



**REPUBLIC OF ALBANIA PUBLIC  
PROCUREMENT AGENCY**

**PRECEDING DOCUMENTS FOR COMPETITION CONCESSION/ PRIVATE PUBLIC  
PARTNERSHIP PROCEDURE FOR THE DESIGN, CONSTRUCTION, FINANCING,  
OPERATION, MAINTENANCE, REHABILITATION AND TRANSFER OF ROAD  
SEGMENT: MILOT - BALLDRE.**

## CONTRACT NOTIFICATION

### I. Contracting Authority

**Section 1**                      **Name and address of the Contracting Authority;**  
Name                              Ministry of Infrastructure and Energy  
Address                            "Deshmoret e Kombit" Blvd, 1001, Tirana, Albania  
Tel/Fax                             \_\_\_\_\_  
Email:                                \_\_\_\_\_  
Website                             [www.infrastruktura.gov.al](http://www.infrastruktura.gov.al)

### I.2 Type of the Contracting Authority and the main activity or activities:

Central Institution                      Independent Institution

Local Governance Units

### **Section 2**                      **Contract object**

#### 2.1 Contract type

Works

#### 2.2 A brief description of the concession/public-private partnership contract

1. Contract object: Design, build, operation, maintenance, rehabilitation, and transfer of the road segment "Milot-Balldre".
2. Contract type: Design, construction, operation, maintenance, rehabilitation and transfer.
3. The Total Estimated Value of the Contract is 364'732'924 EUR excluding VAT. This value includes the sum of the Design Value, the Operation Value, the Routine and Capital Maintenance Value.
  - The Estimated Value of the Project is 3'650'964 EUR excluding VAT (Design) plus 182'548'198 EUR excluding VAT (Construction, Rehabilitation) plus 10'122'482 EUR excluding VAT (Payment System (toll))
  - The Estimated Value of the Operation is 84'979'849 EUR excluding VAT (Operation)
  - The Estimated Value of Routine and Capital Maintenance is 83'431'431 EUR excluding VAT
4. Funding source: Private investment

#### 2.3 Contract duration or execution timeline:

Duration 35 (thirty-five) years

## 2.4 Location of the contract object:

The proposed layout of “Milot-Balldre” road starts from the interchange of Milot where it connects with the road section Milot-Thumanë-Kashar-Lekaj and with the “Rruga e Kombit” road, and will end on the existing Tirana-Shkodër road, in Balldre.

## **Section 3**      **Legal, economic, financial and technical information**

**3.1 Acceptance Criteria** pursuant to Appendix 9.

**3.2 Bid Security**

In order for an Economic Operator to participate in a concession/public-private partnership procedure, the Bid Security Form is requested pursuant to Appendix 3.  
The requested Bid Security value amounts is 2% of the value of the Contract.

## **Section 4**      **Procedure**

**4.1 Type of procedure:**

Open	Restricted	With negotiation for preliminary announcement
<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

**4.1 Selection criteria for the winner:**

Regarding the importance:

<b>a/a</b>	<b>TECHNICAL CRITERIA</b>
(1)	<b><i>Technical proposal for road Construction and maintenance</i></b>
	a. Concept-Design
	b. Methodology of works
	c. Operational Plan of Maintenance and availability
	d. Health & Life protection
(2)	<b><i>Environmental Impact</i></b>
(3)	<b><i>Social Impact</i></b>
(4)	<b><i>Term for Completion of the Works</i></b>
	a. Milot - Balldre

<b>a/a</b>	<b>FINANCIAL CRITERIA</b>
(1)	Toll rate /km/pcu
(2)	Guarantee - starting level (below base case revenue level - State) (from the first year of operation to 2044 - annual)
(3)	Max Guarantee amount required (from the first year of operation until 2044 - annual)
(4)	Reward - starting revenue base case level (below base case revenue level - State throughout the concession period)
(5)	Percentage of Reward

Point and methodology distribution are specified under Appendix 11

#### **4.3 Bids Submission or requests for participation time:**

Date: **17.02.2025**

Ora: **12:00 (CET)**

Venue: The Bid is requested to be submitted through electronic means in the PPA system

**In case the bid is requested to be submitted through electronic means, the economic operators shall submit the bid electronically at the official webpage of PPA, [www.app.gov.al](http://www.app.gov.al)**

#### **4.4 Bids opening or requests for participation time:**

Date: **17.02.2025**

Ora: **12:00 (CET)**

Venue: The Bid is requested to be submitted through electronic means in the PPA system

**The information that is communicated during the public opening of the bids and submitted through electronic means shall be communicated to all those Economic Operators who have submitted bids, based on their request.**

#### **4.5 Bids validity period: 150 days**

#### **4.6 Language(s) for drafting the bids or the request to participate:**

Albanian       English

Other     

Note: Documents issued/prepared in the Albanian language must not be accompanied in English, while documents issued/prepared in a foreign language must be accompanied by a notarized translation in the Albanian language.

### **Section 5      Supplementary information**

**5.1 Documents as per fee:**

Po            Jo     

- 5.2** The value of the fee to be paid by the economic operator in the event of a complaint to the Public Procurement Commission is as per the applicable law.
- 5.3** The value of the ATRAKO fee, pursuant to Article 12 of Law No. 125/2013 “On Concessions and Public Private Partnership” as amended, as well as DCM no. 285 dated 10.04.2020 "On the organization, operation as well as procedures and the level of service fees to be provided by the Concessions Handling Agency (ATRAKO)" is the Amount to be paid by the Winning Concessionaire for the services of the Concession Treatment Agency (ATRAKO) from the bidder before the signing of the contract.
- 5.4** Supplementary information (place, office, ways of obtaining tender documents).
- 5.5** The creation by the bidder selected as the most successful, of a special purpose entity (SPV), regulated according to the implementation in force, as a company with its headquarters in the Republic of Albania with the note before the Name “Concessionary Company” and with “ Object of the Concession Contract”.

**Public Procurement Agency:** [www.app.gov.al](http://www.app.gov.al)

Date of delivery of this notice **19.12.2024**

## **II. INSTRUCTIONS TO BIDDERS**

### **1. INTRODUCTION**

The Ministry of Infrastructure and Energy has decided to implement the project on concession/public-private partnership for the design, build, operation, maintenance, rehabilitation and transfer of road segment Milot - Balldre.

The Bid Winner selection shall be based on a competition procedure (open procedure) according to qualification and evaluation criteria specified in this document.

The concession/PPP contract duration will be 35 (thirty-five) years upon its entry into force. This contract shall enter into force upon its signing by parties and after the publication of the Decision of the Council of Ministers on its approval in the Official Gazette of the Republic of Albania.

#### **1.1. Further information:**

The Adriatic-Ionian Corridor (AIC) is identified as part of the Mediterranean TEN-T Corridor (as shown on the map below), extending the main corridor of the EU network in the Western Balkan Region (EC Regulation 2016/758 amending Regulation No. 1315/2013). It will connect Central Europe and Northern Italy with the Balkans in South-Eastern Europe, with Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Albania and Greece. The estimated length of the entire Mediterranean Corridor is approximately 1,550 km. In the Western Balkan, the corridor traverses through Montenegro (approximately 7% of the total length) and Albania (approximately 20% of the total length or approximately 318 km).

The establishment of this network aims to strengthen road safety, transport planning, regional connection, mobilization, competition and integration in the TEN-T EU network.

The existing segment of the road that serves the route from Milot to Balldre and the surrounding areas, is two-way (round trip). The existing road has a greater length than the new proposal, the technical parameters of movement on this road are of a very low level. This road passes through the city of Lezha, with very heavy traffic and consequently, it has a longer travel time and greater fuel consumption, etc. The sections of the existing road operate within their capacity, but at different times, especially during the summer season, it is overloaded beyond capacity, as a result of frequenting the beaches located in this area (Shengjin beach, Tale beach, Velipoja beach) and the port of Shengjin. According to the traffic demand forecast, the capacity will be exceeded soon, increasing the number of vehicles in circulation, bringing the impossibility of coping with this capacity from the existing road.

The new highway will extend from Miloti to Balldre, as a continuation of the Kashar-Thumanë-Milot highway, improving this section from a category "C" road to a category "A" highway. The Milot-Balldre axis envisaged in this study is about 17 km long. The proposed section fulfills the characteristics of a category A motorway. This axis will have a dual carriageway with two lanes each, with a lane divider and

emergency lane, jetty, double tube tunnel, large works of art over the river Mat and the river Drin, small works of art, parallel roads of the F2 category, junctions at the level with the connecting roads, free alternative roads of the "C" category at a distance of not less than 1 km from the main axis, as well as the operation and maintenance of the Infrastructure of Operation including the cabins, the system of automated gates for allowing entrances and exits to the Street, traffic sensors and other measuring elements, the electronic system for the collection of Fees and traffic monitoring, the necessary servers for maintaining and processing the data of traffic and related collections, as well as any other elements necessary for the realization of the service of enabling access to the Users' Road, collecting the Fee, controlling traffic and providing assistance to Users, preventing violations, including responding in case of urgent interventions.

**1.2.** These instructions ("Instructions for Bidders") and the "Invitation to Bid" are addressed to all legal persons and their unions, who aim to participate in this selection competition procedure.

**1.3.** Costs: The winning bidder must bear the costs associated with preparing and submitting his bid as well as any other costs as provided in these documents in accordance with the Law No. 125/2013 "On Concessions and Public Private Partnership"

**1.4.** The Contracting Authority reserves the right to terminate this competitive selection procedure. The Bidder has no right to claim any compensation for costs or losses.

**1.5.** For the purpose of calculations, unless otherwise provided in these documents, the bidders should take into account the exchange rate of the Bank of Albania for the exchange of foreign currencies, on the Contract notice publication date.

## **2. COMPETITION PROCEDURE DOCUMENTS**

### **2.1 Content**

#### **2.1.1 Type of the project and the technical requests, the competition procedure, conditions of the contract and the legal and economic financial requests are determined in the documents of the competition procedure, containing:**

#### APPENDICES

Appendix 1: Bid Form

Appendix 2: Limited Procedure or Negotiated Tender Invitation Form

Appendix 3: Bid Security Form

Appendix 4: Confidential Information List

Appendix 5: Declaration on the fulfilment of technical specifications by the economic operator.

Appendix 6 Declaration of Conflict of Interest

Appendix 7 Evaluation Form of Realized Works

Appendix 8: Declaration of Availability of Machinery

Appendix 9 General/special/qualification acceptance criteria

Appendix 10 Declaration on the Trial Status

Appendix 11: Evaluation Criteria

Appendix 12: Self Declaration for Foreign Bidders

Appendix 13: Implementation Project and Technical Specifications

Appendix 14: Works Bill of Quantities

Appendix 15: Standard Notice for the Disqualified Bidder

Appendix 16: Award Notification Form

Appendix 17: General Conditions of the Contract

Appendix 18: Special Conditions of Contract

Appendix 19: Notification of the signed contract

Appendix 20: Contract Insurance Form

Appendix 21: Complains to the Contracting Authority Form

Appendix 22: Power of attorney form

**2.1.2** Every bidder shall take into consideration the instructions, the criteria, the conditions, the specifications, the time limits and the entire information in the documents of the competition procedure. In case the bidder:

- i) does not complete all the documentation and the documents of the competition procedure; or
- ii) submits a bid which is not in compliance with the conditions and the requests of the document of the competition procedure.

The contracting authority will determine that the offer is not in accordance with the requirements of the documents of the competitive procedure and shall refuse the bid.

### **2.2 Explanations on the Standard Documents of the Competition Procedure:**



**2.2.1** The Bidder, who requests clarifications or changes to competition procedure, should submit their request through public procurement system.

All the replies along with the relevant explanations shall be notified to all the interested parties.

**2.3 Changes in the documents of the competition procedure:**

**2.3.1.** Any time, before the deadline for the submission of the bids, the Contracting Authority shall postpone the time limit for the submission of the bids pursuant to the law. The CA, for any reason, with their initiative or in reply to requests for changes made by a bidder, shall change the bidding procedure documents.

**2.3.2.** All the changes made by the Contracting Authority shall be published on the internet page official web of the PPA. The changed documents shall be considered as documents of the competition procedure for this selective competition procedure.

**2.3.3.** In order for the bidders to have sufficient time to make the relevant changes in their bid, the Contracting Authority may, with his initiative, postpone the time limit for the submission of the bids. In this case, the Contracting Authority, pursuant to the Law “On the concessions and the private public partnership” shall publish the new time limit for submitting the bids on the internet webpage of the PPA.

**3. BID: PREPARATION**

**3.1 The bid shall include the following documents:**

- a) The Bid Form filled in compliance with the attached Appendix 1 of CPD.
- b) The Form of the Bid Security filled in compliance with the attached model as Appendix 3 of CPD
- c) The documents related to the concession/public private partnership object (*sketches, designs, etc.*)

**a) The Legal Bid and Qualification Criteria**

Potential Bidders shall provide a Bid Declaration Form (Appendix 1), which includes, inter alia, a statement confirming that they accept the terms of the draft Concession Contract part of this document. If the Potential Bidder is a Temporary Union of Companies, Appendix 1 – Bid Declaration Form should be signed by the authorized representative of each member of the Temporary Union of Companies or its representative as defined on the Temporary Union Agreement.

Potential Bidders shall provide certified copies of the decision of the board of directors, shareholders and / or relevant governing bodies of the Potential Bidder for the Bid Submission and Approval by the Potential Bidder signing and implementing the Concession Contract. In the case of a Consortium, these decisions shall be required by each of the members of the Consortium defined on the Temporary Union Agreement.

Potential Bidders shall provide a representation authorization which shall bear a legal apostille (if executed in the presence of a Public Authority) on a regular basis as set forth herein.

Potential Bidders shall provide the Bid Security in the form specified in Appendix 3 herein.

Potential Bidders shall provide the information requested in Appendixes 9 & 10 to show that the Candidate satisfies the legal, technical and financial criteria.

#### **b) The Financial Bid**

Minimum Revenue Guarantee (MRG)

The Bidder shall submit the form specified in Appendix 11 “Assessment Criteria” of this Competition Procedure Document, which sets the Minimum Revenue Guarantee that the Bidder requests from the Contracting Authority.

