

Date 22.07.2025

PROCESSVERBAL - Contract type - PUBLIC WORKS - Above the upper monetary limit
- Procurement by electronic means

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

PROCUREMENT OBJECT : “Construction of Sarande Bypass, Phase I”

RELEVANT CODE IN THE COMMON PROCUREMENT VOCABULARY (CPV) :
Construction works for highways, roads 45233100-0

LIMIT FUND VALUE: 1,999,869,151.44 (one billion nine hundred and ninety-nine million eight hundred and sixty-nine thousand one hundred and fifty-one point forty-four) **Lekë**
excluding VAT.

In Euro: 20,500,965.16 (twenty million five hundred thousand nine hundred sixty-five point sixteen)
Euro without VAT .

Based on *Article 21, paragraph 2 of Law No. 16/2024 On some additions and amendments to Law No. 162/2020 “On Public Procurement”*, *Article 2, point 2/c and Article 78, point 2, of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Regulations”*, amended by *Decision No. 545, dated 4.9.2024*, the Contracting Authority/Entity, the Albanian Road Authority, has drafted the minutes for the argumentation and approval of the technical specifications and qualification criteria for the above-mentioned procedure, with the following content:

The procurement procedure is foreseen in the State Budget for capital expenditures for the years 2025-2027 (*MEI Letter No. 1343/3 prot, dated 27.02.2025*). Based on *Article 42, point 1 of the Council of Ministers No. 285, dated 19.05.2021 (as amended) “The contracting authority/entity shall divide a contract into lots whenever possible. In any case, the size and scope of these lots shall be clearly defined”*. In the specific case, it is technically impossible to divide into lots. Dividing the object into lots would complicate the coordination of civil works and work processes, and consequently would pose significant risks to the completion of the work on time and in quality.

In accordance with *point 2 of Article 56 of Law No. 16/2024 On some additions and amendments to Law No. 162/2020 “On Public Procurement” and point 3 of Article 24 of Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (as amended)*, the

Contracting Authority shall publish the contract notice in English in an official journal of the European Union.

In accordance with *point 2, Article 12 of the Council of Ministers Decision No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (amended)*, the Contracting Authority has converted the contract limit value into Euro, according to the official exchange rate of the Bank of Albania on **22.07.2025 at 11:58:09**

The Contracting Authority prohibits relying on the capacity of other entities as follows:

2.16. Relying on the capacities of other entities:

Specify whether the contracting authority/entity requires that the tasks/work/critical aspects of the contract be performed by the economic operator itself or by any of the members of the association of economic operators, for which the tenderer is not allowed to rely on the capacities of other entities.

yes

X

not

1

If yes, specify the task, work, critical aspects, for which support is not permitted:

- To prove previous experience (**similar work**):
 - Point 2.3.1 “Special qualification criteria”
- To prove suitability to carry out the professional activity (**professional license of the company for the performance of the works, subject of the contract**):
 - Point 2.3.2 “Special qualification criteria”

Legal reasoning : In support of Article 84, points 6 and 7 of Law No. 162, dated 23.12.2020 “On Public Procurement” (as amended); Article 90, points 5 and 6 of Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” Reliance on the capacities of other entities is not allowed according to point 2.16 of the DST.

Technical argumentation : *The Contracting Authority for the successful and quality implementation and realization of the facility will judge on **the previous experience of the operator who will implement this contract and not on the experience of another operator who supports them simply to qualify but does not undertake to perform any service during implementation** . It would be an incorrect assessment by the authority if it allowed the reliance on similar experience and the operator who would win the contract would not have the appropriate experience, and moreover would be held responsible for non-fulfillment of the contract. Also,*

allowing reliance on other entities constitutes a very high risk for the implementation of the contract and its completion with standard and quality.

The license is a legal and professional document that entitles its holder to exercise a certain activity, according to: I. Categories of implementation works based on: - the university diploma profile of individuals employed in the role of technical director of the company. II. Classification of the categories obtained based on 3 elements: - The value of similar works carried out in the last 4 years as a company; - The work experience of the individual(s) employed in the role of technical director of the company; - Financial capacities. **Since the license points are obtained as a result of experience and quality, they belong to the company itself, and are used in harmony with all the components that make up this company.**

Based on these facts, we judge that an economic operator would not successfully implement the contract if it did not have the license point for that category and similar experience. We also inform you that the CA does not limit the possibility of economic operators joining forces to meet these criteria.

4.4 Winner selection criteria :

A) The most economically advantageous tender, based on cost ¹X

By importance:

PRICE□	60 points
METHODOLOGY□□	points
5	
Staff / Company Organization□ □	points 15
Proposals for reducing environmental and social impact□ □	points 10
Warranty period and routine maintenance of the facility□ □	points 10

The Contracting Authority/Entity must specify the points for each defined evaluation criterion.

Evaluation methodology for the most economically advantageous tender based on cost

Evaluation criteria:

All criteria set for the evaluation of bids must be as objective as possible and expressed in figures. In any case where there is more than one criterion, the weight of the price criterion shall not be less than 60 points. The maximum points that a bid will receive shall be 100. The contracting authority shall evaluate the points for the criteria with relative evaluation (criteria 1, 2.a, 5) rounded

¹Note. All criteria set for the evaluation of bids must be as objective as possible and expressed in figures. In any case, when there is more than one criterion, the weight of the price criterion will not be less than 50 points. The maximum points that a bid will receive will be 100 points.

to two decimal places (0.00) while for the criteria with absolute evaluation (criteria 2.b, 3, 4) they shall be evaluated with whole numbers (0) .

