

Date: 22.07.2025

PROCESVERBAL – Contract type-Services

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

(These minutes are for publication purposes together with the tender documents)

Procurement object: : In-depth expert report on “ Structural rehabilitation of buildings in Administrative Units 1, 3, 8, 9, 11, Neighborhood no.13 and Dajt”, divided into lots as follows :

Lot 5: In-depth expert report on “Structural rehabilitation of the building no.227, on st. Dibra”.

Relevant code in the Common Procurement Vocabulary (CPV): 22114311-5 (Designs) .

Limit fund / Expected value of the contract: 37,061,317.5 (thirty-seven million sixty-one thousand three hundred seventeen point five) Lekë excluding VAT.

According to the official exchange rate of the Bank of Albania, this value converts to 379,765.52 (three hundred seventy-nine thousand seven hundred sixty- five point fifty- two) Euro excluding VAT.

***The official exchange rate according to the Bank of Albania on 21/07/2025 is 97.59 Lekë/Euro.**

- **Lot 5: In-depth expert report on “Structural rehabilitation of the building no.227, on st. Dibra”**, with a limited fund: 850,000.00 (eight hundred fifty thousand) Lekë excluding VAT / **8,709.90** (eight thousand seven hundred nine point ninety)EUR excluding VAT.

***The official exchange rate according to the Bank of Albania on 21/07/2025 is 97.59 Lekë/Euro.**

Based on Article 21, point 2, of Law No. 162/2020 “On Public Procurement”; Article 2, point 2/c and Article 78, point 2, of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of the public procurement rules” , the Contracting Authority, Municipality of Tirana, has drafted the minutes for the argumentation and approval of the technical specifications and qualification criteria for the above-mentioned procedure, with the following content:

I. SPECIAL QUALIFICATION CRITERIA

1. The candidate/bidder must submit:

a. Bid Security, according to Annex 3;

b. Summary Self-Declaration Form, according to Annex 10,

Reasoning : The above request for securing the bid is based on Law No. 162/2020 "On Public Procurement", Article 83, point 1, as well as on DCM No. 285, dated 19.05.2021 "On the approval of public procurement rules", Chapter V, Section II, Article 30, point 1.

The request for the Summary Self-Declaration Form is based on Law No. 162/2020 "On Public Procurement", Article 82 as well as on DCM No. 285, dated 19.05.2021 "On the approval of public procurement rules", Chapter V, Section II, Article 26.

2. The bidder must submit:

2.1. Professional capacity of economic operators: According to Annex 9 of the DST

Argument : The above request is based on Article 77, points 1/a and 2, of the LPP **2.2.**

2.2. Economic and financial capacity:

- a.** To prove a positive sustainable activity, the economic operator must submit certified copies of the balance sheets of the last 3 (three) financial years (2022 , 2023, 2024) submitted to the relevant Tax Authorities, confirmed by this Authority and accompanied by the Expertise Act of the Authorized Accounting Expert. This requirement will be considered fulfilled if in two consecutive balance sheets, there is no negative ratio between assets and liabilities. *Note: The Expertise Act of the Authorized Accounting Expert must be submitted by the EO only in the case when they are in the conditions of the definitions of article 41, letter "c" of Law no. 10091, dated 05.03.2009 "On legal audit, organization of the profession of registered accounting expert and approved accountant", as amended.*

Argument: The above request is determined based on Article 77, point 3, of the LPP, as well as Article 43, point 4, of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules" and referring to the legislation in force on local taxes and fees and specifically Law No. 9632 dated 30.10.2006 on the "Local Tax System" as amended by Law3 , No. 142/2015.

- b.** Copies of the annual turnover declaration for the last 3 (three) financial years (2022, 2023, 2024) issued by the relevant Authority, where the turnover value **for at least one of the years of the required period** must be no less than the value of the limit fund. *(This requirement will be considered fulfilled if the Economic Operator reaches the minimum turnover value in at least one year of the period required by the Contracting Authority).*

Argument: The above request is determined based on the value of the limit fund of this procedure, as well as based on Article 77, point 3, of the LPP, as well as Article 43, point 2, of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules" . The determination of the requested value is argued as follows:

The establishment of this qualification criterion serves the Contracting Authority to verify that the winning economic operator possesses all the economic and financial capacities to successfully fulfill the contract. The determination of the years required for the submission of the annual turnover certificate is made based on the fact that this qualification criterion serves the Contracting Authority to verify that the winning economic operator possesses all the economic and financial capacities to successfully fulfill the contract.

