



REPUBLICA E SHQIPERIS  
HIMARA MUNICIPALITY

No. \_\_\_\_\_ prot.

Himara, with \_\_\_\_ . \_\_\_\_ . 2025

**MINUTES - Type of contract - Goods**

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

OBJECT OF THE PROCEDURE: "Expenses for the purchase of vehicles for the needs of the institution"  
RELEVANT CODE IN THE COMMON PROCUREMENT DICTIONARY (CPV): Four-wheeled vehicles  
34113000-2

1. Limit fund/expected contract value: 15,000,000 (fifteen million ALL) ALL, excluding VAT, or 155,086 (one hundred and fifty-five thousand eighty-six.) EURO without VAT (at the exchange rate of 96.72 dated 13.10.2025)
2. **Source of funding:** The budget of the Municipality of Himara approved by the Decision of the Municipal Council No. 42 dated 20.12.2024 "On the approval of the budget of the Municipality of Himara for 2025", considered legal by the Prefect of the District of Vlora with the letter no. 1133/1 dated 30.12.2024, recorded at our institution with no. 35 dated 07.01.2025. . . .
3. **Duration of the contract or term of implementation of the contract: 15 (fifteen) days**
4. **Place of delivery of the object of the contract: At the premises of the Contracting Authority.**

On the basis of Article 21, point 2, of Law no. 162/2020 "On public procurement", Article 2, point 2/c and Article 78, point 2, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended, the Contracting Authority of the Municipality of Tirana has drafted the minutes for the argumentation and approval of the technical specifications and criteria for qualification with the content as follows, for the procedure with the object "**Expenses for the purchase of vehicles for the needs of the institution**".

**I. SPECIAL QUALIFICATION CRITERIA FOR:**

1. The bidder must submit:
  - a. *Summary Form of Self-Declaration, according to Annex 8*
  - b. *Supply Assurance, according to Annex 3;*
  - c. *Offer Form, according to Annex 1*
  - d. *Price list of items according to Appendix 2*

*The above criteria have been established in accordance with Article 82 "Summary form of self-declaration" and Article 83 "Bid assurance", of Law No. 162/2020 "On Public Procurement" as well as in support of*

Article 30, point 1, of DCM No. 285, dated 19.5.2021 "On the Approval of Public Procurement Rules: we cite Article 83 of the LPP "The contracting authority must request the submission of bid insurance from bidders in all types of procurement procedures, with the exception of small value procurement procedures", Article 82, of the LPP "1. Together with the submission of requests for participation or tenders, the contracting authorities or entities shall accept as preliminary evidence instead of certain certificates issued by public authorities or third parties, the summary form of self-declaration, in accordance with the provisions of this law. The content of this form is defined in the public procurement rules".

## **2. The Candidate/Tenderer must submit:**

### **2.1. Suitability to perform the professional activity:**

Referring to point 1 of Annex 7, the tenderer must declare that it meets the general admission/qualification criteria. These criteria must be met with the submission of the written self-declaration of the entity, on the day of opening the offer, according to Annex 8.

**Argumentation:** *The above request is based on Article 77, points 1/a and 2, of the LPP, Article 40, point 7, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as well as Annex 8 of the DST.*

### **2.2 Economic and financial capacity:**

**2.2.1.** In order to prove the financial and economic capacities, economic operators must submit a certificate of annual turnover for the last financial years 2022, 2023 and 2024 where the value of the minimum turnover for at least one of the years of the required period is in a value not less than the estimated value of the contract being procured, issued by the relevant authority. The requirement for filling the financial capacities is considered fulfilled if the economic operators reach the value of the minimum turnover, in at least one year of the period required by the contracting authority/entity.

**Argumentation:** *The above request has been determined based on the value of the limit fund/expected value of the contract calculated for lots, as well as Article 77, point 3, of the LPP, as well as Article 43, point 2/a/b, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as amended.*

*The determination of the required value is argued as follows: "The value of the minimum annual turnover required of economic operators may not exceed:*

Point 2/a..... double the estimated value of the contract or lot, in procurement procedures above the limit of monetary high;". The calculated value is above the high monetary limit and therefore, the value of the minimum required turnover is within the limit provided in the above-mentioned legal provisions.