Criteria:

1. Price [60 points]

The economic operator must detail and describe its offer.

Points for this criterion are calculated according to the formula:

$$P_{k1} = V_{\min k1} \times P_{\max k1} / O_{k1}$$

P_{k1} Points of the criterion being evaluated

$V_{\min k1}$ The lowest value of the criterion being evaluated

$P_{\max k1}$ Maximum points awarded to the criterion being evaluated

O_{k1} Offer indicator for the criterion being evaluated

Argument: *The above requirement is determined based on Article 45, point 8 of the Council of Ministers Decision No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules”, (amended by Decision No. 545, dated 04.09.2024)*

2. Methodology [5 points]

The economic operator must indicate the method that the company will follow with its capacities and experience in fulfilling the works. The assessment of points for this criterion will be carried out according to the description below.

Enabling factors: Identify and describe the factors that will positively influence the completion of the work. These may include previous successful experiences, innovative approaches, or collaborations with reliable partners.

Innovative Equipment: Introduce the advanced equipment and technologies that your company will use to speed up and improve the quality of the work. This could include new machinery, or new construction methods.

Work methodology: Describe the methodologies and processes you will follow to ensure that the work is completed on time and to a high standard. This may include detailed planning, effective resource management, and ongoing progress monitoring.

Argument: *The above requirement is determined based on Article 45, point 8 of the Council of Ministers Decision No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", (amended by Decision No. 545, dated 04.09.2024).*

The Contractor must prepare the Works Methodology to meet the project implementation requirements in time, quantity and quality. The methodology followed for the implementation of

the works aims to guarantee the quality of the construction of the facility, to control the quality of the materials to be used in the facility with reference to the technical specifications of the project, to control the implementation of the works schedule, to control the quantitative volumes of the estimate, as well as to resolve technical or organizational problems that arise during the implementation of the works on the facility. The methodology will have an important role in the implementation of the project. The methodology also presents the tasks and organizational structure of the works implementation group. It contains the management and main responsibilities of the project implementation group.

3. Staff / Company Organization [15 points]

The economic operator must demonstrate that it will engage in the contract staff with sufficient experience to successfully carry out the procurement object. To demonstrate this fact, the operator must submit for each of the key staff the documentation required in section 2.3 / Specific qualification criteria. The assessment of points for this criterion will be carried out according to the following description divided by sub-criteria.

Sub-criteria:

- a. Academic background of key staff and experience in the specific field [13 points]

*Note: The assessment of this sub-criterion will be carried out according to the definitions below:

- I. Evidence that the staff only meets the conditions of the specific qualification criteria for staff [1 point]
- II. Evidence that the staff has academic qualifications above the minimum level required in the special qualification conditions for staff [3 points]
- III. Evidence that the staff has experience in years of work above the minimum level required in the special qualification conditions for the staff [3 points]
- IV. Evidence that the staff has experience in a similar nature/complexity to the procurement contract. [6 points]

To meet the above criteria, a CV and proof/reference/documentation issued by previous employers or beneficiaries must be submitted.

- b. Staff organization scheme proposed for the implementation of the contract subject to procurement [2 points]

*Note: To meet the above criteria, the economic operator must submit the proposed organizational chart of the staff that will operate in the execution of the contract, the methodology of interaction between the structures with each other, with the works supervisor and the Contracting Authority/Entity. Internal quality control and management systems are an advantage.

Argument: *The above requirement is determined based on Article 45, point 8 of the Council of Ministers Decision No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", (amended by Decision No. 545, dated 04.09.2024). The Economic Operator to be assessed for this criterion must prove that it possesses technical merit, organizational skills, qualification and experience of the staff that has been appointed in previous similar experiences in carrying out the works. The criterion is set to show the organization, qualification and experience of the staff, where the quality of the appointed staff may have a significant impact on the level of contract implementation.*

2. Proposals for reducing environmental and social impact [10 points]

The economic operator must present a clear methodology for minimizing the environmental impact of the work as well as its proposals for environmental and social risk management (according to the Environmental and Social Impact Assessment (ESIA)). The assessment of points for this criterion will be carried out according to the following description divided by sub-criteria.

Sub-criteria:

- a. Concrete proposals for the use of ecological (environmentally friendly) / recycled / efficient / materials that minimize environmental impact. Use of ecological machinery / equipment. Drafting a management and control proposal plan to minimize environmental effects. [5 points]
- b. Concrete proposals for improvements to the local economy of the area where the project is being developed as a social initiative of the bidder through employment. [5 points]

Argument: *The above requirement is determined based on Article 45, point 8 of the Council of Ministers Decision No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", (amended by Decision No. 545, dated 04.09.2024).*

The standard during the implementation of the works is also specifically related to the contractor's fulfillment of all measures taken and followed in the appropriate manner, regarding the environmental and social impact issues involved in the works to be carried out. The economic operator must follow the principles, requirements, responsibilities, rules and procedures to ensure a high level of environmental protection by using the Environmental Impact Assessment as an instrument for environmental protection by identifying and evaluating the possible direct and indirect effects for their prevention.

The economic operator carries out environmental protection through the prevention, mitigation and compensation of damages of the project proposal which may cause significant negative effects on the environment due to the size, nature or area where it is envisaged to be implemented.

3. Warranty period and routine maintenance of the facility [10 points]

The scoring for this criterion will be carried out according to the following description:

a) Warranty period of civil works/equipment (not less than 2 years) [5 points]
This, in support of *Instruction No. 3, dated 15.2.2001 "On the Supervision and Inspection of Construction Works"*.