#### **c) The Financial Model**

Potential Bidders shall submit a financial model in accordance with the requirements of Appendix 9 of this Competition Procedure Document. The Successful Bidder's financial model which will be presented in EUROcurrency shall be audited and shall become the Financial Reference Model after the review and approval by the Contracting Authority. The financial model of the Potential Bidders must be drafted in accordance with points 3 and following of Article 7 of Decision No. 575/2013 of the Council of Ministers “On the Approval of the Rules for the Evaluation and Award of Concessions/Public Private Partnerships” as amended to the extent applicable.

For the Euro/ALL exchange rate in their financial models, Potential Bidders shall use the Euro/ALL exchange rate of the Bank of Albania website at the date of publication of this procedure.

#### **d) Technical Bid**

Every Bidder should prepare the Concept-Design for the road segment Milot - Balldre, Methodology and Work Schedule, as well as the Manual/ Operational Plan on maintenance and operation, as specified below:

Every bidder during the Concept-Design drafting, based on the proposed construction methodology, will submit without lowering the quality and standard required, but without limitation, the proposal of a technical bid considering also the modification of elements with the primary aim to lower costs and improve/increase the standard.

The information requested in Appendix 9 is to show that the Candidate satisfies the selection criteria.

**e) The development of the Concept-Design will be carried out in accordance with the road's categories and compliant with the legal provisions:**

DCM No.1243, dated 10.9.2008 “On the approval of the regulation on the organization of working time of persons performing road transport, on the hours of drivers and recording equipment”;

Law No.8378, dated 22.7.1998 “Road Code of the Republic of Albania”, which determines the categories of roads, the authorities responsible for road control and the maximum permitted dimensions and load of vehicles;

Law No. 10440 dated 07.07.2011; “On Environmental Impact Assessment” as amended, as well as the sub-legal acts in its implementation;

Law No. 27/2018 “On Cultural Heritage and Museums” as amended;

Law No. 93/2015 “On Tourism”, as amended;

Law No. 81/2017 “On Protected Areas” as amended;

Law No. 125/2013, “On Concessions and Public Private Partnership”, as amended;

Law No. 8561, dated 22.12.1999 “On expropriations and temporary use of private property for public interest”, as amended;

Law No. 162/2014 “On the Protection of Ambient Air Quality”, as amended, and the sub-legal acts implementing it;

VKM 575, dated 10.07.2013 “On the approval of the Rules for the evaluation and award of concessions/public private partnerships”, as amended;

Decision of the Council of Ministers (VKM) No. 153/2000 “On the approval of the regulation for the implementation of the Road Code of the Republic of Albania”, as amended;

Law No. 107/2014: “On Territorial Planning and Development” as amended;

VKM No. 216, dated 13.04.2023: “On the establishment and functioning of the integrated system for computerizing the price manual for construction works items”;

Law No. 10164, dated 15.10.2009 “On the Albanian Road Authority” (ARA);

Law No. 8402, dated 10.9.1998 “On the control and discipline of construction works”, as amended;

Law No. 158/2013 “On Safety in Road Tunnels”;

Technical Rule for Road Design approved by Decision No. 628, dated 15.7.2015 of the Council of

Ministers “On the Approval of the Technical Rules for the Design and Construction of Roads” as amended;

SSH EN 1992-1-2 Eurocode 2 Design of concrete structures

SSH EN 1997-1; 2004 Eurocode 7 Geotechnical Design

SSH EN 1998-5:2004 Eurocode 8: Design of earthquake-resistant structures - Part 5: Foundations, retaining structures and geotechnical aspects;

CIE Standard 88/2004 (standard for underpass and tunnel lighting), or equivalent

Order No. 185 dated 18.06.2020 of the Minister of Infrastructure and Energy “On the implementation of the strategy for the application of Intelligent Systems in Road Transport” and any other standards approved by Albanian institutions and European best practices;

DCM No. 684, dated 6.11.2024 “On the establishment of the joint-stock company “National Road Operation Agency” sha”.

**f) The Construction Works to Include a minimum of the following sections and contain:**

- The Methodology of the Execution of the construction Work, as per Concept-Design, developed by the potential Bidders.
- The Works Schedule, as per the Concept-Design, developed by the potential Bidders.
- The Site’s Plant Machinery and Equipment Capacity.
- Health and Life protection: The Concessionary’s Policies regarding the protection of health and Safety, set-up and responsibilities, the provisions for an office and one Security Officer (dedicated to staff accidents’ prevention), staff trainings, requirements for low risk construction, risk assessment and risk management procedures, measures for the storage and processing of hazardous materials, medical and social care, facilities of site, procedures for extraordinary events, traffic management and speed reduction.
- Environmental and Social Management: (i) environmental policy (ii) procedures for negative impact mitigation (iii) monitoring Procedures(iv) procedures for assessment and audit, and (v) procedures for consulting and informing the public.
- Plans/Manuals for Maintenance and Operation Services, shall minimally, include all the following sections and contain but not limited to: plan of the Quality Control, containing, the proposed Organization and responsibilities for Inspection, samples collection and testing for materials and works for the maintenance of the sections of Milot-Balldre, schemes and operation plans of the road section, the operation and maintenance of the Operation Infrastructure, including the cabins, the system of automated gates for allowing entrances and exits to the Street, traffic sensors and other measuring elements, the electronic system for the collection of Fees and traffic monitoring, the necessary servers for maintaining and the processing of traffic data and related collections, as well as any other element necessary for the realization of the service of enabling access to the Users' Road, the collection of the Fee, the control of traffic and the provision of assistance to the Users, the prevention of violations, including response in case of emergency interventions.
- Quality Assurance plan: a description of the proposed approach to quality control, including procedures, methods, personnel and other resources to ensure the quality of

drafting of the implementation project, construction works and operation and maintenance services in accordance with the contractual requirements.

*\*Total costs of the design, financing, building, operation and maintenance of the road segment detailed in the business plan of the Bidder shall be covered by the Concessionaire.*

- g) Organization: an organizational chart of the Bidder, including the main administrative units, a brief description of key managerial and technical positions and key personnel experience records, and the approximate total staff numbers in the key organizational units for the constructing phase and the maintenance phase too.**
- i.** Traffic Control: A general plan for traffic control and assistance to users, including emergency response and lane closures, staff estimates and other resource requirements. Operation plans of the ITS system, tolling and any other intelligent system installed in the road section.
- ii.** Maintenance and operation: a general plan for inspection and repair activities; Routine maintenance, including those for winter maintenance, including short descriptions of methods and techniques to be used, planning, control and reporting systems, performance monitoring and evaluation, estimation of personnel and other resource requirements.

The plans for the operation and maintenance must contain at least the following items:

1. Traffic Management (permanent and temporary traffic management)
  2. Emergency procedures, including closing of lanes in cases of emergency situations (incidents, accidents, but not limited to). The counterplan in case of emergencies.
  3. Safe operation of the Milot - Balldre road segment and the safety of the users and the work force of the concessionary and the permitted visitors on the road in accordance with the plan of Health and Safety.
  4. Description of the structure through the periodic reports
  5. Directions for the maintenance of the Milot-Balldre road segment including structural and non-structural elements, equipment and machinery.
  6. Procedure for the planning of works for the routine maintenance works and all necessary rehabilitations.
  7. Company organization
- iii.** Protection of health and safety: the Concessionaire's policy on health and life protection, organization and responsibilities, appointment of a security officer (accident prevention officer), staff training, requirements for safe construction, risk assessment and management procedures, storage and handling of hazardous materials, facilities for medical and social care on the site, emergency procedures, traffic management and speed limitation.
- iv.** Environmental and Social Management (i) environmental policies (ii) procedures for the lowering of negative impacts, (iii) monitoring procedures, (iv) review and auditing

procedures and (v) consultation and the informing of the public procedures

- v. Documents related to the object of concession/public private partnership facility (drawings, projects, etc.)

Regarding the risks that will be assumed by the private partner and those that are shared between the public and private partners, they are given in the following table:

TYPE OF RISK TAKEN BY THE PRIVATE PARTNER	TYPE OF RISK SHARED BETWEEN PUBLIC AND PRIVATE PARTNER
Design risk	Land risk
Construction risk	Demand risk
Operational availability risk	Timely completion risk
Financial risks	Technology change risk
Road obsolescence risk	Legal framework change risk
	Force Majeure risk

An economic operator shall submit only one bid in the same procedure.

Every false data shall constitute the legal cause for the Contracting Authority to disqualify the Bidder at any time. If such a thing is revealed or notified after the contract is signed, the Contracting Authority is entitled to terminate the relations of the contract unilaterally and to receive a compensation for the current losses. According to the Criminal Code of the Republic of Albania, providing false information, drafting false or falsified documents as well as every statement or any other data which does not reflect the truth, is considered a criminal offence.

The Bidder should use only the Competitive Procedure Documents, without applying any changes to their content.

### **3.2 Bid Security:**

**3.2.1** As a part of his technical bid, the bidder shall submit the Bid Security according to the Form of Bid Security (submitted in Appendix 3: Form of Bid Security), in the value of 2% of the foreseen reinstatement costs submitted by the Bidder (VAT excluded).

**3.2.2** Bid Security shall be submitted mandatorily in the form of a deposit or guarantee issued by a bank or insurance company licensed in accordance with the legislation in force in the country of origin. The bidder shall guarantee that the Bid Security is valid for a 30-day period after the completion the validity of the bid which is 150 days. Hence, the bid shall be insured for 180 days from the date of the expiration of the timelimit for its submission. For motivated

reasons, the Contracting Authority may require from the Bidder to extend the validity period of the Bid Security in case certain circumstances impact on the extension of the evaluation time frame of the relevant bid or in the submission of the Contract Security or on any other case which impacts on the extension of a mandatory time frame. If the Bid Security validity period is not extended, the Bidder is disqualified.

**3.2.3** The Bid Security shall be submitted along with the bid before the expiration of the time limit for the submission of the bids. Every bid which is not accompanied with the Bid Security shall be refused by the Concession Commission among the Bids Evaluation.

Bid Security shall be submitted on behalf of: i) the company, in case the Bidder is a sole company; or ii) on behalf of the leading company if the Bidder is a temporary union of companies. The Bid Security for a Bid submitted by JV /Consortium shall be deemed to include the entire by JV /Consortium and as in the name of every member of the consortium.

The Bid Security for a Bid submitted by an operator consortium shall be in compliance with Article 25 of Decision of Council of Ministers No. 575, dated 10.07.2013 "On the adoption of rules for the concession / PUBLIC PRIVATE PARTNERSHIP EVALUATION AND AWARD", as amended

**3.2.4** By request of the non-Winning Bidder, the Contracting Authority will release the Bid Security, as soon as possible but not later than 30 days after the bid validity period expires or after its deadline extension.

**3.2.5** The bid security of the Winning Bidder, when requested, will be returned to him after submission of the Contract Security to the Contracting Authority.

**3.2.6** The bid Security may be kept by the Contracting Authority in the cases when the Bidder:

- i. withdraws his bid during the competition procedure before the bid validity time limit expires.
- ii. does not present the Contract Security (contract insurance) (if he is the winner);
- iii. does not sign the concessionaire contract (if he is the winner) within the time limits specified in the Winner's Notification Form (Appendix 16: Winner's Notification Form);
- iv. has declared false data in his Bid
- v. in case of award announcement, refuses to pay the expenses as per the paragraph 1.4 above.

**3.3 Power of Attorney:** Every bidder (or member of the Temporary Union, when the Bidder is such) shall submit a notary power of attorney in the form determined in Appendix 22 which indicates that the person (persons) who have signed the Bid are entitled to sign it.

**3.4 Bid Validity Period:** The bids shall be valid for 150 calendar days starting from the moment of the expiration of the "bids submission deadline". A bid with a shorter validity than the stipulated deadline shall be refused by the Concession Commission as acceptable.

Exceptionally, the Contracting Authority may request the Bidder to extend the Bid Validity Period. The Contracting Authority's request shall be in writing. The Bidder

that accepts to extend the Bid Validity Period and shall notify in writing the Contracting Authority, shall extend the Bid Validity Period and shall submit an Extended Bid Security. The Bid shall not be modified. In case the Bidder does not respond to the request made by the Contracting Authority regarding the bid validity period extension, or does not extend the validity period or does not submit an Extend Bid Security, then it shall be considered that the Bidder has refused the Contracting Authority's request. In such case, The Contracting Authority shall reject the bidder without further request to the parties.

In case of an extension of the Bid Validity Period, the Bid Security period shall also extend pursuant to paragraph 3.2.2.

### **3.5 Format and signing the bid**

**3.5.1** Every bidder shall prepare and submit the bid on the webpage of the Agency of the Public Procurement (APP) of Albania. Detailed information regarding the uploading of the bid is found in the manual, which is published in the address <https://www.app.gov.al>.

**3.5.2** The bidder, who is announced the winner of the competition, shall submit to the Contracting Authority the original bid. The original bid shall be typed/printed or written in ink, which does not vanish. The person or persons who are entitled to sign



(authorized through the power of attorney submitted as a part of the Technical Bid, in compliance with paragraph 3.3) shall sign the Bid:

- i) Signing the original version of the bid; and
- ii) Writing the initials on each page of the original version of the documents, which accompany the economic bid.

**3.5.3** The bid shall not bear changes, omissions or additions, except for the cases when corrections are signed by the person or persons with the right to sign the bid. The original bid shall be identical with the bid uploaded on the internet webpage of the PPA.

#### **4. SUBMISSION OF THE ORIGINAL BIDS**

##### **4.1 Bid format and signing**

**4.1.1.** Pursuant to DCM No. 130, dated 12.3.2014 “On the electronic conduct of competitive procedures for concessions/public private partnerships” and DCM No. 575 dated 10.7.2013 “On the approval of the rules for the evaluation and award of concessions/public private partnerships” as amended, the offer will be submitted in electronic format in accordance with the instructions of the Public Procurement Agency. You can find comprehensive information on this procedure at the official webpage [www.app.gov.al](http://www.app.gov.al).