The determination of the years required for the submission of the annual turnover certificate was made based on Article 43 of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as well as in the legislation of the field in force, namely in Law no. 8438, dated 28.12.1998 "On income tax", as amended, DCM no. 922 dated 29.12.2014 "On the mandatory declaration of tax returns and other tax documents, only through electronic form", as well as in the Instruction of the Minister of Finance no. 5, dated 30.01.2006, "On income tax", as amended.

**2.2.2** Certified copies of the balance sheets of the last three years 2022, 2023, 2024 confirmed with stamp at the tax administration. Economic operators who meet 2 of the 3 requirements of letter "c" of Article 41 of Law No. 10091 dated 05.03.2009 "On legal audit, organization of the profession of registered accounting expert and approved accountant" as amended; in addition to the balance sheets, submit the reports of the independent auditor (Act of Expertise of the Authorized Accounting Expert) for the balance sheets of these years confirmed by the tax administration.

This qualification requirement is considered fulfilled if in 2 (two) consecutive balance sheets, there is no negative

ratio between the asset and the liability. In the case of a merger of economic operators, this condition is fulfilled by each member of the association.

**Argumentation:** *The above request has been determined based on Article 77, point 3, of the LPP, as well as Article 43, point 4, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules".*

*The determination of the years required for the submission of balance sheets was made by referring to the legislation of the field, specifically, it was made based on Article 29, point 1 of Law no. 8438, dated 28.12.1998 "On Income Tax", as amended, as well as the requirements of Law no. 25/2018 "On accounting and financial statements".*

*The Act of Expertise of the Authorized Accounting Expert, must be submitted by the O.E only in the case when they are in the conditions of the provisions of Article 41, letter "c" of the Law no. 10091, dated 05.03.2009 "On legal audit, organization of the profession of registered accounting expert and approved accountant", as amended, where it is provided that: "Legal entities that are obliged for the legal audit of financial statements are obliged to carry out the legal audit of annual financial statements, prior to their publication, by accounting experts or audit firms: "c) limited liability companies, which apply the national accounting standards for financial reporting, when, at the end of the accounting period, **for two consecutive years, they exceed two of the following three indicators:** i) the total assets of the balance sheet, at the end of the respective accounting period, reaches or exceeds the amount of ALL 50 million; ii) the amount of income from economic activity (turnover) in that accounting period reaches or exceeds the amount of 100 million ALL; iii) has, on average, 30 employees during the accounting period".*

**2.2.3.** The Economic Operator must submit a certificate from the local government bodies for the settlement of local taxes (for the main NIPT and for the secondary NIPTs), which includes the installment for the respective period accrued according to the provisions of Law No. 9632 dated 30.10.2006 "On the local tax system", as amended; in all countries where it exercises its activity according to the Registration in the National Business Center. In case of merger of economic operators, each member of the group must submit the certificate issued by the Municipality or Municipality in which he/she is registered according to the NBC.

*Criterion 2.2.3 is considered fulfilled with self-declaration according to the Summary Form of Self-Declaration, according to Annex No. 8. "Before the publication of the winner's notice and the start of the appeal deadlines, the contracting authority/entity first requests the qualified bidder to submit the supporting documents. These documents must be presented in the original or in copies identical to the original*

**Argumentation:** *The above requirement is defined in Article 77, paragraph 3, of the LPP, Article 43, paragraph 6, of DCM no. 285, dated 19.05.2021 "On the approval of public procurement rules", as well as law no. 9920 dated 19.05.2008 "On tax procedures" as amended, article 4, point 2, letter d) and in law no. 9632, dated 30.10.2006 "On the Local Tax System" as amended.*