The points for this subcriterion are calculated according to the formula:

$$P_{k5} = V_{\min k5} \times P_{\max k5} / O_{k5}$$

P_{k5} Points of the criterion being evaluated

$V_{\min k5}$ The lowest value of the criterion being evaluated

$P_{\max k5}$ Maximum points awarded to the criterion being evaluated

O_{k5} Offer indicator for the criterion being evaluated

b) Routine maintenance period in accordance with the warranty period [5 points]

The points for this subcriterion are calculated according to the formula:

$$P_{k5} = V_{\min k5} \times P_{\max k5} / O_{k5}$$

P_{k5} Points of the criterion being evaluated

$V_{\min k5}$ The lowest value of the criterion being evaluated

$P_{\max k5}$ Maximum points awarded to the criterion being evaluated

O_{k5} Offer indicator for the criterion being evaluated

Argument: *The above requirement is determined based on Article 45, point 8 of the Council of Ministers Decision No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", (amended by Decision No. 545, dated 04.09.2024).*

This criterion directly and indirectly guarantees the quality of the contractor's works, since longer deadlines force this contractor to perform quality works in order not to be obliged to replace or repair the works he will perform. Referred to Article 45 of the Council of Ministers No. 285/2021 (as amended), the criterion of the most economically advantageous tender is based on the delivery conditions, such as the delivery date, the delivery process and the delivery period or the completion period.

The Contractor shall guarantee the quality of the works for a minimum of 2 years. Any bid submitted which does not mention the specified deadline shall be evaluated for a minimum period of 2 (two) years. Any bidder who shall present a period of guarantee of works and routine maintenance for more than 2 years shall be evaluated with the formula presented in the sub-criteria above.

Note: The participating economic operator for the scoring assessment for these two sub-criteria must self-declare that it will also perform routine maintenance during the warranty period.

All documentation with proposals described by the economic operator in compliance with the above evaluation criteria will reflect the terms of the contract (to include the specific proposal), not implying any additional costs over the value offered for the execution of the contract works (according to Annex no. 1), due to the above proposals.

SPECIAL QUALIFICATION CRITERIA

1. The bidder must submit:

- a. Summary Self-Declaration Form, according to Annex 8,*
- b. Bid Security, according to Annex 3;*
- c. The Bid Form, according to Annex 1;*
- d. Price Lists according to the budget items, according to Annex 2;*

Argument : The above requests are based on Articles 76, 82 and 83 of the LPP (amended by Law No. 16/2024, dated 08.02.2024) and Article 26 of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (as amended).

2. The bidder must submit:

2.1 Suitability to carry out the professional activity: according to Appendix 8

Argument : The above request is based on Article 77, points 1/a and 2, of the LPP (amended by Law No. 16/2024, dated 08.02.2024) ; Article 39, point 6/b, of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules ” (amended)

2.2. Economic and financial capacity:

2.2.1 Economic operators must submit a certificate from the tax administration for the annual turnover for the financial years **2022, 2023, 2024** , where the turnover value for at least one of the years of the required period must be **no less than the value of the limit fund.**

Argument: *The above requirement 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. (amended by Law No. 16/2024, dated 08.02.2024) , as well as in Article 43 of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (amended).*

The determination of the required value is argued as follows: The type of procedure is “Open - public works - Above the high monetary limit - procurement by electronic means”, the determination of the required value was made in accordance with Article 43, point 2, letter “a” of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (as amended), which stipulates: “ The value of the minimum annual turnover required of economic operators cannot exceed: a) twice the estimated value of the contract, in procurement procedures above the high monetary limit”.

Also, it has been determined not less than the contract value to increase the number of competitors in the procedure.

The determination of the years required for the submission of the annual turnover certificate is based on Article 43, point 1 of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (as amended), which states: “ The contracting authority/entity, in order to prove the financial and economic capacities, requests copies of the annual turnover statements made by the economic operator and, where applicable, of the turnover covered by the contract, for a maximum period of up to the last 3 (three) financial years”.

2.2.2 To prove a sustainable positive activity, Economic operators must submit annual balance sheets for the financial years 2022, 2023, 2024 (*Balance sheets must be submitted in accordance with the provisions 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.**

Argument: *The above requirement is determined based on Article 77, point 3, of the LPP. (amended by Law No. 16/2024, dated 08.02.2024) , as well as Article 43, point 4, of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (amended).*

The determination of the years required for the presentation of balance sheets is made by referring to the legislation in the field, specifically, Law No. 8438, dated 28.12.1998 "On Income Tax", as amended, the Instruction of the Minister of Finance No. 5, dated 30.01.2006 "On Income Tax", (as amended), as well as the requirements of Law No. 25/2018 "On Accounting and Financial Statements". Referred to Article 29 of Law No. 8438, dated 28.12.1998 "On Income Tax"

"Each taxpayer shall prepare an annual declaration of taxable income in the form specified in the Instruction of the Minister of Finance implementing this law. Taxpayers shall submit the annual declaration to the tax authorities by March 31 of the following year, submitting at the same time the balance sheet, together with its annexes, as well as any other data specified in the Instruction of the Minister of Finance implementing this law."

2.3 Technical capacity:

The Economic Operator must meet the following minimum requirements in terms of technical and professional capacity.