**4.1.2** The Contracting Authority does not bear any responsibilities towards every Bidder, claim or complaint on confusions regarding the submission of the Bid, except for the case when a bid is not received in the appropriate way due to the lack of the appropriate infrastructure by the Contracting Authority.

**4.1.3** In every case, the Bidder shall submit electronically all the information mandatory and necessary for the presentation of their bid.

**4.1.4** The successful bidder shall submit the original bid at the Contracting Authority. The original bid shall be put in a closed and sealed envelope/box. The name and the address of the bidder and the note:

Bid on the project “Design, build, finance, operation, maintenance, rehabilitation and transfer of road segment motorway “Lekaj-Konjat-Fier”

The original bid shall be submitted to the following address:

Addressed to:	Ministry of Infrastructure and Energy
CC:	Concession Award Commission/PPP
Address:	“Deshmoret e Kombit Blvd 1001 Tirana,

It will be deemed that through the Bid submission, the Potential Bidder agrees and releases the Contracting Authority, its employees, agents and advisors irrevocably, unconditionally,

completely and finally from any and from all liabilities for claims, losses, damages, costs, expenses, or responsibilities that are related or arise in any way from the exercise of any right and/or fulfilment of any obligation hereunder, based on and/or in connection with the following and waive any and all rights and/or claims that may be relevant in this regard, either present or unforeseen, whether current or future.

The Contracting Authority will not allow the submission of alternatives bids from the same Bidder.

#### **4.2 Bids submission deadline**

**4.2.1** The bids should be submitted through the PPA official website: [www.app.gov.al](http://www.app.gov.al) within 17.02.2025, time: 12.00 (CET). The Winning Bidder shall be notified in writing by the Contracting Authority on the original bid submission time frame.

### **5. BIDS COMMENCEMENT AND EVALUATION**

#### **5.1 Bids Commencement**

**5.1.1** The Concession Commission shall perform the identification of bidders and opening of bids submitted to PPA webpage, after bids submission deadline expiry.

#### **5.2 Bids Evaluation**

**5.2.1** After the bid is opened, the Concession Commission shall review it to determine if the bid is acceptable, if the required documentation has been submitted, if the documentation was duly signed and if the bid is correct.

**5.2.2** The evaluation of the Contracting Authority shall be based on these documents, on the legal and financial criteria established in this document and on the data, on the content of the bid itself and if necessary, the Concession Commission may claim clarifications from the Bidders, which do not constitute a change in the essence of the Bid. The clarifications shall be only in writing or/and reflected in the relevant minutes. Also, in special cases, the Contracting Authority is entitled to involve even different experts who may assist in treating those cases which pose difficulties for the Concession Commission.

#### **5.2.3 The bid shall be considered invalid, if:**

- i. the bidder has not submitted the Bid Security.
- ii. the bid contains false data.
- iii. it has not completed one or more of the legal, technical and financial requests of the invitation for the competing procedure.

- 5.2.4** The commission of the Bids Offers evaluates a valid bid even if it contains small deviations, which do not change materially or do not deviate from the characteristics, the other conditions and requirements determined in the documents of the selective procedure, or mistakes which may be corrected without changing its content.
- 5.2.5** If more than one financial bid has the same value or the same points, then the bidder shall be determined through a lottery in the presence of the bidders.
- 5.2.6** The Concession Commission drafts the final classification, which shall be notified publicly and shall be communicated to the Bidders. After the notification of the final classification, every bidder may claim an administrative review of the selection process, when he considers that an action undertaken by the Contracting Authority and the Concession Commission is in contradiction with Law No. 125/2013 “On concessions and public private partnership” amended, and the DCM no. 575, dated 10.07.2013 “On the adoption of rules for the concession / public private partnership evaluation and award”, amended, using the form of the Competing Procedure Appeal, stipulated in Appendix 21.
- 5.2.7** Upon the completion of the appeal procedure, the Concession Commission prepares the final report of bid evaluation and proposes to the Chairman of the Contracting Authority, the results achieved by each bidder to approve.

### **5.3 Invalidation and Failure of the Competitive Procedure;**

The Competing Procedure is considered unsuccessful when:

- i) None of the submitted bids fulfils the requests of the documentation for a competing procedure;
- ii) The Contracting Authority announces the closure of the competing procedure, due to the lack of the economic convenience of the bids or of the project itself;
- iii) Or there are no participants in the competition.

### **5.4 Illegal actions**

In compliance with the legislation on the prevention of the conflict of interest and the ethics in public administration, the Contracting Authority refuses a bid if the bidder who submitted it:

- i) Has given or prepares to give to a current or previous employee of the Contracting Authority a present in money or not, as an attempt to impact on an action or decision, or the development of the competition procedure; and/or
- ii) Is under the conditions of a conflict of interest in this procedure, such as – a bidder has a relation with a natural or legal person who is appointed by the Contracting Authority to provide consulting services during the preparation of the projects, specifications or other documents in relation with the competing procedure or has a relation with members of the Commission of Bids evaluation.
- iii) Has submitted false documents/information which are related with the requests

submitted in the Standard Documents of the competing procedure.

The Contracting Authority informs the bidder in writing and the Agency of Public Procurement for the refusal of the bid and the reasons for this refusal and makes the relevant note in the report on the competition procedure.

## **5.5 Designation of the Winning Bidder and Contract Signature**

**5.5.1** After the expiry of complaint term, defined in point 5.2.6, the Contracting Authority shall inform the Bidder, whose bid is selected as the best one, through the delivery of the Winner's Notice, as provided for in the Winner's Notice Form.

A more detailed copy of this notice is published in the Bulletin of Public Notices.

Upon signing of the contract, the winning Bidder shall submit to the Contracting Authority the Contract Security

The selected winning bidder, according to the provisions of Law No. 125/2013 "On Concessions and Public Private Partnership", as amended, must submit to the Contracting Authority, the Contract Security of 5% (five percent) of the construction value, while after the construction period it will be up to 5% (five percent) of the remaining contract value, as provided for in Article 28 of Law No. 125/2013 "On Concessions and Public Private Partnership", as amended.

The Contract Security Form, shall be signed and submitted according to point 5.5.3  
The Contract Security may be submitted in the form of i) unconditional bank guarantee or ii) insurance policy.

**5.5.2** The Contracting Authority and the Winning Bidder shall negotiate in good faith the conditions and final deadlines of the Concession Contract / Public-Private Partnership Contract, taking into consideration that the Winning Bidder shall be required to sign a Concessionary Contract under the Special and General Conditions of the Contract signed by him in every page and submitted as part of the Technical Bid, as amended (if applicable) during the negotiation process of the Concession Contract/Public-Private Partnership.

**5.5.3** If within a period of time \_\_\_\_\_ from the date of the Notice to the Winner and the deadline set in the Decision of the Council of Ministers it becomes clear that, if the Winning Bidder (for unjustified reasons) will not deliver the Contract Security and/or will not to sign the Special and General Terms of the Contract, the Contracting Authority shall withhold to the Winning Bidder, the Bid Security and invite other Bidders, by rank of order in the final classification, until receiving the Contract Security and General and Special Conditions signed in each page by Bidders, by rank of order or to reject all remaining Bids.

**5.5.4** The Contracting Authority shall publish in the Public Announcement Bulletin the name of the Concessionaire and the main terms of the Concession Contract within 30 days of the signing of the contract.

## **Appendix 1**

**BID FORM**

[Appendix to be submitted by the economic operator]

Name of Bidder \_\_\_\_\_

To: [Name and address of contracting authority]

Date: [Date of submission]

\* \* \*

Concession/public private partnership procedure: [Open procedure]

Short contract description: [object]

Publication (if applicable): Public Notice Bulletin [Date] [Number]

\* \* \*

The bid submission form is defined as follows:

<b>a/a</b>	<b>TECHNICAL CRITERIA</b>	<b>Reference / Bidded value</b>
(1)	<b>Technical proposal for road Construction and maintenance</b>	
	a. Concept-Design	
	b. Methodology of works	
	c. Operational Plan of Maintenance and availability	
	d. Health & Life protection	
(2)	<b>Environmental Impact</b>	
(3)	<b>Social Impact</b>	
(4)	<b>Term for Completion of the Works</b>	
	a. Milot - Balldre	

<b>a/a</b>	<b>FINANCIAL CRITERIA</b>	
(1)	Toll rate /km/pcu	
(2)	Guarantee - starting level (below base case revenue level – State from the first year of operation to 2040 - annual)	
(3)	Max Guarantee amount required (from the first year of operation until 2044 - annual)	
(4)	Reward - starting revenue base case level (below base case revenue level - State throughout the concession period-annual)	
(5)	Percentage of Reward	

**Note:** Specify the Project Implementation delivery time

Bidder signature \_\_\_\_\_

Seal

**Appendix 2**

*[Appendix to be submitted by the contracting authority]*

**BID INVITATION<sup>1</sup>**

*[Name and address of contracting authority]* hereby invites for submission of bids for the following works:

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

(give an accurate description of the scope of the contract and the quantities as defined in the Standard Documentation of Concessions and Public Private Partnerships (SDC/PPP)).

Location of employment contract execution

Contract execution timeline – 35 years

Bids should be filed electronically before dated 17.02.2025 time 12:00 (CET)

**When bids must be submitted via electronic means, economic operators should submit them electronically on the official PPA website at, [www.app.gov.al](http://www.app.gov.al)**

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<sup>1</sup> This appendix applies to the limited procedure and the preliminary announced negotiation procedure

### Appendix 3

[Bank letterheaded/Insurance Company]

[To be submitted by the economic operator, when requested by the contracting authority]

[Date\_\_\_\_\_]

#### **BID SECURITY FORM**

For: [Name and address of contracting authority]

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

Concession/public private partnership procedure [type of procedure]

Short contract description: [object]

Publication (if applicable): Public Notice Bulletin Board [Date] [Number] / Reference no. on PPA website

In reference to the above mentioned procedure,

We hereby attest that [name of guaranteed bidder] has deposited with [name and address of bank / insurance company] an amount of [currency and amount, expressed in figures and words] as a condition to guarantee the bid, submitted by the above mentioned economic operator.

We undertake to transfer the guaranteed amount to the accounts of [name of contracting authority] within 15 (fifteen) days from your first and written request, without seeking explanations, upon condition that this request mention non-fulfillment of one of the following conditions:

- The bidder has withdrawn or changed the offer, after the final deadline for submission of offers or before the final deadline, if it is so defined in the tender documents;
- The bidder has refused to sign the concession contract/public private partnership when the contracting authority has requested it
- The bidder has not submitted the contract insurance, where the bid has been declared the winner or has not met any other condition before signing the contract defined in the tender documents.

This guarantee shall remain in force up to [contract notice of invitation for tender] days from the expiry of the bid submission deadline on the PPA website.

[Bank / insurance company representative]

**Appendix 4**

**CONFIDENTIAL INFORMATION LIST**

*[Appendix to be filled in by the Economic Operator]*

(Note down the information you wish to remain confidential)

The type and nature of the information that should remain confidential	Number of pages and clauses of DSK you want to remain confidential	The reasons why this information should remain confidential	The term that this information should remain confidential



**Appendix 5**

*[Appendix to be filled in by the Economic Operator]*

**DECLARATION OF FULFILLMENT OF STANDARD DOCUMENT REQUIREMENTS OF THE CONCESSION/PUBLIC PRIVATE PARTNERSHIP.**

Statement of the economic operator participating in the public procurement procedure, organized on \_\_\_\_\_ by the Contracting Authority \_\_\_\_\_ with subject \_\_\_\_\_ with a limit fund of \_\_\_\_\_.

I, the undersigned \_\_\_\_\_ in the quality of \_\_\_\_\_ of the \_\_\_\_\_ economic operator hereby declare that:

We meet all technical specifications set out in the documents of Concession/Public and Private Partnership and accept them without any reservations and remarks. We also declare under our full legal responsibility that we agree with all technical specifications provided and we meet them pursuant to the provisions of the Concession/Public Private Partnership documents. We meet all legal, financial, economic and technical specifications requirements set out in the competitive procedure documents, and attest to this with certificates and documents submitted with this statement.

Our bid is valid for the period defined in the standard competitive procedure documents.

We will not participate as bidders in more than one bid for this competitive procedure.

We hereby authorize the contracting authority to verify the information/documents attached to this bid.

Should our bid be accepted, we will guarantee the contract, as provided in the standard competitive procedure documents.

Should we be declared winners of the competitive procedure, we agree to sign the Contract pursuant to the contract conditions form.

**Date of statement submission** \_\_\_\_\_

**Bidder's representative**

**Signature**

**Seal**

## Appendix 6

[Appendix to be filled in by the Economic Operator]

### **DECLARATION** **On Conflict of Interest**

Statement of the economic operator participating in the procedure of concession/public and private partnership to take place on \_\_\_\_\_ from the Contracting Authority \_\_\_\_\_ concerning \_\_\_\_\_

A conflict of interest is the state of conflict between the public office/duty and the private interests of an official in which he has private, direct or indirect interests that affect, may influence or appear to influence an unfair performance of his public duties and responsibilities.

Under Article 21, paragraph 1, Law no. 9367, date 7.4.2005, 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 the Constitutional Court, Judges of the High Court, the Head of Supreme State Audit, the General Prosecutor, First Instance and Appeals Judges and Prosecutors, 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 Supervisory Council, including Governor and Deputy Governor, competition, telecommunication, electricity, water supply, insurance, bonds, media authorities), General Secretaries of Central Institutions as well as any other 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 mid-level leadership civil servants, under article 31, and officials covered by Article 32 of Chapter III, section 2 of this Law, the prohibition of paragraph 1 of this article, on grounds of private interests of the official, as stipulated herein, shall be applied only in case of contracts within the institution's scope and territory of jurisdiction, where the official works. This prohibition is applicable also when party to the contract is an institution under the subordination 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 an institution under the dependency thereof. (Article 21, clause 2, Law No.9367, date 07.4.2005).

