 years of professional experience
- Geodetic Engineer/ Topographical Engineer with professional experience of over 10 years
- Geological engineer with over 15 years of professional experience
- Mechanical Engineer with professional experience of over 7 years

The criterion is considered fulfilled with the submission of the self-declaration form according to Appendix 12. " Forward Publication THE NOTIFICATION THE WINNERS AND Departures OF THE deadlines THE complaint , authority / entity contractors The It requires bidders THE qualified , i FIRST submission of documents proof , like MORE below : ABOUT EACH MEMBER THE STAFF mAIN THE above MUST THE submit : Contract valid work , diploma , notebook _ work , CV, etc AND LICENSES professional ABOUT OVERSIGHT ABOUT FACILITY THAT is procured .

Note : For effect THE evaluation with points the operators can THE upload IN the first stage OR THE SECOND the required documentation related to point 2.3.3.

**** In the case of the procedure OF THE procurement " Service consultancy , staff The committed THE present STATEMENT availability ABOUT performance of services THAT THERE TAKE ASSUME THE realize .***

Argumentation : In CoRe THE point 4, of Article of 77, of law no. 162, dated 23.12.2020 " For pROCUREMENT public " and Article 41, point 4/ b), of VKM no. 285, dated 19.05.2021 " For approval of the Rules THE PROCUREMENT Public ", by THE this criterion Wanted THAT the operators ECONOMIC THE PROVE THAT HAVE the staff , the necessary personnel THE qualified ABOUT successful implementation _ THE the contract . Specifically:

The procurement unit for the placement of staff is referred to the Terms of Reference. The criterion for the technical management staff is closely related to the object of the contract. The need for these engineers is dictated by experience and legislation in the field of construction design studies. Economic operators must prove that they possess the necessary technical and professional qualifications, organizational capacities, reputation and reliability, appropriate experience, as well as the necessary personnel to implement the contract.

2.3.4. The participating economic operator, for the realization of this contract, must have a workforce of at least **15 (fifteen) people** for the period **December 2022 - May 2023**. To fulfill this criterion, economic operators must self-declare the availability of the minimum number of employees in the self-declaration summary form. " Forward Publication THE NOTIFICATION THE WINNERS AND Departures OF THE deadlines THE complaint , authority / entity contractors The It requires bidders THE qualified , i FIRST submission of documents proof . THESE documents MUST THE appear IN original OR in copy of compared to the original , HOW MORE below :

- certificate THE released BY iNSURaNcES socially OR Administration TAX according to FORMAT THAT Wanted BY IEGISLATION IN power , where THE is specified Number The employee ABOUT EACH month , for PERIOD **December 2022 – May 2023**.
- Employee payroll _ according to FORMAT THAT Wanted BY IEGISLATION IN FORCE ABOUT pERIOD **December 2022 – May 2023**.

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

The defined number of employees is calculated **based on the requested services according to TERMS to References, "Design Study of the road axis Elbasan - Lekaj Corridor 8"**

*Number The employee AND their durability _ IN temporary work _ **December 2022 – May 2023** shows credibility ABOUT the authority . The declaration AND recording The employee IN the*

insurance register IS A liability LEGAL The intended employers _ BY Code The Work , for THEREFORE ANY witness herewith _ timeline IS document corroborative ABOUT its stability _ _ EMPLOYEE AND their experience , for _ how AGE THAT those ARE IN harmony with nature AND the dimensions of the contract . eMPLOYMENT The A Number THE certain , how A BY requests BaSiC THE qualification , except reliability OF THE operator economic , tries THE limit ALSO ISSUES sOcial AND avoiding informality _ IN the labor market , yes JUST IS A INDExES The training AND experience THAT MUST THE this THIS category of employees .

2.4 Other special requirements for qualification

2.4.1 Economic operator /s MUST THE present quality certificates _ OF THE works , of valid (or equivalent) for the object being procured, as follows:

ISO 9001:2015 Management Systems _ THE qUALITY

ISO 14001: 2015 Management Systems environmental

ISO 45001 MANAGEMENT The SoundneSS AND SecurItY IN working

ISO 39001 - 2012 Management The SecurItY OF THE traffic road

All the above certificates must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania. In the case of the Union of Economic Operators, each member of the group must present the above certificate according to the items of work that will be carried out.

Argumentation : *The above requests have been decided based on Article 79, point 1 of law No. _ 162/2020, "For procurement public ", according to THE to whom : " Authority OR ENTITY contractors ABOUT THE certified that the works , goods or services , object procurement , i MEET quality requirements , can _ BE search bidders THE present certificate THE released BY an organ of ASSESSMENT THE conformity , i accredited BY ORGANIZATION national The accreditation OR BODIES intErnAtionAl accreditor , of recognized BY Republic of Albania ", HOW and in implementation THE Article 44, point 1 and point 3 of VKM No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", which states that: " Authority / entity contractor , for THE certified that the works , goods or services , object procurement , i MEET quality requirements , can _ BE search bidders THE present certificate THE released BY an organ of ASSESSMENT THE conformity , i accredited BY ORGANIZATION national The accreditation OR BODIES intErnAtionAl accreditor , of recognized BY Republic of Albania , only whether those ARE THE substantiated AND THE RELATED closely AND IN ORDER THE directly with the procurement object "*

Quality certificates are based on compliance with the object of implementation that will _ Oversee and are in harmony with nature AND the object of the contract THAT is procured .

II. Argumentation of technical specifications

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

Careful: In the technical specifications, if not justified by the object of the contract, no brand of production or specific source or special process, which characterizes the products or services provided by a specific economic operator or any trademark, patent, type or origin or specific production, with the aim of favoring or eliminating some enterprises or products. Such a thing is allowed only in exceptional cases when there is no sufficient, accurate or understandable way of describing the object of the contract, according to point 3 of article 36, of the LPP . Such references must be accompanied by the words "or equivalent".