2.3.1 The economic operator must provide evidence of previous similar experience

- a) similar works **for a single object in a value not less than 50%** of the estimated value of the contract being procured and which have been carried out **during the last five years** , from the date of publication of the contract notice, or
- b) similar works up to a limit, **where the total monetary value of the works performed** , taken together during **the last five years**, is **not less than twice the limit value of the contract being procured.**

Fulfilling one of the two above-mentioned conditions makes the offer eligible.

*Point 2.3.1/a shall be completed by the member who has the largest percentage of participation in the consortium . The other members of the consortium shall submit similar contracts in proportion to their percentage of participation in the consortium. In the case where economic operators, members of a consortium, have **the same percentage of participation in the consortium**, they shall decide by agreement in the cooperation contract which of them shall meet this condition . Whereas point 2.3.1/b shall be completed by all members of the consortium in proportion to their percentage of participation in the consortium .*

2.3.1/1 The assessment of the successful experience of the Economic Operator will be carried out based on the following statements and documents:

- a) For contracts concluded with public entities, the economic operator must submit the following documentation:
 - Evaluation Form for the implementation of works according to Appendix No. 9, accompanied by:
 - Enterprise Contract
 - The final situation;
 - Tax invoices,
 - The act of approval;

Note: *The evaluation form should accurately determine the quality of the work performed and whether the contract was successfully completed.*

- b) For contracts concluded with the private sector, the economic operator must submit the following documentation:

- Certificate issued by a private entity accompanied by:
- Enterprise Contract;
- The final situation;
- Tax invoices declared to tax authorities
- Facility approval certificate;

Note: *The certification must accurately determine the quality of the work performed and whether the contract was successfully completed.*

2.3.1/2 For contracts executed as a Consortium of Operators, the bidding economic operator must submit: The Consortium Contract and the special power of attorney declared during the tendering phase;

2.3.1/3 For contracts performed as a Subcontractor, the bidding economic operator must submit: The basic contract between the Contractor and the Contracting Authority, as well as the official approval as a subcontractor declared by the contracting authority.

Argument : *The above requirement is determined based on Article 77 of Law No. 162, dated 23.12.2020 “On Public Procurement” (amended by Law No. 16/2024, dated 08.02.2024) and Article 39, point 5, of Council of Ministers Decision No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (amended).*

This criterion requires economic operators to prove that they have the experience necessary to implement the contract, therefore it is required that previous similar works be at least 50% of the value of the limit fund, for a single object, or at least twice the limit fund, for the total similar works carried out in the last 5 years, which are within the limit values set out in the aforementioned article .

The determination of the required value for similar contracts is argued as follows: *Previous experience is a very necessary element that guarantees the authority that economic operators, based on the value of similar works, have the capacity to successfully implement the contract according to an appropriate quality standard. In support of Article 88, point 1 of VKM 285/2021, it provides that: “The offer may be submitted by a consortium of economic operators, as defined in points 2 and 3, of Article 14, of the LPP, where one of them represents the others during the procedure and, in case of selection, also during the implementation of the contract. The offer must specify the part of the service, work or supply that each of the members of this consortium will perform through a cooperation contract drawn up between the parties ”.*

2.3.2 Economic operators must present the company's professional license, valid for the implementation of the works subject to the contract, issued by the Ministry of Infrastructure and Energy, according to the format approved by the Council of Ministers No. 42 dated 16.01.2008 "On the approval of the regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities carrying out construction activities". The examination of

the licenses will be carried out on the basis of the rules provided for above. The professional license of the Economic Operator regarding the execution of the works of the contract must contain:

2.3.2/1 The following categories

No.	LICENSE	Category of work performance
1	NP-1-E	Excavation works in the ground
2	NP-4-G	Roads, highways, overpasses, railways, trams, metros, airport runways
3	NP-5-G	Underground works, bridges, works of art
4	NP-11-C	Constructions for substations, transformer cabins, TN and medium voltage lines and power distribution
5	NP-12-D	Environmental engineering works
6	NS-6-A	Non-illuminated road signs
7	NS-7-C	Road barrier and protection
8	NS-9-D	Special structural works
9	NS-18-D	Topographical works

Foreign companies must make the equivalence of the professional licenses they have issued by the country of origin, at the Ministry of Infrastructure and Energy, Republic of Albania. (Regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities that exercise construction activities, approved by the Council of Ministers, No. 42, date 16.01.2008). Failure to submit this form is a disqualifying condition.

Argument : *The above request is determined based on Article 77 of Law No. 162, dated 23.12.2020 “On Public Procurement” (amended by Law No. 16/2024, dated 08.02.2024); Article 39, point 6/a, of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of the Public Procurement Rules” (as amended), as well as with Council of Ministers No. 42 dated 16.01.2008 “On the approval of the regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities that exercise construction activities”. Also, the data on the above licenses are set with reference to the legal basis for construction, Law No. 8402 dated 10.9.1998 “On the control and discipline of construction works” (as amended), Article 8 stipulates “The implementation of construction works is carried out only by legal entities, private or public, domestic or foreign, equipped with the relevant license for the implementation of construction works. The implementer of the works is responsible and obliged to carry out the construction works, in accordance with the construction*

permit, the project, the technical conditions of implementation and the rules of technical insurance. He must ensure the quality of construction materials and construction products, which must meet the requirements of the project in accordance with national or European standards”.