The prohibition provided for under Article 21 clause 1, 2 of Law no. 9367, date 7.4.2005, with the respective exemptions, is 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 the representative of the legal entity, \_\_\_\_\_ hereby declare under my personal responsibility that:

I am aware of the requirements and prohibitions stipulated in Law no. 9367, dated 7.4.2005 "On the Prevention of Conflict of Interest in the Exercise of Public Functions" as amended, as well as by the bylaws issued for its implementation by the High Inspectorate of Declaration and Audit of Assets and Law no. 125/2013 "On concessions / public-private partnership".

Accordingly, I declare that no official specified in **Chapter III, Section II** of Law no. 9367, dated 7.4.2005, and in this statement, holds private interests directly or indirectly with the legal entity I represent.

Date of statement delivery \_\_\_\_\_

**Name, Surname, Signature**

\_\_\_\_\_

**Stamp**

**Appendix 7**

[Appendix to be submitted by the Economic Operator]

**EVALUATION FORM**

**(This form shall be followed with a commissioning act and situations)**

Contracting Authority/Investor	
Address/Tel.	
Name of Chair/Administrator	
<b>I HEREBY CERTIFY THAT:</b>	
The Contracting Authority/Investor has signed the contract with	
Name of Operator, NUIS/  Operator Joint Venture, NUISET/  Subcontractors NUISET/  Address(es)	
Scope of Contract	
Contract start date	Estimated End Date
Value according to Contract	Value realized
% of E.O. Joint venture and description of works undertaken by each member.  Subcontractors.	
Evaluation	(Expressed in text)
	Completed  Incomplete
<b>Signature</b>	
<b>Seal of Contracting Authority</b>	

**Appendix 8**

[Appendix to be filled in by the Economic Operator]

**DECLARATION ON THE POSSESSION OF THE MACHINERY**

Economic Operator: \_\_\_\_\_

**I hereby declare that it possesses technical equipment and other physical assets to realize the scope of the \_\_\_\_\_ contract**

Owned by				
Type of Machine	Plates	No. of circulation permit	VIN No.	Other
1				
2				
3				
4				
5				

And

Leased					
Type of Machine	Vehicle maintenance	No. of vehicle circulation permit	Vehicle VIN No.	Lease Contract No. (notary public)	Lease contract duration (start and end dates)
1					
2					
3					
4					
5					
6					

- Omit/add others if required.

We authorize the contracting authority to verify the information provided in this table.

**CONTACT PERSON (for this bid)**

**Name:**  
**Address:**  
**Phone No.**  
**Fax:**  
**E-mail:**

**Signature**  
**Seal**

## Appendix 9

*[Appendix to be filled in by the Economic Operator]*

### 1. QUALIFICATION/PARTICIPATION ATTESTATION FORM

The Candidate / Bidder shall submit:

1. A document proving that (your entity):

- a) is not under bankruptcy process,
- b) has not been convicted of a criminal offense, in accordance with Article 45/1 of the PPL,
- c) has not been convicted, by virtue a final court decision related to the professional activity, issued by the National Business Center. The above requirements are supplemented by the submission of the Commercial Data Extract for the Entity Data, the Extract on the Entity History, issued by the National Business Center, and the entity's self-declaration, according to the Appendix 10 "Judicial Records Statement".

2. A document proving that (your entity):

- a) has met the fiscal obligations,
- b) has paid all the social security obligations, issued by the Tax Administration.

The General Admission Criteria shall not be changed by the contracting authorities. These criteria (points 1.2) shall be proven through documents issued no earlier than three months from the date of bid opening.

3. The economic operator must be registered with the relevant professional or trade registers of the State in which they are established, by certifying their legal personality. For this purpose, the candidates shall submit a copy of the Extract on the History Case of the Entity, issued by the National Center of Registration.

The foreign Candidate/ Bidder shall prove that he meets all therequirements listed above. If the aforementioned documents are not issued in their country of origin, then a written statement shall be sufficient. If the language used in the procedure is Albanian, then the foreignlanguage documents shall be accompanied by a notarized translation into Albanian.

In cases of the consortium of economic operators, each member of the group shall deliver the above cited documents.

**In addition, if the bid is submitted by a consortium of economic operators, the following documents shall be presented:**

- a. Notarized Agreement, according to which the consortium of economic operators is officially established;
- b. Special Power of Attorney.

## **2. SPECIAL QUALIFICATION CRITERIA**

### **1. In order to certify that the economic operators are qualified, the bidder shall submit:**

- a) Bid Security Form, according to Appendix 3;*
- b) Declaration on the fulfilment of technical specifications by the economic operator, according to Appendix 5;*
- c) Declaration of Conflict of Interest according to Appendix 6;*
- d) Description of the Bid Form filled in and signed accordingly, according to Appendix 1;*
- e) Evaluation form according to Appendix 7;*
- f) Declaration of Availability of Machinery according to Appendix 8.*

### **2. The bidder/Candidate shall submit:**

#### **2.1 The legal capacity of the economic operator,**

The following legal documents and background information:

- i. An excerpt issued by the Trade register, the Court vested with Commercial matter of competence, or any other competent public authority in the jurisdiction of the bidder, evidencing the registration of the bidder as a legal entity
- ii. An attestation issued by a competent public authority in the jurisdiction of the bidder, confirming that the bidder is not subject to bankruptcy
- iii. An attestation issued by a competent authority in the jurisdiction of the bidder certifying that the bidder has not been convicted of a criminal offense
- iv. An attestation issued by a competent authority at the jurisdiction of the bidder certifying that the bidder has not been convicted in connection with its professional activity
- v. An attestation issued by a competent authority in the jurisdiction of the bidder certifying that the bidder's capitals and assets are not subject of a bailiff enforcement order
- vi. An attestation issued by a competent authority in the jurisdiction of the bidder certifying that the bidder is not in criminal prosecution
- vii. An attestation issued by a competent public authority in the jurisdiction of the bidder (i.e. tax authority), certifying that the bidder does not have unsettled tax liabilities or social security obligations
- viii. A document evidencing the organizational structure of the bidder
- ix. The bidder should not be listed as an entity which cannot carry out commercial activity in Albania or EU states and should not be blacklisted in International Financial Institutions' (IFIs') lists.

- x. The bidder must not appear on any UN list of persons suspected of involvement in terrorist activities or any other relevant national or international blacklists.
- xi. The bidder and any shareholder in its ownership chain, including its ultimate beneficial owner, or any of its subsidiaries or principals, must not reside, have activities in, trade with or have links to the countries embargoed by OFAC or subject to EU or UN sanctions or is in a country that is blacklisted by the EU.
- xii. The candidate / foreign bidder must prove that he meets all the requirements listed above. If the documents are not issued in their country of origin, it is sufficient that the bidder submits a written statement. If the language used in the procedure is Albanian or English, then the documents in foreign languages must be accompanied by a certified translation in Albanian or English. All documents submitted by Bidders must be in original, or certified copies by a public notary. Documents issued by public authorities at other jurisdictions, and documents certified by a public notary at other jurisdictions must be legalized as per Hague Apostille Convention of 05.10.1961.

In the case of joint venture of economic operators, each member of the group must submit the above-mentioned documents.

Furthermore, if the bid is submitted by a consortium (joint operators), there must be submitted:

- a) The notarized agreement under which the joint venture of economic operators is officially established the Temporary Joint Venture.
- b) The Special Power of Attorney.
- c) The decision of the decision-making parties of the company or the Temporary Joint Venture of the Companies and / or the Consortium.

In the case of an Consortium, basic information on the Bidder (or each member of a Consortium), the bidder must provide a declaration including an up to date list of shareholders and information on ultimate beneficiaries of the Bidder who ultimately own or control a company and/or the natural persons on whose behalf a transaction or project is being conducted, and/or those persons who exercise ultimate effective control over a legal person or arrangement, have substantial economic interest in or receives substantial economic benefit from a company. This information should encompass in particular individuals who meet one or more of the following five conditions:

- i. directly or indirectly holds more than 10% of shares in the Bidder;
- ii. directly or indirectly holds more than 10% of voting rights in the Bidder;
- iii. directly or indirectly holds the right to appoint or remove a majority of the directors



of the Bidder;

iv. has the right to exercise, or actually exercises, significant influence or control over the Bidder; and/or

v. where a trust or firm would satisfy one of the first four conditions if it were an individual, any individual holding the right to exercise, or actually exercising, significant influence or control over the activities of that trust or firm.

Information for each beneficial owner must include:

(i) the present full name and any former name.

(ii) nationality and national identity number.

(iii) country of residence.

(iv) the date and place of birth.

(v) level of beneficial ownership; and

(vi) details of how ownership, control or economic interest is exerted. If all such details have been filed on a centralized beneficial ownership register in the country of registration, the application may fulfill this requirement by cross-referencing and attaching such filing.

Each member of a Joint Venture should disclose beneficial ownership information. A Bidder shall give written notice to Concession Commission, as soon as reasonably practicable, of any material change, including changes in beneficial ownership from that originally reported.

**Also, the operator must submit:**

1. A document attesting that your entity's equity/assets are not subject to judicial bailiff or no order of seizure is issued on them, issued by the Bailiff's Office of the city you have your registered seat;
2. An attestation issued by a competent public authority in the jurisdiction of the bidder, confirming that the bidder is not subject to bankruptcy;
3. A document attesting that your entity has met fiscal obligations, issued by the Tax Administration;
4. A document attesting that your entity has paid all the social insurance obligations, issued by the Tax Administration;
5. A document attesting the bidder's organizational structure.
6. An attestation confirming the settlement of all matured electricity obligations of the energy contracts for all objects where the bidder operates, according the commercial extract. Non-payment of electricity obligations is a cause for disqualification of the economic operator, unless it turns out that unpaid electricity charges, as confirmed in the certificate issued by the supplier, are filed with the Court. The electricity supplier is obliged to issue this certificate no later than 5 (five) days from the date of filing the

request by the Economic Operator.

The above-mentioned criteria are met only if the submitted documents are original or notarized copies.

The bidding companies should be registered in relevant state occupational or commercial registers by which they have been established, attesting their legal personality. **For that the candidate should submit the entity historical extract issued by the National Business Center.**

The foreign bidder (a company registered outside the territory of Albania) must prove that it meets all the requirements listed above. If the above-mentioned documents are not issued in the country of origin of the Bidder, they shall be accepted in the form of a written statement, under the responsibility of the Bidder (according to the form submitted in Appendix 12). Regarding the declaration of non-issuance of these certificates by institutions of the State of origin, bidders must submit a certificate from the Chamber of Commerce of the country of origin - evidencing the fact that any or all of the required certificates are not issued by any responsible public institution. As the case may be, the Contracting Authority may investigate whether these attestations are issued or not by the relevant institutions in the country of origin and if it finds that in the country of origin there is an institution which may issue such a certificate submitted by the bidder Foreigners in the form of self-declaration then the Commission will consider the document itself to be declared void.

In the case of Temporary Union of companies, as well as in the case set out above, the requirements of Appendix 9 are binding on each of the members of this joint venture.

In cases where the economic operator is a member of a holding company, it may use the financial and technical capacity of the latter or any of the other members of the latter, which will have to be expressed by a decision of the decision-making bodies set out in its statute. In the case of the requirements of Appendix 9, they shall be filled by both the participating economic operator and the member of the holding company whose capacities the economic operator will use.

The decision taken by the relevant managing authority of the company/companies shall include at least the following:

- a) The confirmation for participation in the competitive procedure and submission of the financial bid:
- b) Full power authorization of the person submitting and signing the bid.
- c) Term regarding the commitment for funding

Bidders shall present evidence of trustworthy and verifiable funding agreement regarding project's financing which shall be in the form of a letter(s) of interest for the "in principle" support of the project. This evidence shall be issued by one or more reputable financing institution or an authorization/engagement letter from the company's Board, or similar highest decision-making authority of the Bidder, to provide funding from internal sources, and proof of available funds or a combination of the above.

### **Legalization of documentation**

Documents secured outside the territory of the Republic of Albania by foreign legal entities should be legalized in order to have legal value. The documentation submitted by the companies that are registered in the member states of the Hague Convention (October 5, 1961) must contain

the apostille stamp in accordance with law no. 9060, dated 8.5.2003 "On the accession of the Republic of Albania to the Convention for the Abolition of the Request for Legalization of Foreign Official Documents".

### **Temporary Joint venture (Temporary Union Members)**

Economic Operators can bid alone or create economic operator groups and bid as a single candidate.

The bid may be submitted by a group of economic operators, one of whom represents others during the procedure and, in case of selection, also during the performance of the contract. In the bid must be determined the part of the works and the services to be performed by each of the members of this group.

Prior to the submission of a bid, the joint venture of operators must formally submit a copy of the consortium agreement signed by all its members, notarized in front of a notary, where it is specified the group representative, the percentage of work / service participation and the concrete elements to be performed by each of the members of this group. The willingness to enter into a temporary union of companies shall be clearly expressed by a decision of the decision-making body of all companies participating in the temporary union contract. In order to attest which is the decision-making body in this temporary union of companies, the current statute of each of the companies participating in this temporary union should be submitted.

After the establishment of the joint venture of economic operators, the members of the latter shall, present officially the power of attorney for their representative for the submission of the bid. This written agreement and power of attorney must be sent together with the qualifications and the economic bid, which must be signed by the representative. The Representative must also make the Bid Security, specifying the participation in the procedure on behalf of the Economic Operators Joint Venture.

If the joint venture of economic operators is declared winner, the contract must be signed by each of the members of this union.

Each economic operator must meet the legal requirements in accordance with Article 25 of the Council of Ministers Decision No. 575 dated 10.07.2013 "On the approval of the rules for the evaluation and award of concessions/public private partnerships", as amended, the provisions in the legislation in force and those set out in the tender documents. The economic operator, a member of a joint venture, cannot simultaneously submit individual offers. The joint venture of economic operators does not change after the submission of the bid and before the announcement of the successful bidder, otherwise its bid is refused.

In case of bankruptcy of the representative of the joint venture of economic operators or in other circumstances, interrupting its activity during the performance of the contract, the contracting authority may continue the contract with another economic operator, designated as the group representative and proposed by the other non-representative members, provided that he possesses legal, economic, financial and technical capacity to execute the contract; otherwise,

the contracting authority may withdraw from the contract. If these circumstances occur to the other economic operator, if the group representative fails to appoint a substitute then the obligations of the failed economic operator may be assumed by the representative or another member of the group, provided that he or she meets the requirements.