3. Certificate of payment of local taxes provided by the Local Government for the year 2024 and the corresponding installment of the year 2025 according to the provisions of Law No. 9632, dated 30.10.2006 “On the local tax system”, (*as amended*). *In cases of merger of economic operators, each member of the group must submit the certificate issued by the relevant Authority in which it is registered according to the National Register of Economic Operators. (This request will be considered fulfilled during the bidding phase by completing the self - declaration form , these documents will be submitted by the economic operator classified first , before the publication of the winner announcement and the start of the deadlines complaint).*

Argument: The above request is determined based on Article 77, point 3, of the LPP, as well as Article 43, point 6, of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules” and in Law No. 9632, dated 30.10.2006 “On the Local Tax System” as amended , in Law No. 9920 dated 19.05.2008 “On tax procedures” as amended, Article 3.1/a, b, c and Article 40, in Law No. 131/2015 “On the National Council of Kosovo” as amended, as well as in Law No. 9723 dated 03.05.2007 “On the National Council of Kosovo” as amended.

2.3 Technical capacity:

Successful experience in implementing at least:

1. The Economic Operator must present services similar to the procurement object with a value not less than 40% of the estimated value of the contract being procured, carried out during the last three years.

a) For contracts concluded with public entities, the economic operator must submit the supervision contract, the evaluation form for the performance of the supervision service and the sales tax invoices, indicating the dates, amounts and the object of the supervision performed.

b) For contracts concluded with the private sector, the economic operator must submit the supervision contract, an evaluation/certification form for the performance of the supervision service, indicating the value, contract term and scope of supervision performed, as well as sales tax invoices, indicating the dates, amounts and scope of supervision performed.

c) For contracts executed as a Consortium of Operators, the bidding economic operator must submit: the consortium contract and the special power of attorney, declared during the tendering phase.

d) For contracts performed as a subcontractor, the bidding economic operator must submit: the basic contract between the contractor and the contracting authority, the subcontracting contract and the act of official approval as a subcontractor.

Justification : *The above request is determined based on Article 77, point 4, of Law No. 162, dated 23.12.2020 “On Public Procurement” and Article 41, point 3 of the Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules”. Given that this procurement procedure will conclude with a supervision service contract to demonstrate previous experience, the total requested value must be no greater than 40% of the estimated value of the contract, which is being procured and which has been carried out during the last three years, from the date of publication of the contract notice.*

2. The economic operator must submit: **1 Professional license of the economic operator (valid) for design (issued by the MZHUT or by the Authorized Institution according to the legislation in force for the granting of professional licenses in the field of study and design in construction) , which includes the following categories :**

2. ARCHITECT DESIGNER

-Floor- 2/a- Architectural design for residential buildings- industrial buildings- tourist facilities

3. DESIGNER CONSTRUCTOR

-Floor-3-a- Civil-industrial tourist buildings made of masonry and reinforced concrete skeleton up to 5 floors

- Floor-3/b-1-Civil-industrial-tourist facilities over 5 floors

-Floor-3/d- Assessment of bearing capacity and reinforcement of reinforced concrete, masonry and metal bearing structures

4. DESIGNER INSTALLER

-Floor 4-a- Design of hydro-thermosanitary installations

-Floor 4-c-Design of electrical lines and networks, for civil and industrial facilities

8. DESIGNER TOPOGRAPHER/SURVEYOR/SURVEYOR

-Floor- 8/a -Engineering surveys

9. GEOLOGICAL ENGINEERING - HYDROGEOLOGICAL STUDY

-Floor- 9/a Geological engineering study/evaluation of the land for civil - economic facilities up to 5 floors

-Floor -9/b- geological - engineering study of the land for civil - economic facilities over 5 floors

12. ENGINEERING SEISMOLOGY STUDIES

-Floor- 12/b – Geological-seismic study/assessments for lands where civil, social and cultural facilities are built.

Foreign operators must meet the requirements of the professional licenses they have issued by the country of origin according to the definitions above. The foreign economic operator must have in its license those categories of works required in the tender documents, regardless of whether the required category does not correspond to the same category number as the category of works in the license of a foreign operator issued by the country of origin. In the event of the announcement of the winner of a foreign economic operator, the latter will equate the license according to the relevant legislation before the development of the second phase of the tender.

Clarification: For licenses issued after the entry into force of Decision no. 943, dated 28.12.2016 "On some amendments and additions to Decision no. 759, dated 12.11.2014, of the Council of

Ministers 'On the professional licensing of individuals and legal entities that will exercise activities in the field of study and design in construction and supervision and approval of construction implementation works", the participating economic operator must submit a valid professional license of the company for design (issued by the Ministry of Urban Development or other institutions authorized under the legislation in force for the granting of professional licenses in the field of study and design in construction) , which includes the above categories with the relevant changes in the name.

Justification : The requested categories were requested based on the service that will be provided according to the procurement object.

The economic operator that will provide the surveillance service must possess a professional license with the above-mentioned points.

This request is determined based on Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement", Article 41, point 4, letter "a" of the Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules" (as amended), as well as the Decision of the Council of Ministers No. 759 dated 28. 12.2016 (as amended) .