The required categories were requested based on the items and values of the works, as follows:

Required category	Description of the category according to the legislation of the field	Items of work that are expected to be carried out in the estimate, which are included in the relevant category	The classification level required for the respective category	The value of the works foreseen to be carried out in the estimate, which are included in the relevant category
NP-1-E	Excavation works in the ground	Excavation works in the roadbed, in small works of art, etc.	201-400 million	325,915,724
NP-4-G	Roads, highways, overpasses, railways, trams, metros, airport runways	Includes all road works.	Over 800 million	1,934,484,544.07
NP-5-G	Underground works, bridges and works of art	Bridge construction works, hydraulic culverts	Over 800 million	827,246,032
NP-11-C	Constructions for substations, transformer cabins, TN and medium voltage lines and power distribution	Line relocation works	51-100 million	92,042,946
NP-12-D	Environmental engineering works	Excavation, demolition, dismantling works, etc.	101-200 million	150,018,510

NS-6-A	Non-illuminated road signs	Vertical and horizontal signaling works	0-20 million	11,427,735
NS-7-C	Road barrier and protection	Guardrail installation, slope protection.	51-100 million	80,654,877
NS-9-D	Special structural works	Bridge construction works	101-200 million	131,250,000
NS-18-D	Topographical works	Road works	101-200 million	199,986,915

2.3.2/2 The key personnel, technical managers in the company's license, as follows:

1 (one) Civil Engineer

1(one) Hydrotechnical Engineer

1(one) Electrical Engineer

1(one) Geological Engineer

1(one) Environmental Engineer

1(one) Topographic Engineer / Surveyor / Surveyor

1(one) Mechanical Engineer

****The criterion is considered fulfilled with the self-declaration according to the Summary Self-Declaration Form, according to Annex No. 8. “Before the publication of the winner notice and the start of the appeal deadlines, the contracting authority/entity first requests the qualified bidder to submit the supporting documents”.*

For each member of the above technical staff, the following must be submitted: Valid employment contract, Diploma, Work book and CV (Technical managers must be insured according to the legislation in force). These documents must be submitted in original or in certified copies.

Argument : Based on point 4, Article 77, of Law No. 162, dated 23.12.2020 “On Public Procurement” (amended by Law No. 16/2024, dated 08.02.2024) and Article 39, point 6/c), of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (amended by DCM No. 545, dated 04.09.2024), this criterion requires economic operators to prove that they have the necessary qualified personnel for the successful implementation of the contract.

The criterion for technical management staff is closely related to the object of the contract, the technical relationship and the items of work. The need for engineers on site is dictated by experience and legislation on construction works. The lack of this staff almost always results in the implementation of the objects outside the deadline, outside the norms and with poor quality . Engineers are determined from the point of view of the technical nature of the contract with the aim of having the best possible result in the progress and implementation of the works. 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. The project manager is responsible for the construction in accordance with the technical conditions of implementation, technical security and occupational safety within the terms of the contract.

2.3.3 The economic operator must have a design license or contract with a licensed design company according to the regulation approved by *Council of Ministers No. 943, dated 28/12/2016 " On the criteria and procedures for granting professional licenses to individuals and legal entities in the field of construction study and design and supervision and approval of construction implementation works"*. The design license must have the following categories:

No.	Category	Design field	drops
1	1	URBAN DESIGN	b-1. Sectoral plans at the district level
2	4	DESIGNER INSTALLER	i- Design of street lighting, squares, decorative lighting, lighting of large sports facilities, ports, airports, etc.
3	5	HYDRAULIC WORKS DESIGNER	d- Irrigation works - drainage - irrigation plants - small dams (those that do not meet the condition of dams) large) - dams, siphons, cascades, spillways, rapids, outlets, equalizers, gates, manholes.
4	6	ROAD - RAILWAY DESIGNER	a- Local roads, secondary urban roads and secondary interurban roads.
5	7	BRIDGE DESIGN AND ARTWORK	b- Bridges and works of art over 10 m.
6	8	PROJECTOR GEODETE	a- Engineering discoveries.
7	9	GEOLOGICAL-ENGINEERING - HYDROGEOLOGICAL STUDY	d- Electrical substations, primary and secondary - high voltage lines. e- Electrical distribution network cabins - low-medium voltage lines.
8	11	ROAD SIGNALING DESIGNERS.	a- Non-illuminated signs on local roads, secondary urban roads, secondary interurban roads, squares and parking lots.
9	12	ENGINEERING SEISMOLOGY STUDIES	c- Engineering seismology studies/assessments for lands where infrastructure facilities are built road and railways of all types, bridges, tunnels, viaducts, etc.

***Note:** Foreign companies must make the equivalence of the professional licenses they have issued by the country of origin, at the Ministry of Infrastructure and Energy, Republic of Albania. (Regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities that exercise construction activities, approved by the Council of Ministers No. 42, dated 16.01.2008). Failure to submit this form is a disqualifying condition.*

*Regarding the validity of existing licenses and the adaptation of categories to the relevant descriptions, bidders to take into account the Council of Ministers No. 759, dated 12.11.2014 “On the professional licensing of individuals and legal entities that will exercise activities in the field of construction study and design and supervision and approval of construction implementation works”, amended by Council of Ministers No. 943, dated 28.12.2016. **Failure to submit this form is a disqualifying condition.***

***Argument :** The above request is determined based on Article 77 of Law No. 162, dated 23.12.2020 “On Public Procurement” (as amended), article 41, point 4, letter a) of the Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules" (as amended), as well as Decision No. 759, dated 12.11.2014 of the Council of Ministers “On the professional licensing of individuals and legal entities that will exercise activities in the field of study and design in construction and supervision and approval of construction implementation works", amended by Council of Ministers No. 943, dated 28.12.2016. This criterion requires that operators economic operators to prove that they have the professional licenses required by the legislation in power to perform the services, subject of the contract, issued by the competent authorities.*