Each economic operator must meet the legal requirements provided for in the legislation in force and those set out in the tender documents.

In case of bankruptcy of the representative of the joint venture of economic operators or in other circumstances, interrupting its activity during the performance of the contract, the contracting authority may continue the contract with another economic operator, designated as the group representative and proposed by the other non-representative members, provided that he possesses legal, economic, financial and technical capacity to execute the contract; otherwise, the contracting authority may withdraw from the contract. If these circumstances occur to the other economic operator, if the group representative fails to appoint a substitute then the obligations of the failed economic operator may be assumed by the representative or another member of the group, provided that he or she meets the requirements.

## **2.2 Financial and Economic Capacity:**

The Bidder should have the necessary financial resources to execute the object of procurement, and undertakes any risk that might occur, as provided for or implied in General and Special Conditions of Contract.

2.2.1 All Bidders shall demonstrate an economic and financial standing that ensures the financing of the implementation of the scope of the Concession Agreement. In this context, Bidders shall demonstrate with their Bid Submission the following:

- a. Submit balance sheets for the last three financial years showing that the asset-liability ratios for at least two consecutive balance sheets are positive (>0).
- b. Equity (total assets minus liabilities) for the last fiscal year must be no less than 30% of the project value as shown in the Audited Financial Statements of the last fiscal year.
- c. An average annual turnover of at least 1 (one) of the last 3 (three) financial years (2021, 2022, 2023) of at least 10% of the contract value.

2.2.2 For the purposes of the cases under 2.2.1, the Bidder shall submit the Audited Financial Statements of the last 3 (three) years and published in accordance with the Law of the state of seat of the Bidder. Failure to fulfill this requirement shall constitute grounds for disqualification.

2.2.3 Bidders shall present evidence of trustworthy and verifiable funding agreement regarding project's financing which shall be in the form of a letter(s) of interest for the "in principle" support of the project. This evidence shall be issued by one or more reputable financing institution or an authorization/engagement letter from the company's Board, or similar highest decision-making authority of the Bidder, to provide funding from internal sources, and proof of available funds or a combination of the above.

2.2.4 The economic operator must submit a business plan for the entire concession / ppp period, including the data required in the tender documents. The Business Plan will be drafted in accordance with paragraph 3 and in continuity of the Article 7 of Decision of Council of

Ministers no. 575, dated 10.7.2013 “On the Adoption of Rules for Concession / Public Private Partnership Evaluation and Award” as amended, to the extent applicable.

### **2.3. Technical capacity:**

The Bidder, shall meet the technically and professionally requirements, and shall demonstrate accumulatively the required Experience in Design, Construction, and Maintenance of the Road as well as the Professional Capacity in accordance with the provisions below:

#### **2.3.1. Design experience**

The Bidder or, if the Bidder is an Joint Venture, Members thereof that have been declared as responsible for carrying out the Design, must have, within the last 5 (five) years experience from the date of the announcement of the contract notice, to prove that they have the appropriate experience in the design of the nature of the object being procured they must prove that they complete the following:

- a) Similar works for a single or several objects in an amount, which is at least not less than 10% of the estimated value of the design for the design that is procured and that has been executed during the last five years, from the date of the publication of the contract notice;
- b) similar works up to a limit, where the total monetary value of the works performed, taken together during the last five years, from the date of the announcement of the contract notice, is not less than twice the limit value of the contract that is procured.

#### **Fulfillment of one of the above two conditions makes the offer eligible.**

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

- a) for previous experience with the public sector, the economic operator must present:
  - the contract and certificates issued by a public entity for its successful fulfillment, where the value and the deadline for completion are noted
  - sales tax statements and 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 present
  - sales tax statements and 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.
  - the contract and certificates for its successful fulfillment, where the value and the deadline for completion (if any) are noted

The Bidder, or in case the Bidder is a Temporary Union of Companies, its members who have been declared responsible for the realization of the Design, 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:

- Category 2.d Landscape design, landscaping, parks and gardens
- Category 4.f. Design of anti fire systems
- Category 4.i Design of street lighting, squares, decorative, lighting of largesports facilities, ports and airports etc.
- Category 4.j Design of telephony network, intercom, phonics, internet, TV, AccessControl, CCTV, alarm systems and fire detection systems.
- Category 6.a Local road design, secondary urban roads and secondary interurbanroads.
- Category 6.b. Design of Main Urban road and main interurban road.
- Category 6.c Design of Highways
- Category 7.a Design of bridges and small art works up until 10 m.
- Category 7.b Design of bridges and small art works taller than 10 m.
- Category 7.c Design of bridges/viaducts of large spans, suspendedbridges, statically indeterminate bridges and other special systems.
- Category 7.d Design of metallic bridges.
- Category 7.e. Road tunnels - Railways
- Category 8.a. Engineering Syrveys.
- Category 9.d. Geological Engineering study/assessment of soft lands and slopeswith low stability.
- Category 9.e. Hydrogeological studies and designs
- Category 10.e. Distribution network electrical cabins – low – medium voltagelines.
- Category 11 b Design of non-lighting signals in motorways, main urbanroads and main interurban roads, and in intersections with the railway.
- Category 11.d. Lighting signals in infrastructure
- Category 12.c. Studies/Assessment of engineering seismology for theplots where the road and railway infrastructure facilities of all types,bridges, tunnels, viaducts, etc will be built.

Based on Decision of Council of Ministers No. 943, dated 28.12.2016 "On some Amendments and Addenda to Decision of Council of Ministers No. 759, dated 12.11.2014 "On professional licensing of individuals and legal persons who will conduct activities in the field of study and design in construction, and surveillance and commissioning of construction implementation works", natural/legal foreign subjects shall apply for foreign license recognition in the Republic of Albania.

The foreign candidate/bidder should make the conversion of professional licenses issued by the country of origin for the categories of works to the Ministry of Infrastructure and Energy in the Republic of Albania (failure to submit it comprises a disqualifying condition).

The Bidder, or in case the Bidder is a Temporary Union of Companies, its members who have been declared responsible for the realization of the Design, must prove that it has the appropriate qualifications of the technical management staff of the company, capable of performing all services according to the scope of this contract, as follows:

- Project Director (Construction Engineer)
- Construction Engineer Structuralist profile.
- Construction Engineer Profile Transport Infrastructure
- Electrical Engineer
- Hydrotechnical Engineer
- Environmental Engineer
- Geotechnical Engineer
- Geodesist Engineer/ Marshajder
- Geological Engineer
- Mechanical Engineer

*For each member of the above main staff, he must submit: employment contracts, CV and professional design licenses for the facility being procured.*

### **2.3.2. Construction experience**

The Bidder, or in case the Bidder is a Temporary Union of Companies, the members of this Union who have declared themselves responsible for the construction, to prove that they have the appropriate experience in construction, must prove that they complete the following:

- a) Similar works for a single or several objects in an amount, which is at least not less than 15% of the estimated value of the contract that is procured and that has been executed during the last five years, from the date of the publication of the contract notice;
- b) similar works up to a limit, where the total monetary value of the works performed, taken together during the last five years, from the date of the announcement of the contract notice, is not less than twice the limit value of the contract that is procured.

**Fulfillment of one of the above two conditions makes the offer eligible.**

*Point 2.3.1/a is completed by the member who has the largest percentage of participation in the union. Other members of the union will submit similar contracts in proportion to their percentage of participation in the union. In the case when the economic operators, members of a union, **have the same participation***

*percentage in the union, decide by agreement in the cooperation contract which of them will fulfill this condition. However, point 2.3.1/b must be completed by all members of the union in relation to the percentage of their participation in the union.*

**The evaluation 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 realization of works according to Appendix no. 9, accompanied by:
- Contract Entrepreneurship
- The final situation;
- Tax invoices,
- The approval act;

**Note:** *The certification must accurately determine the quality of the performance of the works and the fact that the contract has been successfully implemented.*

The Bidder, or in case the Bidder is a Temporary Union of Companies, the members of this Union who have declared themselves responsible for the construction must present the professional license of the company, 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 VKM 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", as amended. The examination of the licenses will be done on the basis of the rules provided above. The professional license of the economic operator related to the execution of contract works must contain:

1	NP-1-G	Ground excavation works
2	NP-2-B	Civil and industrial constructions
3	NP-4-G	Roads, highways, overpasses, railways, trams, subways, airport runways
4	NP-5-G	Underground workings, bridges and art works.



6	NP-9-E	Works and river protection, hydraulic systems and reclamation
7	NP-11-C	Construction for substations, transformer cabins, TN and medium line and energy distribution
8	NP-12-D	Environmental engineering works
9	NS-1 –D	Construction demolition works
10	NS-6- E	Non-illuminated road signs
11	NS-7 –F	Barrier and road protection
12	NS-9 – D	Special structural works
13	NS-18-E	Topo-geodesic works
14	NS-20-F	Geologic-engineering drilling, wells and drillings for water

Foreign companies must do 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 activity, approved by VKM No. 42, dated 16.01.2008). Failure to appear in this form is a disqualifying condition.

The main technical **management personnel in the license of the company**, as follows:

- **1 (one) Construction Engineer**
- **1 (one) Civil Engineer, Structuralist profile**
- **1 (one) Construction Engineer Profile Transport Infrastructure**
- **1 (one) Hydrotechnical Engineer**
- **1(one) Electrical Engineer**
- **1 (one) Geological Engineer**
- **1(one) Environmental Engineer**
- **1(one) Geodesist Engineer/ Markscheider**
- **1 (one) Mechanical Engineer**

*For each member of the above main staff shall be submitted CV. These documents shall be original or copies unified with the original.*

Supporting staff as follows:

- **1 (one) Construction Engineer**
- **1 (one) Civil Engineer, Structuralist profile**
- **1 (one) Construction Engineer Profile Transport Infrastructure**
- **1 (one) Hydrotechnical Engineer**
- **1(one) Electrical Engineer**
- **1 (one) Geological Engineer**
- **1 (one) Geotechnical Engineer**
- **1(one) Environmental Engineer**
- **1(one) Geodesist Engineer/ Markscheider**
- **1 (one) Mechanical Engineer**

*For each member of the above supporting staff, shall be submitted CV. These documents shall be original or copies unified with the original.*

The participating economic operator for the realization of the works subject to the contract, must have a workforce of at least 200 (two hundred) people. These documents must be presented in original or in certified copies, as follows:

- Certification issued by the Social Security or Tax Administration according to the format required by the legislation in force, specifying the number of employees for each month, for

the period **November 2024**.

- Payrolls of employees according to the format required by the legislation in force for the period **November 2024**.

The bidder (constructor) shall submit a copy or description of the companies plan regarding Quality Assurance and Quality Control.

The bidder (constructor) shall confirm that he complies with all the requirements and standards ISO. The economic operator must be certified with the following Standards:

ISO: 9001-2015	Quality Management Systems
ISO: 14001-2015	Environmental Management Systems
ISO 45001:2023	Occupational Health and Safety Management
ISO: 39001-2012	Road Traffic Safety Management

*The Certificates shall be issued by the Accredited Evaluation Conformity Body by the National Accreditation Body or a International Accreditation Body recognized by the Republic of Albania. In cases of Temporary Union of Companies, each of the Operators must comply with the legal qualification criteria.*

The economic operator shall submit a copy of the company's General Policy regarding Health, safety and environment (HSE) and confirm their compliance with the requirements of HSE OHSAS 18001:2007 Certificate. The economic operator shall demonstrate how was the Company's Policy regarding HSE observed during the last 3 (three) years, related to accidents and also statistics of incidents during the last 3 (three) years.

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

- 1 (one) employee equipped with an "Expert in first aid and emergency intervention" certificate, which was issued by accredited companies or by international accrediting bodies recognized by the Republic of Albania.
- 1 (one) employee who has the certificate as "Responsible for safety and health protection at work" in accordance with the clauses of Law No. 10327, dated 02/18/2010 "On safety and health at work" and V.K.M. no. 312, dated 05.05.2010 "On the approval of the regulation "On construction site safety".

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

### **Translation**

All documents produced by public entities must be original or notarized copies with apostille stamp in English and in Albanian language. If the original of this document is in different language it will be translate in English or in Albanian language and notarized by the notary public. Cases of non-delivery of a document or of false and inaccurate documents are considered as a condition for disqualification.

### **Legalization of Documentation**

Documents provided outside the territory of the Republic of Albania by foreign legal entities should be legalized in order to have legal value. The documentation submitted by the companies that are registered in the State of the Hague Convention should contain the apostille stamp in accordance with the Law no. 9060, dated 08.05.2003 "On the accession of the Republic of Albania to the Convention for the Abolition of the Request for Legalization of Foreign Official Documents".

## **Appendix 10**

*[Appendix to be filled in by the Economic Operator]*

### **DECLARATION ON THE TRIAL STATUS**

Declaration of the economic operator partaking in the concession procedure/PPP to be conducted on \_\_\_\_\_ by the Contracting Authority \_\_\_\_\_ with the subject \_\_\_\_\_

I, the undersigned \_\_\_\_\_ in the capacity of the \_\_\_\_\_ economic operator, \_\_\_\_\_ declare that:

- The economic operator \_\_\_\_\_ has not convicted of any criminal offence, in compliance with Article 76/1 of LPP,
- The economic operator \_\_\_\_\_ has not been sentenced by a final court decision, related to its professional activity.

**Date of declaration submission** \_\_\_\_\_

**Bidder representative**

**Signature**

**Seal**

**Appendix 11**

[Appendix to be submitted by the contracting authority]

**EVALUATION CRITERIA**

Bids shall be evaluated based on the following criteria, and the winner will be considered the Bidder having more points based on the evaluation criteria.