3. An average employment of at least 3 (**three**) persons, for the period who must appear on the company's payroll for at least the last 3 (three) months declared from the date of opening of bids, certified by:

3.1 Certificate issued by the Tax Administration, specifying the number of employees for the minimum 3 (three) months declared from the date of opening the bids.

3.2 Payrolls of employees confirmed by the relevant authorities according to the format required by the legislation in force for a minimum of the last 3 (three) months declared from the date of opening of the bids accompanied by the forms of declaration of payments for social and health insurance. (*This requirement will be considered fulfilled during the bidding phase by completing the declaration form itself, these documents will be submitted by the economic operator classified first, before the publication of the winner's announcement and the start of the appeal deadlines*) .

Argument: These staff requirements are determined based on Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement", Article 41, point 4, letter "c" of Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules". The establishment of this criterion for the workforce was made in accordance with the items and volumes of the estimate, with the deadline for the implementation of the works according to the work schedule, which was calculated in a short time which requires additional workforce and with the funds required for the successful implementation of this contract.

Also, to confirm the ownership of the workforce and its stability, the Procurement Unit has requested a certificate issued by the Tax Administration as well as employee payslips, based on point 6 of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of the Public Procurement Rules", according to which: " The contracting authority/entity, in addition to the requirements provided for in this article, may determine other specific criteria, depending on the object being procured, which it deems necessary for the successful execution of the contract".

4. Participating economic operators must have employed engineering staff to perform all supervision services, included in the company's license , certified by a valid employment

contract, work record book, relevant diploma, and appear on the company's payroll for the last 3 months declared from the date of opening the bids , as follows:

- 1 (one) Architect
- 1 (one) Civil Engineer (Constructor)
- 1 (one) Electrical Engineer

A designer should not be simultaneously engaged in the staff of two companies participating in the procurement procedure.

The staff engaged must submit a declaration of availability to perform the services they have undertaken to perform.

Justification : Based on point 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and article 41, point 4/ b), d), of Council of Ministers no. 285, dated 19.05.2021 "On the approval of the Public Procurement Rules" (as amended), this criterion requires economic operators to prove that they have the necessary qualified staff for the successful implementation of the contract.

Economic operators must prove that they possess the necessary technical and professional qualifications, organizational capacities, reputation and reliability, appropriate experience, as well as the necessary personnel, to implement the contract.

The procurement unit for the placement of staff has referred to the Terms of Reference, the general nature of the services expected to be provided. Since we are dealing with the service of carrying out the expertise and design in buildings, the presence of the above staff has been judged as necessary and necessary for the greatest possible distribution and efficiency in the implementation of the services;

5. The bidding Economic Operator must have as part of the company's support staff, the following:

- 1(one) Topographical Engineer/Surveyor/Geodesist
- 1(one) Geological Engineer

a) For the above staff, the bidding operator must submit:

- Individual employment contracts (valid)
- Individual professional licenses in design
- diploma
- Curriculum Vitae

b) In the summary self-declaration form, Declaration B " *On the availability of necessary employees and machinery*" , participating operators as well as supporting operators declared by participating operators as supporting entities must declare the required staff according to point 5. the following data:

- Name / Surname

- Job profile
- Number and date of the individual employment contract
- Individual professional design license number
- The number and title of the qualification for the diploma as well as the institution that issued the document

A designer should not be simultaneously engaged in the staff of two companies participating in the procurement procedure.

Justification : Based on point 4, article 77, of law no. 162, dated 23.12.2020 "On public procurement" and article 41, point 4/ b), of Council of Ministers no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", this criterion requires economic operators to prove that they have the necessary qualified staff for the successful implementation of the contract. The procurement unit for the placement of staff has referred to the Terms of Reference, the general nature of the services expected to be provided. The presence of the above staff has been judged as necessary and necessary for the greatest possible distribution and efficiency in the realization of the services specifically;

- The works for the service of structural projects are of varying degrees of difficulty which require judgment and specialized works such as engineering surveys for all categories of objects subject to this procedure in which support staff is also required. A topographic engineer/surveyor/geodesian will be required and in the project surveys as a result it is judged that at least **1 (one) topographic engineer/surveyor/geodesian is required.** part of the support staff.
- The works for the service of structural projects are of varying degrees of difficulty which require judgment and specialized works such as geological engineering study/evaluation of the land for civil facilities that are subject to this procedure in which support staff is also required. A geological engineer will be needed and in the geological engineering study/evaluation as a result it is judged that at least **1 (one) geological engineer is needed** as part of the support staff.

6. Economic operator (s) must have on their staff qualified/certified personnel for:

1 (one) specialist employee "Firefighter Expert in the field of fire protection and rescue" in accordance with Law No. 152/2015 "On fire protection and rescue services", accompanied by a valid individual employment contract, Diplomas/certificates issued by the Directorate of the Ministry of Environment. (*In the case of the Union of Economic Operators, at least one of the operators must have a specialist in the field of fire protection and rescue as part of its staff*).