2.3.3.1 The economic operator must prove that it has **technical staff, equipped with an individual design license**, capable of performing the design service according to the scope of this contract, as follows:

- Project Manager - Construction Engineer, Transport Infrastructure profile (**technical manager in the design company license**)

- Environmental Engineer
- Civil Engineer Structuralist profile
- Hydrotechnical Engineer
- Geotechnical Engineer / Geologist
- Geodetic Engineer/Topographer/Surveyor
- Mechanical Engineer

The criterion is considered fulfilled upon submission of the self-declaration form according to Annex 8. “ Before the publication of the award notice and the start of the appeal deadlines, the contracting authority/entity shall first request the qualified tenderer to submit supporting documents, as follows: below:

For each member of the above key staff, the following must be submitted: Valid employment contract, Diploma, Work Booklet, CV, as well as professional design licenses for the facility being procured.

Argument : *Based on point 4, Article 77, of Law No. 162, dated 23.12.2020 “On Public Procurement” (amended by Law No. 16/2024, dated 08.02.2024) and Article 39, point 6/c), of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (amended by DCM No. 545, dated 04.09.2024), this criterion requires economic operators to prove that they have the necessary qualified personnel for the successful implementation of the contract.*

The criterion for technical management staff is closely related to the object of the contract, the technical relationship and the items of work. The need for engineers on site is dictated by experience and legislation on construction works. The lack of this staff almost always results in the implementation of the objects outside the deadline, outside the norms and with poor quality . Engineers are determined from the point of view of the technical nature of the contract with the aim of having the best possible result in the progress and implementation of the works. 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. The project manager is responsible for the construction in accordance with the technical conditions of implementation, technical security and occupational safety within the terms of the contract.

2.3.4 The participating economic operator for the execution of the works subject to the contract must:

have a workforce of at least **150 (one hundred and fifty) people**. To meet this criterion, economic operators must self-declare the availability of the minimum number of employees for period **June 2025**, in the summary self-declaration form, according to Appendix no. 8. *“Before the publication of the winner's announcement and the start of the appeal deadlines, the contracting authority/entity shall first request the qualified bidder to submit documents "trial".*

These documents must be submitted in original or certified copies, how about me below:

- Certificate issued by Social Security or the Tax Administration according to the format required by applicable legislation, specifying the number of employees for each month, for the period **June 2025**.
- Employee payrolls according to the format required by applicable legislation for the period **June 2025**.
- Employee payrolls according to the format required by applicable legislation for the period **June 2025**.

Argument: *The Contracting Authority has based this criterion on Article 77, point 4 of Law No. 162 dated 23.12.2020 "On Public Procurement" (amended by Law No. 16/2024, dated 08.02.2024) which states: "The professional ability of economic operators to provide the service, work, goods is assessed in relation to organizational skills, reputation and reliability, appropriate experience, as well as the personnel necessary to implement the contract, as described by the contracting authority or entity in the contract notice."*

*The number of employees is determined based on the duration, working hours and minimum wage required to fulfill the contract. The required evidence of the number of workers of the economic operator necessary for the execution of the contract object is a document that proves the technical and professional capacity of the operator, as long as they are proportionate to the nature and size of the contract. The declaration and registration of employees in the insurance register is a legal obligation of the employer provided for by the Labor Code, therefore any evidence at this time is a document certifying the stability of the employees and their experience, as long as they are proportionate to the nature and size of the contract. The employment of a certain number, as one of the basic qualification requirements, in addition to the reliability of economic operators, also tries to limit social problems and avoid informality in the labor market, it is also an indicator of the qualification and experience that this category of employees should have. Setting the criteria for an employment **at least 150 people**, including technical staff, is in accordance with the volume of work, the nature and the terrain where the works will be carried out. If we refer to the project, estimate, report, relevant measurements made by the designer, the number of employees is fully justified. The qualification criterion has been set to serve the authority to recognize the state of the capacities of the operators who, through documentation, prove that they possess the technical and professional capacities, the necessary personnel, as well as the organizational capacities, all in function of the successful implementation of the contract.*

The technical analyses are based on the Council of Ministers No. 629, dated 15.7.2015 “On the approval of technical manuals for prices of construction works and their technical analyses” (Amended by Council of Ministers No. 631, dated 26.10.2018). Based on the four elements of the cost structure (materials, labor, machinery, transportation) the labor component accounts for about 20% of the cost.

2.3.5 The economic operator, for the implementation of the works subject to the contract, must also have support staff (not necessarily technical managers in the company's license), as follows:

1 (one) Civil Engineer

1 (one) Civil Engineer (Structuralist profile)

1(one) Hydrotechnical Engineer

1(one) Electrical Engineer

1(one) Geological Engineer

1(one) Environmental Engineer

1(one) Topographic Engineer / Surveyor / Surveyor

1(one) Mechanical Engineer

**** The criterion is considered fulfilled with the self-declaration according to the Summary Self-Declaration Form, according to Annex no. 8. “Before the publication of the winner notice and the start of the appeal deadlines, the contracting authority/entity first requests the qualified bidder to submit the supporting documents”.*

For each member of the above support staff, you must submit: Valid employment contract, diploma, work record book and CV. These documents must be submitted in original or certified copies.

❖ The staff required in point 2.3.5 must not be engaged in other contracts, or declared in awarded procedures.