The Commission that Grants the Concession shall evaluate the Technical and Financial Bids, based on the following criteria:



		<b>TECHNICAL CRITERIA</b>							
	a/a	Criteria	Units/sign	STAT E Base Case	BIDDER Case	Evaluation Score	Max Score /Gravity	Bid Result	Description
<b>Technical proposal</b>	(1)	<b>Technical proposal for road Construction and maintenance (2)+(3)+(4)+(5)</b>					55		
	(2)	Concept-Design	Ref. material				30		
	(3)	Methodology of Works	Ref. material				10		
	(4)	Operational Plan of Maintenance and availability	Ref. material				10		
	(5)	Health & Safety	Ref. material				5		
<b>Impact</b>	(6)	Environmental impact during construction	Ref. material				10		
	(7)	Social Impact during construction	Ref. material				5		

<b>Time</b>	(8)	<b>Time for Completion of the Works (not more than 30 months)</b>					<b>30</b>			
		a. Milot - Balldre	months	30	<b>xxx</b>	Shorter timeline offered /timeline of the bidder	30			
		<b>TECHNICAL FACTOR (Y) :</b>						<b>SUM</b>	<b>Formula Y =Sum of scores (2)+(3)+(4) +(5)+(6)+(7)+(8)</b>	



		<b>FINAN CIAL CRITE RIA</b>									
<b>Traffic</b>	<b>a/a</b>	<b>Criteria</b>	<b>Units/sign</b>	<b>STATE Base Case</b>	<b>BIDD ER Case</b>	<b>Symbol</b>	<b>Dif % = f(Bidde r , State)</b>	<b>Symbol</b>	<b>Gravity Factor</b>	<b>Bid Result</b>	<b>Description</b>
<b>Traffic Revenue</b>	(1)	Weighted Average Traffic /day	Vehicle	<b>41.023</b>							Weighted average of Vehicles_no on the total length of project - year 2028
	(2)	Motorway Length	Km	<b>17</b>							Project motorway length
	(3)	Vehicle_ Kilometers	Vehicle KM	<b>697,391</b>							(3) = (1) x (2)
<b>Guarantee</b>	(4)	Tollrate /km/ vehicle	€	<b>1200</b>		<b>a:</b>	(lowe st offere d rate /bidde r rate)	<b>b:</b>	<b>30</b>	(a x b)	Lowest rate provided among bidders has the highest score where 0.1200 eu/km is themaximal value

<b>Guarantee Reward</b>	(5)	Guarantee - starting level (below base case revenue level – State from the first year of operation to 2044 - annual	(in percentage)			<b>c:</b>	(lowest offered % /bidder %)	<b>d:</b>	<b>20</b>	(c x d)	Lowest revenue of the starting level among bidders has the highest score
	(6)	Max Guarantee amount required (from the first year of operation until 2044 - annual)	value (€)	<b>25,376,569</b>		<b>e:</b>	(lowest offered value/bidder value)	<b>f:</b>	<b>30</b>	(e x f)	State guarantee from first year of operation to 2044 – annually; maximum amount: <b><u>25,376,569</u></b>
<b>Reward</b>	(7)	Reward - starting level (below the level of base revenue- State throughout the concession period)	(in percentage)	<b>0.0%</b>		<b>g:</b>	(lowest offered value/bidder value)	<b>h:</b>	<b>10</b>	(g x h)	The bidder with the lowest negative % has a higher score in this criterion
	(8)	Percentage of Reward (+)%		<b>35%</b>		<b>k:</b>	(bidder % /maximum offered %)	<b>I:</b>	<b>10</b>	(k x i)	Percentage of reward (≥35% to 100%)

(9)	<b>FINANCIAL FACTOR (X) :</b>	<b>SUM</b>	<b>Formula <math>_X = (a \times b) + (c \times d) + (e \times f) + (g \times h) + (k \times i)</math></b>
	<b>GRAND TOTAL FACTOR (Z) :</b>		<b>Formula <math>_Z = 50\% \times (X) + 50\% \times (Y)</math></b>

Bids shall be assessed on the basis of the following criteria, and the winner will be considered the bidder who has more points based on the evaluation criteria. The Awarding Committee will evaluate the bids based on the following criteria:

### **Explanation of evaluation criteria**

## **1. TECHNICAL BID 100 (one hundred) POINTS - (for road design, construction, operation and maintenance)**

### **1.1 Concept Design 30 (thirty) points**

The bidder should further elaborate the project on the basis of reviewing all key requirements of the Contracting Authority and using the results of the observations and technical studies available within or outside the project.

The bidder will conduct a concept-design which will include the following items:

- Horizontal Alignment
  - Motorway Highway category "A"
  - Service roads
  - Free alternative road category "C" at a distance of no more than 1 km from the main axis
- Vertical Alignment
  - Motorway
- Interchanges design (horizontal alignment)
- Overpasses & Underpasses
- Typical cross-section & construction details
- Frontal and Lateral Toll Stations establishments (No. of Toll Station, proposed location, no of lanes, typical scheme)
- Motorists Service Station (MSS) including Petrol Stations (No. of MSS and Location-existing or new ones)

The Concept-Design generally introduces the solution of the project and should minimally prepare the following surveys:

- Topographic survey. For this purpose, the bidder should perform a topographic survey (of lines and quotas) of the land in question and a report of the topographic survey.
- Geotechnical survey. This survey introduces the existing information obtained from drilling or sampling of materials extracted before the Concept-Design survey phase (even as a result of previously completed projects). The survey should also address all issues related to soil sustainability. This acquires special importance in the case of structure construction (bridges, tunnels, culverts, etc.). This survey should be accompanied by photographs which, along with the maps and drilling performed, will serve to confirm the results included in the Geotechnical Survey.
- Hydrological survey. This survey serves to assess the hydrological conditions of the area where the road will pass, including issues related to road water drainage, which have been addressed more extensively.
- Survey for the design of road layers. This survey addresses the necessary design of road layers for each road section. Lifespan of the design of layers for elastic, rigid materials, etc.
- Construction Methodology. This document explains how the work will be constructed from a technical, logistical and program point of view in accordance with the technical elements of the project and the EIA recommendations. It emphasizes the special dangers it will face and the ways in which it will cope with them.
- Expropriation Report. This report provides the list of necessary expropriations as well as other relevant issues, together with the legal requirements and procedures that need to be met in relation to the project.
- Requirements on permits and licenses. This report emphasizes the permits and licenses that the bidder must obtain during the design and construction stages.

*The Bidder that will offer the most favorable Conceptual Design will be awarded with maximum points.*

## **1.2 Methodology of works 10 (ten) points**

Upon drafting the Concept-Design, the Economic Operator should prepare the Works' Schedule Methodology under which it will work to meet the project implementation requirements at the right time, quantity and quality.

The Works' Schedule will present the main activities that will be performed by the Economic Operator for the successful completion of the works according to the proposal.

The Works' Schedule and Methods shall include as follows:

- Mobilization
- Investigating the topography and targeting of sub-objects
- Supply, Transportation and Storage of Materials
- Earth Works Activities
- Hydraulic Works Activities
- Concrete Works Activities
- Construction Works Activities
- Activities for electrical and mechanical works
- Protection of works, environment and public
- Laboratory Control, Testing and Quality Control of Materials
- Preparation of Measures Booklets
- Surveying and taking-over of the facility
- Cleaning of the construction site
- Drafting of the monthly and final reports for the work done.

*The Bidder that will offer the most favorable methodology of works will be awarded with maximum points.*

**Maintenance and Operational Plan 10 (ten) points place the tunnel**

	<b>Nature of the defects</b>	
	<b>Paved roads</b>	<b>Evidence, method and timeframe for proposed repair/correction</b>
<b>a</b>	<b>Paths and layers</b>	
	i) Treading or blocking	
	ii) section value over 2200 mm in a 1 km length (measured by collected sized integrator)	
	iii) Potholes	
	iv) Any crack (subsidence) on the road surface	
	v) Any subsidence on the road surface exceeding 10mm	
	vi) Vegetation/land slides	
	vii) Any other defect on the road	
	viii) Damage of sidewalk edges	
	ix) Waste and dead animal removal	
<b>b</b>	<b>Green land shoulders, side slopes, pastures and crowns</b>	
	(i) Variation with more than 1% on the described drop/slide shoulders (should not be less than the main road strip)	
	ii) Belt drop on the shoulders exceeding 40 mm	
	iii) More than 15% variation on the described slops(embankment)	
	iv) Rain extension on the steep slope	
	v) Damage or non-retention of channels or side drains	
	vi) Pole removal at the urban areas/semi-urban areas	
	vi) Pavement, guardrails, braces	
<b>c</b>	<b>Side road equipment, including road signs and sidewalk signs</b>	
	i) Form or position damage, poor visibility or loss of retro-reflectivity flow	
	ii) Guardrails, accident prevention barriers	
	(iii) Damaged/missing road signs that need to be replaced	
	(iv) Damage of road markings	
<b>d</b>	<b>Trees and plantations</b>	
	(i) Clearance at a minimal distance of 2 m from the road pavement edge and removal any obstacle in front of road signs	
	(ii) Removal of fallen trees in the road	
<b>e</b>	<b>Other project facilities and access roads</b>	
	(i) Damage of roads, underpasses, overpasses, medical aid	
	(ii) Damaged vehicles or waste on the road	

<p><b>Tunnel</b></p> <p>Tunnel wall cladding  Tunnel wall cladding  All other structures  Coupling belts  Anchors and mechanical support systems  Tunnel drainage  Ventilation system  Lighting system  Fire protection equipment  All other mechanical and electrical equipment and systems  Primary, secondary medium voltage and earthing systems and substations</p>	<p><b>Evidence, method and timeframe for proposed repair/correction</b></p>
<p><b>Large and medium size bridges</b></p>	<p><b>Evidence, method and timeframe for proposed repair/correction</b></p>
<p><b>(a) Superstructure</b></p>	
<p>i) Any damage, crack, spillage/grading Provisional Measures</p>	
<p><b>b) Foundations</b></p>	
<p>(I) Cleaning and/cavity</p>	
<p><b>c) Quays, feet, return walls and side walls</b></p>	
<p>i) Cracks and damages, including placement and pull-out</p>	
<p><b>Bridge (metal) bearing</b></p>	
<p>(i) Bearings deformation, damage, shift</p>	
<p><b>(e) Connections bridges</b></p>	
<p>i) Nod non-operation, damage, and replacement</p>	
<p><b>(f) Other items</b></p>	
<p>(i) Pads deformation at elastomeric bearings</p>	
<p>(ii) Dirt accumulation on bearings and nods</p>	
<p>(iii) Damage or deterioration of brakes, guardrails,</p>	
<p>(iv) Erosion of access side slope banks</p>	
<p>(v) Damage of cover lining</p>	
<p>(vi) Damage or deterioration of road slabs</p>	
<p><b>Maintenance plans</b></p>	<p><b>Their adequacy both quantitatively and qualitatively</b></p>
<p>Road maintenance Operational Plans</p>	
<p>Tunnel maintenance Operational Plans</p>	
<p>Operational plan for the maintenance of large and medium-sized bridges, overpasses, underpasses and junctions</p>	
<p>Maintenance plans with rehabilitation/replacement character (in accordance with the life cycle of the constituting elements of the road) or emergent</p>	



	Operation Plans	Their adequacy both quantitatively and qualitatively
	Road operation plans/manuals	

*The bidder providing the most favorable operational availability and maintenance plan will be evaluated with the highest score.*

### **1.3 Health & Life Protection (Workplace safety) 5 (five) points**

Health & Safety are the measures taken to improve the working conditions, life preservation, health integrity, physical and psychological protection of other employees participating in the production process.

The operator must:

- ✓ Ensure safety and health protection through the prevention of occupational hazards, the elimination of risk and accident factors, information, counselling, balanced participation.
- ✓ Determine the general guidelines for the implementation of this purpose.
- ✓ Take measures to improve the working conditions, life preservation, health integrity, physical and psychological protection of other employees participating in the production process.

*Safety and health at site will be assessed on the basis of general prevention principles, as follows:*

- a) the avoidance of risks;
- b) the risk assessment, which can not be avoided;
- c) the fight against the risk at source;
- d) adaptation of the work process with the employee, especially with regard to the concept of the workplace, the selection of work equipment, and the working and production methods, in order to mitigate, in particular, the uniformly repeatable work and the normative work to reduce their effects on health;
- e) adapting the work process to the development of technologies;
- f) replacing what is dangerous with what is not dangerous or with what is less dangerous;
- g) undertaking comprehensive, inclusive and coherent preventive measures covering the technology, work organization, working conditions, social relations and impact of

- factors related to the working environment;
- h) giving priority to collective defense measures in relation to individual protection measures;
  - i) providing appropriate instructions to employees.

*The Bidder that will provide the best proposal towards the road signs and site safety will be awarded with maximum points.*

#### **1.4 ENVIRONMENTAL IMPACTS 10 (Ten) POINTS**

It assesses the environmental impact of the project based on the environmental impact assessment report submitted by the Bidder. The Bidder with minimal social and environmental impact will be awarded with the maximum points of the criterion.

Environmental impact involves defining, describing and evaluating the direct and indirect impacts of environmental impacts on the implementation or non-implementation of the project. Project environmental impacts are assessed in relation to the state of the environment in the affected territory at the time of submission of the relevant environmental impact assessment report for the project.

The assessment of the environmental impact includes: preparation, implementation, operation and closure, as appropriate, also the consequences of the closure of the activity, and decontamination / clearing or restoration of the area to the previous condition, if such a liability is foreseen by law.

Assessment includes, as appropriate, normal functioning as well as the possibility of accidents. Project evaluation also includes the proposal of measures needed to prevent, reduce, mitigate, minimize such impacts or increase positive environmental impacts during project implementation, including the assessment of the expected effects of the proposed measures.

*The Environmental Impact will be assessed on the basis of the EIA presented in the Bid. The Bidder that will provide the project with the lowest environmental impact will be awarded with maximum points.*

### **1.5 SOCIAL IMPACT 5 (five) POINTS**

The criterion regarding social impact is the criterion that measures the number of employees, the program for social responsibility, employee training and technology transfer, links to the local economy outside the area. The criterion with the most favorable social impact will be awarded with the maximum points of the criterion.

*The Social Impact will be assessed on the basis of the project presented in the Bid. The Bidder's project proposal with the highest social benefits will be awarded with maximum points.*

### **1.6 DEADLINE OF THE COMPLETION OF WORKS 30 (THIRTY) POINTS**

In this criterion, the bidder is evaluated against the timescale of completing the construction of the project and making it available to the public..