*This criterion serves to guarantee the CA that the economic operators participating in this procurement procedure have the appropriate economic and financial capacities and are suitable to carry out professional activities. Referring to the above, the Contracting Authority deems that the criterion set regarding the submission by the economic operators of the declaration for the settlement of local liabilities for 2022 according to the installments at the municipality/s where the economic operator exercises its activity is in accordance with the legal framework in force and specifically with the law no. 9632, dated 30.10.2006 on the "Local Tax System" as amended. All entities that exercise business activities have the legal obligation to register with the National Business Center to make the location of their activity identifiable and to be subject to the payment of local taxes expressly provided for in this law.*

## **2.3 Technical capacity:**

**2.3.1.** The economic operator must submit evidence of the successful execution of one or several previous, similar contracts, performed during the last three years from the date of announcement of the contract notice, in a value not less than 40% of the estimated value of the contract to be procured.

In order to prove previous similar experience, economic operators must submit the following evidence:

**a)** Certificates issued by a public entity for the successful performance of the contract, indicating the value,

the deadline for the termination of the contract and/or the sales tax invoice, completed according to the requirements of the legislation in force, indicating the dates, amounts and quantities of the goods supplied.

- b) In the case of previous experience with the private sector, only sales tax invoices, completed in accordance with the requirements of the legislation in force, and declared to the tax authorities, where the dates, amounts and quantities of goods supplied are recorded, are accepted as evidence.

**Argumentation:** *The above request has been determined based on Article 77 of Law no. 162, dated 23.12.2020 "On public procurement" and Article 40, point 4 of DCM no. 285, dated 19.05.2021 "On the approval of Public Procurement Rules" (as amended). By means of this criterion, economic operators are required to prove that they have the necessary experience to implement the contract, therefore it has been requested that previous similar contracts be in the value of not less than 40% of the estimated value of the contract, which is within the limit value in accordance with the legal provisions.*

*The determination of the required value for similar contracts is argued as follows:*

*The determination of the required value for similar contracts is set within the limit of the value set in the public procurement rules and serves the CA to show that the bidders with their capacities have executed contracts similar to the object being procured, in the value of not less than 40% of the limit fund, within the term, quality and increases credibility over the experience that the bidder has in the market. Similar experience is considered as an essential criterion and therefore economic operators must submit evidence such as tax references/invoices, to prove their performance with both the private and public sectors.*

## **2.4 Other special qualification requirements**

2.4.1 The participating economic operator must be equipped with the ISO 9001:2015 quality management system certificate or equivalent. The certificate must be valid and issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

**Argumentation:** The requirement for ISO 9001:2015 (or equivalent) certificate ensures that the operator has a documented and implemented quality management system, which increases the reliability of deliveries, standardizes work processes and reduces the risk of defects or delays. The requirement that the certificate be valid and issued by an accredited body guarantees the credibility of the certifying party and prevents the use of false or unqualified documents, protecting the interest of the contracting authority and ensuring compliance with international practices.

2.4.2 The Economic Operator must be certified with ISO 14001:2015 (or updated) on "Environmental Management Systems", issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania, on behalf of the bidder (translated and notarized).

**Argumentation:** The ISO 14001:2015 certification requirement demonstrates the operator's attention to environmental impacts and the ability to manage and reduce these impacts throughout the product lifecycle. The request for issuance by an accredited body and for translated and notarized documents ensures legal and technical verification of the validity of the certificate, as well as compliance with the standards accepted in the Republic of Albania.

The bidding operator must submit a certificate of conformity with the European Community standards (translated and notarized), for the vehicle it offers.

In cases of the Union of Economic Operators, each member of the group must submit the ISO Certificate according to the items of goods that it will undertake to carry out with reference to the cooperation agreement.