Argument: The CA argues that the request for a *Fire Expert in the field of fire protection and rescue* is established in accordance with the provisions of Law No. 162, dated 23.12.2020 "On Public Procurement", Article 77, point 4; of the Council of Ministers No. 285 dated 19.05.2021 "On the approval of public procurement rules", Chapter V, Section III, Article 41, as well as in support of Article 49, point 4 of Law No. 152/2015, "On fire protection and rescue services", where it is cited that: *"The General Directorate of the Ministry of Fire Protection issues a certificate to natural and legal persons for the exercise of the activity of a private fire expert, based on special criteria approved by instruction of the minister"*.

- 1 (one) employee equipped with a certificate "Expert in first aid and emergency intervention" which must be issued by accredited companies or by international accrediting bodies recognized by the Republic of Albania , accompanied by a valid individual employment contract, Diplomas/certificates, and must appear on the company's payroll for at least the last 3 months declared from the date of opening the bids. *(In the case of the Union of Economic Operators, each of the Operators must have 1 (one) employee "Expert in first aid and emergency intervention" as part of its staff).*

Argument: The CA argues that the request for an Expert for first aid and emergency intervention. This request is based on point 4, article 77, of law no. 162, dated 23.12.2020 “On public procurement”, article 41, point 4, letter (b) of the Council of Ministers no. 285, dated 19.05.2021 “On the approval of the Public Procurement Rules” as well as in support of article 7 of Law 10237, dated 18.02.2010 “ *On safety and health at work*”, according to which: *The employer assigns one or more employees to deal with issues of protection, safety and health at work..... “.*

7. The Economic Operator must possess and present an ISO 9001 -2015 certificate (valid) for quality management issued by institutions accredited for this purpose . (In cases of a Union of Economic Operators, each member of the group must present the above certificate based on the items undertaken to be carried out under the cooperation agreement)

8. ISO 50001-2018 energy management certificate (valid) accredited by the DPA or by an International Accreditation Body, recognized by the Republic of Albania. In cases of the Union of Economic Operators, this certificate will be presented by the operator who undertakes the design of the electrical items .

Justification: *The above requirements are established based on Article 79, point 1 of Law No. 162/2020, “On Public Procurement”, according to which: “ The contracting authority or entity, in order to certify that the works, goods or services, subject to procurement, meet the quality requirements, may request bidders to submit certificates issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania”, as well as in accordance with Article 44, point 1 and point 3 of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of the Public Procurement Rules", which stipulates that: "The contracting authority/entity, in order to verify that the works, goods or services, subject to procurement, meet the quality requirements, may request bidders to submit certificates issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania, only if they are substantiated and closely and directly related to the subject of the procurement" Quality certificates are in accordance with the nature and object of the contract being procured.*

a) ISO 9001: 2015, For quality management;

ISO 9001:2015 is an international quality management standard that helps organizations improve their processes and increase customer satisfaction. For companies that design and study projects (design studios), implementing this standard is important .

b) ISO 50001-2011, Energy Management System

ISO 50001:2011 is an international standard for Energy Management Systems (EnMS) that helps organizations improve energy performance, reduce costs and minimize environmental impact through more efficient use of energy . For companies that design and study projects (design studios), implementing this standard is important.

Note: In accordance with point 1, Article 26, of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules”, which provides: “Along with the submission of requests for participation or tenders, the contracting authority/entity accepts as preliminary evidence, instead of several certificates issued by public authorities or third parties, the summary self-declaration form, as defined in Article 82 of the LPP, and in these rules”, as well as the provisions of point 6 of this article, we bring to your attention that:

-Participating economic operators must complete the bid form according to the requirements set out in Annex 1, part of these tender documents.

- Also, participating economic operators must complete the list of service prices which is made available by the contracting authority, part of these tender documents.

- The relevant documents certifying the disposition of employees will be submitted by the first classified economic operator, before the publication of the winner's announcement and the start of the appeal deadlines.

- The contracting authority/entity, prior to the publication of the award notice, will request the qualified bidder through the Electronic Procurement System to submit the supporting documents for the self-declarations made in the summary self-declaration form, as well as other documents submitted in the electronic procurement system during the bidding phase. Failure to submit the aforementioned documentation will be a condition of disqualification.

- The Contracting Authority will verify the documentation in accordance with the self-declarations made in the Summary Self-Declaration Form. The finding of discrepancies between the Summary Self-Declaration Form and the submitted documentation constitutes a condition of disqualification.

All documents must be originals or notarized copies.

Cases of failure to submit a document, or false and inaccurate documents, are considered conditions for disqualification.