Each bidder will include the required estimated construction time, for the completion of each section.

*The Bidder with the shortest –reasonable- time for the completion of the construction works and the delivery of the road for public use will be awarded with the maximum points of the criterion.*

Technical Factor (Y): the final score of the technical evaluation will be derived from the sum of the products of the evaluation score by the weighting factors.

## **2. FINANCIAL BID 100 (one hundred) POINTS**

The Bidders should submit the elements specified at the Financial Criteria evaluation as part of their financial offer according to the financial model featured. The financial criteria are described

<b>a/a</b>	<b>Financial Criteria</b>	<b>Units/sign</b>	<b>STATE/ Base case</b>
(1)	Weighted Average Traffic /day	Vehicle	41,023
(2)	Road segment length	Km	17
(3)	Vehicle_Kilometer	VEH_KM	697,391
(4)	Toll rate /km/veh	€	0.1200
(5)	Guarantee - starting level (based on revenues)	%	0.0%
(6)	Max Guarantee amount (from the first year of operation to year 2040 - annual)		
	Maximum value	(€)	25,376,569
(7)	Reward - starting level (above the income of the bidder)	%	0.0%
(8)	Percentage of Reward	( + )%	35%

The above stated numbers are considered to be the Base Case Scenario. Each Bidder will offer his estimated value/percentages only for items (4) to (8). In more detail:

**(4) Toll rate /km/veh - 30 (thirty) points**

The proposed toll rate (for category 2 – Light Vehicles) to be set according to each bidder’s analysis.

Recommended vehicle classes as per the Albanian Road Tolling Strategy (ARTS)

<b>Vehicle Class - Description</b>	<b>Class coefficient</b>
Motorcycle/tricycle	0.5
Light vehicles	1
3-axle low floor vehicles and 2-axle high floor vehicles	1.5
4-axle low floor vehicles and 3-axle high floor vehicles	2
Buses with less than 4 axles	2-3
5-axle low floor vehicles and 4-axle high floor vehicles	3
6-axle low floor vehicles and 5-axle high floor vehicles	3-4
6-axle high floor vehicles	4
All vehicles with 7 or more axles	5

*The Bidder with the lowest toll rate of category 2 – Light Vehicles will be awarded with more points where 0.1200 Euro/km is the maximal level. Any bid above the maximal level (0.1200 eur/km) shall be disqualified.*

**(5) Guarantee - starting level (below the State base case level of revenues from the first year of operation until 2044) - 20 (Twenty) points**

Each Bidder has the right to include a ‘support amount - Guarantee’ by the state to his bid. The Bidder can define the ‘starting level’ below which can request a fraction of the 'support amount' related to annual revenues. It shall be expressed as percentage % below (negative) as predetermined in the table below as State base case of revenues. For example, if a bidder offers -

10% on the reported revenues will earn more points than another who offers -5%.

The Bidder with the lowest percentage (i.e. maximum negative percentage) will be awarded with more points in this criterion.

Please report in column “c” of the following table.

Year	Estimated revenues	Maximum state guarantee	Maximum guarantee requested from the Bidder	
	State Base Case		in EUR	
			<i>Revenues estimated by the Bidder as the threshold of guarantee application</i>	<i>Maximum Guarantee amount by the Bidder</i>
			(a)	(b)
2025				
2026				
2027				
2028	14,415,456	1,009,082		
2029	15,832,430	1,108,270		
2030	16,594,156	1,161,591		
2031	17,257,922	1,208,055		
2032	17,948,239	1,256,377		
2033	18,666,168	1,306,632		
2034	19,412,815	1,358,897		
2035	20,189,328	1,413,253		
2036	20,996,901	1,469,783		
2037	21,836,777	1,528,574		
2038	22,710,248	1,589,717		
2039	23,618,658	1,653,306		
2040	24,563,404	1,719,438		
2041	25,545,940	1,788,216		
2042	26,567,778	1,859,744		
2043	27,630,489	1,934,134		
2044	28,735,708	2,011,500		
2045	29,885,137			
2046	31,080,542			
2047	32,323,764			
2048	33,616,714			
2049	34,961,383			
2050	36,359,838			

2051	38,105,111			
2052	39,934,156			
2053	41,850,995			
2054	43,859,843			
2055	45,965,116			
2056	48,171,441			
2057	50,483,670			
2058	52,906,887			
2059	55,446,417			

\*\*\* The distribution of the reward is during the entire concession period, while the guarantee is until the period specified in column (b) of the table above.\*\*\*

**(6) Max Guarantee amount (from the first year of operation until 2044 - annual) - 30 (thirty) points**

The Concessionaire (winner of the competition procedure) may be supported by the State, up to the amount (of the Guarantee) specified in its bid. The Concessionaire may receive this “guarantee support amount” throughout the Concession period and covers from the first year of operation until 2044 - annually. The “total guarantee amount” may not exceed the value of 25,376,569 Euro. Bidders who will offer a guarantee value higher than 25,376,569 Euro, will be disqualified. A part of the “support amount” will be given to the Concessionaire whenever the level of income falls below the 'initial level', specified in point (4). The bidder with the lowest Guarantee will be given more points for this criterion. Please report for column “d” in the table below

Year	Estimated revenues	Maximum state guarantee	Maximum guarantee requested from the Bidder	
	State Base Case		in EUR	
			<i>Revenues estimated by the Bidder as the threshold of guarantee application</i>	<i>Maximum Guarantee amount by the Bidder</i>
			(a)	(b)
2025				
2026				
2027				
2028	14,415,456	1,009,082		
2029	15,832,430	1,108,270		
2030	16,594,156	1,161,591		
2031	17,257,922	1,208,055		
2032	17,948,239	1,256,377		
2033	18,666,168	1,306,632		
2034	19,412,815	1,358,897		
2035	20,189,328	1,413,253		
2036	20,996,901	1,469,783		
2037	21,836,777	1,528,574		
2038	22,710,248	1,589,717		
2039	23,618,658	1,653,306		
2040	24,563,404	1,719,438		
2041	25,545,940	1,788,216		
2042	26,567,778	1,859,744		
2043	27,630,489	1,934,134		
2044	28,735,708	2,011,500		
2045	29,885,137			
2046	31,080,542			
2047	32,323,764			
2048	33,616,714			
2049	34,961,383			
2050	36,359,838			
2051	38,105,111			
2052	39,934,156			
2053	41,850,995			
2054	43,859,843			
2055	45,965,116			
2056	48,171,441			



2057	50,483,670			
2058	52,906,887			
2059	55,446,417			

\*\*\* The distribution of the reward is during the entire concession period, while the guarantee is until the period specified in column (b) of the table above.\*\*\*

**(7) Reward - starting level** (below base case revenues level - State throughout the concession period) - **10 (ten) points**

In case the Bidder considers that the estimated project revenues are satisfactory, he can define the starting level (percentage) reward, over which, he will return a fraction of his extra benefit to the state. The Bidder is requested to define the positive or negative percentage of the state base case level of revenues, over which the return procedure would be triggered. For example, if the starting level reward traffic is set to -10% of the reported base case level of revenues, the Concessionaire (winner of the tender competition) will return a fraction of his extra benefit defined in criterion (8).

The Bidder with the lowest percentage (negative percentage) will be awarded with more points in this criterion. The Bidders who shall offer a percentage value greater than the state base level shall be disqualified.

Please report in column “b” of the following table

Year	(a)	(b)
	Revenues - State cases	Revenues-Bidder's cases
2025		
2026		
2027		
2028	14,415,456	
2029	15,832,430	
2030	16,594,156	
2031	17,257,922	
2032	17,948,239	
2033	18,666,168	
2034	19,412,815	
2035	20,189,328	

2036	20,996,901	
2037	21,836,777	
2038	22,710,248	
2039	23,618,658	
2040	24,563,404	
2041	25,545,940	
2042	26,567,778	
2043	27,630,489	
2044	28,735,708	
2045	29,885,137	
2046	31,080,542	
2047	32,323,764	
2048	33,616,714	
2049	34,961,383	
2050	36,359,838	
2051	38,105,111	
2052	39,934,156	
2053	41,850,995	
2054	43,859,843	
2055	45,965,116	
2056	48,171,441	
2057	50,483,670	
2058	52,906,887	
2059	55,446,417	

\*\*\* The distribution of the reward is during the entire concession period.\*\*\*

**(8) Percentage of Reward - 10 (ten) points**

The Bidder is requested to define a positive percentage higher than 35% (thirty-five percentage) of return of his extra annual benefit for the entire contract term. For example, a percentage 50% means, that the Concessionaire (winner of the competitive procedure) will return to the State 50% of his extra benefit, after reaching the starting level, which he has defined in criterion (7).

The Bidder with higher percentage will be awarded with more points in this criterion. The Bidders who shall offer a reward less than 35% shall be disqualified.

**Financial Factor (X): the final score of the financial evaluation will be derived from the sum of the products of the offered values by the weighting factors.**

### **3. FINAL FORMULAS**

The above factors, Financial (X) and Technical (Y) have a gravity of 50% each of them.

Therefore the:

**Cumulative Factor (Z) = 50% x (X) + 50% x (Y)**

**Appendix 12**

[ *Appendix to be completed by the Foreign Economic Operator* ]

**SELF DECLARATION FOR FOREIGN  
BIDDERS**

- **For participating in the concession granting/ppp procedure “\_\_\_\_\_”**

To:

[Date]

[Name of Bidder / Lead Member of the Joint Venture] hereby represent and warrant that, on the date of this letter [Name of Bidder / Lead Member of the Joint Venture] and any member of the Joint Venture (where applicable)

- (a) has not been subject to bankruptcy or liquidation proceedings;
- (b) has not been convicted of any criminal offense;
- (c) has not been sentenced by a final court decision, related to its professional activity;
- (d) its capital / assets are not being assessed by the Bailiff Office or there is not any seizure order for them;
- (e) has met all fiscal obligations;
- (f) has met all social insurance obligations

Respectfully,

Signature of the Authorized Person  
Name and Position of the Signatory Person  
Name of Bidder / Lead Member of the Joint Venture

Address

## Appendix 13

### IMPLEMENTATION PROJECT AND TECHNICAL SPECIFICATIONS

Services and the Graph of Implementation of the Project: not more than 30 months.

The following table represents the longest terms allowed for the preconstruction and construction stages.

Time chart of project construction and operation:

Project Section	Project Activity	2025				2026				2027				...	...	2059			
		1	2	3	4	1	2	3	4	1	2	3	4			1	2	3	4
Milot-Balldren	Bid Duration & Contract Signing																		
	Detailed Project Design																		
	Expropriation																		
	Project Pre-Construction																		
	Construction phase																		
	Maintenance and Operation																		

## TERMS OF REFERENCE

The Adriatic-Ionian Corridor (AIC) is identified as part of the Mediterranean TEN-T Corridor, extending the main corridor of the EU network in the Western Balkan Region. (EC Regulation 2016/758 amending Regulation No. 1315/2013). It will connect Central Europe and Northern Italy with the Balkans in South-Eastern Europe, with Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Albania and Greece.

The estimated length of the entire Mediterranean Corridor is approximately 1,550 km. In the Western Balkan, the corridor traverses through Montenegro (approximately 7% of the total length) and Albania (approximately 20% of the total length or approximately 318 km).

The establishment of this network aims to strengthen road safety, transport planning, regional connection, mobilization, competition and integration in the TEN-T EU network.

No.	Section
1	Main road, Category A, 17 km
2	Main road tunnel, 0.85 km (each tube)
3	Connecting Road, Service Road, etc.

The Milot – Balldren segment under study, part of this corridor, has the following characteristics: The proposed infrastructure project will alleviate the following existing problems/needs:

- Insufficient capacity to cope with the projections for the increase in traffic, through new extension roads that will carry a part of the traffic from the existing roads.
- Current multi-trip time, reducing the distance and time of arrival at the destination (new shorter distance stretches) and significantly improving the technical characteristics of the road.
- Security of movement on the road, by closing uncontrolled entrances and exits; building appropriate intersections and service roads according to all road standards in accordance with the road category.

### Current Situation

The existing segment of the road that serves the route from Milot to Balldre and the surrounding areas, is two-way (round trip). The existing road has a greater length than the new proposal, the technical parameters of movement on this road are of a very low level. This road passes through the city of Lezha, with very heavy traffic and consequently, it has a longer travel time and greater fuel consumption, etc.

The sections of the existing road operate within their capacity, but at different times, especially during the summer season, it is overloaded beyond capacity, as a result of frequenting the beaches located in this area (Shengjin beach, Tale beach, Velipoja beach) and the port of Shengjin. According to the traffic demand forecast, the capacity will be exceeded soon, increasing the number of vehicles in circulation, bringing the impossibility of coping with this capacity from the existing road.

According to the Albanian National Transport Plan 3 (ANTP3), the average annual daily traffic (AADT) forecasts, for the existing roads to be improved or replaced by the project under consideration, varies from about 15,000 to 40,000 vehicles. ANTP3 forecasts show a significant increase in demand for vehicles on major roads.

Most of the single carriageway roads (SH1, SH52 and SH60) are considered inadequate for current requirements and will not be suitable for additional traffic growth, especially when strategic traffic growth is also considered.

There are significant safety issues due to uncontrolled entry/exit, as well as due to the quality of the road pavement and its geometric characteristics.

There is no transport monitoring system.

The project will present for use a Category "A" highway of 17 km with two 2x traffic lanes (2x3.75m) and emergency lanes, junctions and intersections with their connecting roads, the Bypass of the city of Lezha, building a two-tube tunnel, as well as free alternative routes.

The project will improve:

- The capacity of the road network in accordance with the anticipated traffic demand.
- Travel time (saving travel time) – shortens the distance.
- The quality and level of road service.
- Road safety and consequently the reduction of accidents.
- Transport monitoring.