Justification : *Based on point 4, Article 77, of Law No. 162, dated 23.12.2020 “On Public Procurement” (as amended by Law No. 16/2024, dated 08.02.2024) and Article 39, point 6/c) of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (as amended), this criterion requires economic operators to prove that they have the necessary qualified personnel for the successful implementation of the contract. The criterion for support staff is closely related to the object of the contract, the technical report and the items of the works. The need for engineers on site is dictated by experience and legislation for construction works. The lack of this staff almost always results in the implementation of the facilities outside the deadline, outside the norms and with poor quality . 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.

2.3.6 The bidding economic operator must have specialized/qualified employees as follows:

- 1 (one) employee equipped with a **"First Aid and Emergency Intervention Expert" certificate**, which must be issued by accredited companies or by international accrediting bodies recognized by the Republic of Albania.
- 1 (one) employee who holds the certificate as **"Responsible for occupational safety and health protection"** in accordance with the clauses of *Law No. 10327, dated 18/02/2010 "On occupational safety and health"* and *Council of Ministers No. 312, dated 05.05.2010 "On the approval of the regulation "On safety at the construction site"*.

❖ **The staff required in point 2.3.6 must not be engaged in other contracts, or declared in awarded procedures.**

*** *The criterion is considered fulfilled by completing the summary self-declaration form, according to Annex No. 8. "Before the publication of the winner's announcement and the start of the appeal deadlines, the contracting authority/entity shall first request the qualified bidder to submit supporting documents".*

To meet this criterion, the operator must submit: The diplomas/certificates cited above. These documents must be submitted in original or certified copies.

Argument: *Based on point 4, Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement" (amended by Law No. 16/2024, dated 08.02.2024) and Article 39, point 6/c), of Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules" (amended), this criterion requires economic operators to prove that they have the necessary qualified personnel for the successful implementation of the contract. Specifically,*

The above request is based on the Law No. 10327, dated 18/02/2010 "On safety and health at work" and the Council of Ministers No. 312, dated 05.05.2010 "On the approval of the regulation "On safety at the construction site", as well as the Law No. 10431, dated 09.6.2011 "On environmental protection". The nature of the contract and its specifics require special knowledge and preparation for careful assessments to resolve issues related to ensuring safety and protection at work. The regulation on safety at work approved by VKM No. 312/2010 stipulates that the employer, for the protection and prevention of risks, must attend relevant training courses in the field of safety and health at work. Each employer selects one or more persons as responsible for first aid in case of emergencies and for safety and health

protection. The regulation sets out the minimum safety and health requirements at work for temporary or mobile construction sites, as well as general supervision measures.

The economic operator(s) who, during the performance of the activity, must have the relevant qualifications and documents regarding the impact on the environment and the rehabilitation of the environment, in cases of pollution as provided for in the Council Decision No. 312/2010. The general rules and procedures for guaranteeing a high level of environmental protection are a legal obligation for every commercial entity, natural or legal person, for the prevention and reduction of risks to human life and health, ensuring and improving the quality of life, for the benefit of present and future generations, as well as ensuring the conditions for the sustainable development of the country. The guarantee of expertise in protection from any risk and unexpected events at work and the relevant documents of the responsible persons serve the authority to create confidence and credibility for the implementation of the contract.

2.3.7 The bidding candidate must designate, through a **declaration** (by the company Administrator), **the Technical Manager of the works.** (*Experienced Civil Engineer*) on the site, **who must be included in the company's license** and declare that he will be present at all times that the works will be carried out on the site and ***must not be engaged in other contracts, or declared in procedures declared as winners*** .

The criterion is considered fulfilled upon submission of the self-declaration form according to Annex 8.

*"Before the publication of the winner notice and the start of the appeal deadlines, the contracting authority/entity shall first request the qualified bidder to submit supporting documents, as follows: **Diploma, work record and employment contract.***

These documents must be submitted in original or certified copies.

Justification: Based on point 4, article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement" (amended by Law No. 16/2024, dated 08.02.2024) and article 39, point 6/c) of Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", as well as based on Law No. 8402, dated 10.09.1998 "On the Control and Discipline of Construction Works" amended by Law No. 120/2020 "On Certain Amendments and Additions" , this criterion requires economic operators to designate a Technical Manager who will be present at the facility at all times.

2.3.8 The participating economic operator, for the implementation of the contract, must have the following tools and equipment:

No .	Type of Machinery	StatUS	amount
1	Dump truck with a carrying capacity of over 20 tons	owned or rented	Piece 8
2	Dump truck	owned or rented	Piece 2
3	Truck with integrated crane	owned or rented	Piece 1
4	Tire rack	owned or rented	Piece 2
5	Generator	owned or rented	Piece 1
6	Grader	owned or rented	Piece 2
7	Water Autobot	owned or rented	Piece 2
8	Concrete mixer truck	owned or rented	Piece 4
9	Concrete pump truck	owned or rented	Piece 2
10	Autobitumen matrix	owned or rented	Piece 1
11	Asphalt pavers	owned or rented	Piece 1
12	Hydraulic hammer	owned or rented	Piece 2
13	Crawler excavators	owned or rented	Piece 2
14	Rubber-iron roller	owned or rented	Piece 2
15	Iron-iron roller	owned or rented	Piece 2
16	Asphalt milling machine	owned or rented	Piece 1
17	Mini excavators	owned or rented	Piece 2
18	Line marking machine	owned or rented	Piece 1
19	Guardrail installation machinery	owned or rented	Piece 1
20	Truck crane with a lifting capacity of over 50 tons	owned or rented	Piece 1
21	Tunnel boring machines	owned or rented	Piece 1
2 2	Shot blasting machinery	owned or rented	Piece 1
23	Concrete Factory (equipped with environmental permit code III.1.B)	owned / leased or supply contract	Piece 1
24	Asphalt factory (equipped with environmental permit code III.1.B)	owned / leased or supply contract	Piece 1
25	Inert Node (equipped with environmental permit code III.1.B)	owned / leased or supply contract	Piece 1