**Technical Project**

The new highway will extend from Miloti to Balldre, as a continuation of the Kashar-Thumanë-Milot highway, improving this section from a category "C" road to a category "A" highway. The Milot-Balldre axis envisaged in this study is about 17 km long. The proposed section fulfills the characteristics of a category A motorway. This axis will have a dual carriageway with two lanes each, with a lane divider and emergency lane, jetty, double tube tunnel, large works of art over the river Mat and the river Drin, small works of art, parallel roads of the F2 category, junctions at the level with connecting roads, as well as free alternative roads of the "C" category at a distance of not less than 1 km from the main axis. The extent of this road segment given in the plan uploaded in the electronic system of [www.app.gov.al](http://www.app.gov.al).

The necessary works to cover the increased demand and safety, for the section and the technical characteristics before and after the intervention (the proposed project) are given in "Table 2. The main necessary works and the technical characteristics of the Road before and after the project", where the works are presented necessary to cover the increased demand and safety, for the section and the technical characteristics before and after the intervention (proposed project).

Section No.	Sections	Length (Km)	Corresponding WBIF Section	Main Works*	Road main technical features	
					Before Project	After project

1	From Milot junction to Drini Bridge (Parallel to existing road)	11,826	Part of Section (Milot-Balldre)	The new stretch with all the expected parameters of the highway category A standard, as well as full intervention in the parallel segment as in the body of the road and in all works of art, and its return to the parameters of the highway category A, the construction of several segments secondary roads and several intersections and their connecting roads.	Category II C Milot Balldre one-way road	Category A highway, 11,826 km widening and new alignment, new works of art, junctions, intersections (underpasses and overpasses) roads entering and exiting junctions
2	From the Drini bridge to the Balldre axis (including the new axis and the tunnel)	5,174	Part of Section (Milot-Balldre)	New segment with all parameters of category A highway	There is no road at all in this segment	Category A Motorway, 5,174 km (all new alignment) Standard twin-tube tunnel with associated entry and exit portals. Intersection nodes and related roads

*2. The main works required and the technical characteristics of the Road before and after the project*

\* Main works: Include the highway, necessary bridges, intersections, tunnel, security fences, intelligent transport monitoring systems, roads at intersection nodes, etc.

\* Service Roads: Includes the partial construction of service roads, intersection roads (overpasses and underpasses) in order to regulate according to technical parameters all entrances and exits from the highway. The entire length of the existing alignment or the new track passes through business and agricultural areas, which will at some point have to be accessed. It also includes the alternative free road of category "C" at a distance of no more than 1 km from the main axis.

\*\*\* Mandatory for the Concessionaire/Economic Operator to perform capital (main) maintenance every 10 years in accordance with legal requirements. Which must be well defined by the Concessionaire/Economic Operator in the business plan\*\*\*

Concession period: 35 years

Construction period: Milot-Balldre: 30 months



**Appendix 14**

**WORKS' BILL OF QUANTITIES**

## Appendix 15

### STANDARD NOTICE FOR THE DISQUALIFIED BIDDER

[Place and Date]

[Name and address of the Contracting Authority]

[Address of the Bidder]

Dear Sir, Madam <name of contact person>

We thank you for your participation in the abovementioned Concession/Public Private Partnership procedure. The procedure is carried out in compliance with the Law on Public procurement, No. 125/2013 "On Concessions and Public Private Partnership, as amended, and DCM no.575, dated 10.7.2013 "On the adoption of rules for the concession/public privatepartnership evaluation and award"

Your offer was carefully evaluated according to the conditions and requirements set out in the contract notice and in the offer file. I regret to inform that you were (disqualified) due to the following reasons:

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If you think that the Contracting Authority has violated Law No. 125/2013 " On Concession and Public Private Partnership" and DCM No.575 dated 10.07.2013 " On the approval of rules for evaluation and awarding with concession /public private partnership", during concession/ppp procedure, then you have the right to start a review procedure as provided in the Law " On Concessions and Public Private Partnership". Although we were unable to use your services on this occasion, I believe you will continue to be interested in our concession/ppp initiatives.

With respect

<Name>

**APPENDIX 16**

[Appendix to be filled by the Contracting Authority]

**AWARD NOTIFICATION FORM**

[Date\_\_\_\_\_]

To: [Name and address of Potential Bidder]

Concession/Public Private Partnership

Brief Description of the Contract: [Quantity or cope and term of the contract]

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

We hereby inform that in this bidding procedure the following subjects have participated, with the relevant values provided:

1. \_\_\_\_\_ Value (in figures and words) \_\_\_\_\_

2. \_\_\_\_\_ Value (in figures and words) \_\_\_\_\_

Etc. \_\_\_\_\_ Value (in figures and words)

The following potential bidders have been disqualified:

1. \_\_\_\_\_

2. \_\_\_\_\_

Relevant reasons for Disqualification:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* \* \*

(Contracting Authority) notifies that [name and address of the Successful Bidder] the bid submitted on [date] on the concession of [name and general description of the cope of contract] has been awarded.

The term frame for negotiating the contract shall be \_\_\_\_\_

The bidder [name] is requested to submit with the (Contracting Authority) following documents:

Signed copy of notification on General and Special Conditions Form of the Concession Contract/Public Private Partnership

**Contract Warranty** as required by the Competition Standard Procedure Documents. The warranty should be submitted no later than the date of contract signing by both Parties.

- Bank statement attesting the payment made on publication and specialized consultation expenses (*if any*). The payment shall be made before the commencement of negotiations.
- In case you refuse to sign the contract, you must provide a written notification.

..... *Contracting Authority*

Classification notification provided on \_\_\_\_\_

Complaint: if any \_\_\_\_\_

(if yes) the reply was provided on \_\_\_\_\_

[Head of Contracting Authority]

**Appendix 17.**

**GENERAL CONDITIONS OF THE CONTRACT  
Works**

**[Refer to the Draft Contract uploaded in the electronic system at [www.app.gov.al](http://www.app.gov.al)]**

**Appendix 18**

**SPECIAL CONDITIONS  
Works**

**[Refer to the Draft Contract uploaded in the electronic system at [www.app.gov.al](http://www.app.gov.al)]**

## Appendix 19

[Bank Letterhead/Insurance Company]  
[Appendix to be filled in by the Economic Operator]

### CONTRACT GUARANTEE FORM

[Date \_\_\_\_\_]

To: [Name and address of the contracting authority]

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

Concession/ PPP Procedure: [type of procedure]

Brief description of contract: (object)

Publication (if applicable): Public Notice bulletin [Date] [Number]

#### Whereas:

- (name of successful bidder) is declared the winner in the bidding procedure for the Concession located in \_\_\_\_\_ under the letter of (name of Contracting Authority) (hereinafter referred to as "the Contracting Authority"), Prot. No. \_\_\_\_\_, dated \_\_\_\_\_.\_\_\_\_, "Award Notification"; and
- The successful bidder has submitted to us a draft contract concluded between him and the Contracting Authority, "For the Concession of \_\_\_\_\_; and
- in your Contract it is required the issuance of a contract guarantee at the amount specified as follows, as a guarantee for fulfilling the obligations of the Concessionaire foreseen in the Contract; and
- (name of Bank) agrees to issue this guarantee.

#### We hereby declare that:

- we are guarantors of the aforementioned contract up to the total amount of (amount in figures and words), an amount payable in the manner and currency specified in the contract; and
- we undertake to pay, as soon as you make the first written request and without request reasoning, any amount within the limit of (amount of the guarantee); and

- in obtaining this guarantee, there is no need to address to the Concessionaire \ Public Private Partnership to realize the payment under your request; and
- no addition or change of any of the terms of the Contract, for which you may agree with the Concessionaire, it does not relieve us of the obligations of this Guarantee.

This guarantee shall be valid until the date including \_\_\_\_\_ days from the date of issuance of the Completion Certificate

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This Guarantee shall be valid until the full contract implementation

[Representative of the Bank/Insurance Company]



**Appendix 20**

[Appendix to be filled in by the Contracting Authority]  
**CONTRACT NOTICE PUBLICATION FORM**

**Section 1 Contracting Authority**

**1.2 Name and address of the contracting authority**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Tel/Fax \_\_\_\_\_  
E-mail \_\_\_\_\_  
Website \_\_\_\_\_

**1.2 Type of contracting authority and the main activity or activities:**

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

**Section 2 Contract scope**

**2.1 Type of Contract**

Services

**2.2 Brief contract description**

1. Contract object \_\_\_\_\_
2. Contract form \_\_\_\_\_
3. Funding source \_\_\_\_\_

**2.3 Contract duration or execution timeline:**

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

or

starting from     /     /                      until on     /     /                      \_

**Section 3                      Procedure**

**3.1 Type of procedure:**

Open                      Restricted                      With negotiation for preliminary announcement

**3.2 Number of delivered bids:**

**Number of regular bids:**

**Section 4                      Information on the contract**

**4.1 Contract no.:** \_\_\_\_\_

**Contract date** □□/□□/□□□□

**4.2 Name and address of the Contractor**

Name                      \_\_\_\_\_

Address                      \_\_\_\_\_

Tel/Fax                      \_\_\_\_\_

E-mail                      \_\_\_\_\_

Website                      \_\_\_\_\_

**4.3 Total value**

Value \_\_\_\_\_(without VAT)

Currency \_\_\_\_\_

**4.4 Additional information (*in any*)**

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Date of distribution of this notice    □□/□□/□□□□

**Appendix 21**

**COMPLAINT FORM TO THE CONTRACTING AUTHORITY**

*Complain to: Contracting Authority*

**Section I. Complainant identification**

*Complainant can be a bidder or a potential bidder (e.g. individual, partnership, association, joint venture or a consortium).*

\_\_\_\_\_  
Full name of Complainant (please type)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Country

\_\_\_\_\_  
Postal code/ Zip Code

\_\_\_\_\_  
Telephone no. (including the area code)

\_\_\_\_\_  
Fax no. (including the area code)

\_\_\_\_\_  
E-mail

\_\_\_\_\_  
Name and title of authorized official filing the complaint (please type)

\_\_\_\_\_  
Signature of the authorized official

\_\_\_\_\_  
Date (year/month/day)

\_\_\_\_\_  
Telephone no. (including the area code)

\_\_\_\_\_  
Fax no. (including the area code)

## Section II. Information on the procedure

**1. Identification No.**

*Fill in the contract number in the contract notice or the Competitive Procedure Documents, including **type of procedure used** for the said concession/ppp (e.g., Request for Proposal (RP), Open Procedure (OP), Restricted Procedure (RP), Procedure with Negotiation for Preliminary Announcement (NP)).*

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**2. Contracting Authority**

*Name of Contracting Authority managing the bidding process.*

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**3. Calculated Concession Value/PPP**

*Calculation of contract value (amount expressed in figures and words)*

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**4. Contract object**

*Brief description of works/ services bought.*

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**5. Final deadline for the Bid submission**

*Final deadline for the Bid submission.*

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*Date (year/month/day)*

**6. Date of award of the winning contract**

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*Date (year/month/day) if applicable*

## Section III. Complaint description

**1. Legal Basis for the Complaint**

*(write down the legal violation, based on decisions, acts, documents, etc.)*

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**2. Detailed Statement of Facts and Arguments**

*Provide a detailed statement of facts and arguments that support your complaint. For any reason for the complaint, please specify the date on which you became aware of the facts relating to the grounds of the complaint. Please mention relevant sections of the Competitive Procedure Documents, if applicable. Use additional pages, if necessary.*

**3. List of Appendices**

*In order for a complaint to be taken into account it must be complete.*

*Ideally please attach a legible copy of all documents pertaining to your complaint and a list of all of these documents. Documents should normally include **any published announcement, all tender Documents, with all relevant amendments and appendices, your proposal.** Determine which information is confidential, if any. Explain why the information is confidential or submit a version of the relevant documents where the confidential parts have been removed and a summary of the content.*

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Send the completed complaint form/ppp, all necessary appendices and some additional copies, to **Contracting Authority**

**4. Preliminary objection towards the Contracting Authority**

*Objection shall mean any complaint addressed directly to the Contracting Authority. Please attach a copy of each complaint in writing, including the reply, if applicable.*

1. Have you ever made such an objection before? If yes, then specify the objection manner (p.sh. in writing, with fax, etc).

**Yes**       **No**

- 
2. Contracting Authority to which the Objection was made

*Name of the Contracting Authority.*

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*Name and position of the official against whom the objection was made.*

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3. The nature of requested rectifying measure  
*What kind of rectifying measure  
are you requesting?*

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4. The List

*In order for a complaint to be taken into account it must be complete. Please attach a legible copy of all documents pertaining to your complaint and a list of all of these documents. Documents should normally include **any published announcement, all Competitive Procedure Documents, with all relevant amendments and appendices, your proposal, all correspondence and any written information relating to any objection you have made.** Determine which information is confidential, if any. Explain why the information is confidential or submit a version of the relevant documents where the confidential parts have been removed and a summary of the content.*

Send the completed complaint form, all necessary appendices and some additional copies, to:  
**relevant Authority in compliance with Law No. 125/2013 “On Concessions and private public partnership”**

**Fax no.:**

**E-mail:**

**Signature and Seal of the Complainant**

Note: For any complaint for the Public Procurement Commission, please refer to the Complaint Form issued by said institution.

**Appendix 22**

[Appendix to be filled in by the Economic Operator]

**POWER OF ATTORNEY**  
**FORM**

Today as of date, month, year .....

Before me

The Notary Public

The undersigned Mr./M. \_\_\_\_\_  
in his/her capacity \_\_\_\_\_

Citizenship \_\_\_\_\_

Holder of Passport or Identification Document no. \_\_\_\_\_

Issued by \_\_\_\_\_

On \_\_\_\_\_

Resident in \_\_\_\_\_

Hereby assign Mr./Mrs. \_\_\_\_\_ in his/her capacity as a \_\_\_\_\_, to:

- (a) to signs or seal and submit to the responsible Authority all the documents mentioned in Table 1, attached;
- (b) hand-over and take-over any kind of document or instrument relating to the documents mentioned in Table 1 attached; and
- (c) perform all the required or additional actions regarding the issues stipulated in this document, including the signature and execution of each act, which is required in order to apply to fulfill all the documents listed in Table 1 or that such documents bring consequences.

And he/she is authorized to assign other persons to exercise all or a part of the rights stipulated in this Power of Attorney.

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<sup>i</sup> Added by the DCM No. 401 date 13.5.2015