The criterion is considered fulfilled by completing the summary self-declaration form, according to Annex No. 8. *“Before the publication of the winner notice and the start of the appeal deadlines, the contracting authority/entity shall first request the qualified bidder to submit supporting documents .*

- For vehicles that are recorded in public registers, when owned, documentation must be presented that proves ownership of the vehicle: certificate of ownership; registration permit; technical inspection certificate; insurance; transport permit issued by the local unit and relevant photos;
While for leased vehicles, in addition to the above documentation, the lease contract must also be submitted, which must be valid for the entire period until the full completion of the works.

- For vehicles that are not recorded in public registers, when owned, the purchase contract or customs clearance invoice or relevant tax invoice, photos must be submitted, while for leased vehicles, in addition to the above documentation, the lease contract must also be submitted, which must include the relevant facility and must be valid for the entire period until the full completion of the works.
- For the asphalt, concrete and aggregates plant, the purchase or customs clearance contract, relevant photos or tax invoices, and the environmental permit issued by the NLC must be submitted. If it is leased/supplied, in addition to the above documentation, the lease/supply contract must also be submitted. The economic operator for the asphalt, concrete and aggregates plant may also submit valid supply contracts with economic operators. In this case, the supply contract and documentation proving the existence and ownership of the plant must be submitted, as well as the environmental permit code III.1.B issued by the NLC.
- The economic operator must submit a photo for each declared vehicle, showing the vehicle's license plate.
- The above machines must not be engaged in other contracts or declared in award procedures.

The Contracting Authority has the right to carry out the necessary verifications on the authenticity of the information declared by the economic operator as above, or to request clarifications and supporting documents from the operator for these clarifications, in accordance with Article 26, point 7, of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules”.

Justification : Based on point 4 of Article 77 of Law No. 162, dated 23.12.2020 “On Public Procurement” and Article 39, points 6/ç and 6/d, of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules ”, this criterion requires economic operators to prove that they have the necessary technical means and equipment for the execution of the procurement object, which are at their disposal or which can be made available to the economic operator to fulfill the contract.

In order to determine the number of tools/machinery necessary for the implementation of the contract, technical analyses have been drafted, according to the relevant legislation *based on DCM No. 629, dated 15.7.2015 “On the approval of technical manuals for construction works prices and their technical analyses” (Amended by DCM No. 631, dated 26.10.2018).*

2.4 Other specific qualification requirements

2.4.1 *The economic operator(s) must submit the quality certificates of the works, valid (or equivalent) for the object being procured, as follows:*

- SSH EN ISO 9001:2015 *Quality Management Systems*
- SSH EN ISO 14001:2015 *Environmental Management Systems*
- SSH EN ISO 45001:2023 *Occupational Health and Safety Management*

All of 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 cases of the Union of Economic Operators, each member of the group must present the above certificate according to the items of work to be carried out.

Justification: *The above requirements are established based on Article 79, point 1 of Law No. 162/2020 “On Public Procurement” (amended by Law No. 16/2024) , according to which: “ The contracting authority or entity, in order to certify that the works, goods or services, subject to procurement, meet the quality requirements, may require bidders to submit certificates issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania”, and in accordance with Article 44, point 1 and point 3 of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (as amended), which stipulates:*

"The contracting authority/entity, in order to prove that the works, goods or services, subject to procurement, meet the quality requirements, may require tenderers to submit certificates issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania, only if they are substantiated and closely and directly related to the subject of procurement."

2.4.2 Work schedule.

Argument : *The above request is determined based on Article 79 of Law No. 162, dated 23.12.2020 “On Public Procurement” (amended by Law No. 16/2024) , Article 39, point 3 of Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules” (amended).*

2.4.3 *The bidding economic operator must submit a declaration stating that it agrees with the method of financing the facility and that the works for the construction of this facility will be completed within the deadline set by the contracting authority (in case of being declared the winner).*

The submission of this declaration is required, as the source of funding for this procedure is the State Budget, as also defined in point 2.10 of the DST. The funding is foreseen in the 2025-2027 budget, but the estimated value of the contract exceeds 3 (three) years, even though the completion deadline is according to the works schedule.

The Contracting Authority has the right to carry out the necessary verifications on the authenticity of the information declared by the economic operator as above, or to request clarifications and supporting documents from the operator for these clarifications, in accordance with Article 26, point 7 of the Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules".

Justification of technical specifications

*Note: Determine the technical specifications for the works subject to procurement, which must clearly express the requirements of the contracting authority/entity for the quality of all works and materials to be used, as well as other requirements closely related to the nature and components of the work project, in accordance with the provisions of Article 4, point 38/b and Article 36, of the LPP, as well as Article 39, point 2, of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of the Public Procurement Rules”, **arguing each functional or performance requirement , and/or each required standard**, where each reference must be accompanied by the words “or its equivalent”.*

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

Technical specifications will be drafted and argued for each item of work of this work according to the estimate drafted by the designer.

The technical specifications, technical report, estimate with work items and Terms of Reference are an integral part of the DST.

In any case, if a specific brand or process is mentioned, an equivalent is also accepted.