**Argumentation:** Certificate of conformity with European Union standards for the vehicle The obligation to present the CE certificate (translated and notarized) for the vehicle provided ensures that the product complies with the minimum safety, environmental and performance requirements regulated by the EU. This reduces technical and legal risks and guarantees that the vehicle meets internationally accepted standards for import/updating in the domestic market. In the event of a merger of operators, the requirement for each member to submit ISO certificates for the items of goods it will carry out ensures that responsibilities are

allocated on a proven professional and technical basis and avoids ambiguous responsibilities; This increases the certainty of the implementation of the contract and the verifiability of the capacities of each member.

2.4.3. The economic operator must submit a catalogue (or notarized copy) or leaflet for the vehicles it offers, where the relevant catalogue specifies the product that is presented in the offer and the technical specifications, where the technical parameters of the product are reflected (see technical specifications). For the required technical specifications which may not be reflected in the catalogue, the OE must submit a declaration of their completion. **Argumentation:** The request for a catalogue or leaflet with the technical specifications ensures transparency of the vehicle parameters and facilitates the verification of compliance with the technical specifications of the tender. If some specifications are missing from the catalog, the declaration of their fulfillment bears the responsibility of the bidder and allows the evaluators to check the technical claims, preventing non-conformities after contracting.

2.4.4. The economic operator must submit a declaration that it has specialized services and guarantees the performance of services for the repair of the vehicles subject to procurement, during the warranty period, in its service / a rented service, or through a service with which it may have a valid cooperation contract concluded during the warranty coverage period.

**Argumentation:** The requirement for a declaration that has specialized service and guarantees repair services during the warranty period provides local technical support for the maintenance and repair of vehicles, reduces the duration of interruptions and the cost to the contracting authority. The possibility of rental service or contractual cooperation ensures operational flexibility and immediate applicability of services.

2.4.5. The economic operator must submit an authorization from the manufacturer or from the authorized distributor for the goods offered, where the contacts of the manufacturer or authorized distributor are also determined. In the event that an authorization is presented by the Authorized Distributor, the relationship between the Authorized Distributor and the Manufacturer must be proven.

**Argumentation:** The requirement for a declaration that has specialized service and guarantees repair services during the warranty period provides local technical support for the maintenance and repair of vehicles, reduces the duration of interruptions and the cost to the contracting authority. The possibility of rental service or contractual cooperation ensures operational flexibility and immediate applicability of services.

2.4.5 The economic operator, in case it will submit the Manufacturer's Authorization(s), must submit a declaration from the vehicle manufacturer guaranteeing the coverage of the vehicle warranty period for a period of up to 4 (four) years or not less than 120 000 kilometers (whichever is the first) from the delivery of the vehicles. If the economic operator is an Authorized Distributor, this declaration must be submitted by the economic operator itself (to guarantee that the warranty period is covered by the authorized manufacturer/distributor).

**Argumentation:** Authorization from the authorized manufacturer or distributor with the relevant contacts ensures the origin and nature of the product, as well as guarantees access to replacement parts and technical support. Verifying the connection between the distributor and the manufacturer prevents the introduction of inauthentic products and strengthens the contractual liability for warranty coverage.

The statement from the manufacturer guaranteeing warranty coverage of up to 4 years or 120,000 km ensures that liability for technical defects and replacements remains covered for a significant period, reducing the financial and operational risk to the buyer. When the operator is the authorized distributor, the obligation for the operator to submit the declaration itself ensures clarity of responsibility and direct possibility of enforcing the warranty conditions.

2.4.6. The participating Economic Operator must submit a statement of guarantee for the goods offered, in which all the terms and conditions of the technical warranty covered by the bidder are clearly defined and described. The period of the technical guarantee shall start from the date of receipt of the goods by the contracting authority and shall be:

**Argumentation:** The warranty statement requirement with a clear description of the terms and conditions of the technical warranty ensures that the bidder assumes measurable liability and provides transparency for component coverage, exclusion conditions, and repair procedures. The specification that the period starts from the receipt by the contracting authority prevents the supplier from not taking into account the periods of use.

2.4.6. The participating economic operator must submit a declaration guaranteeing the performance of



vehicle repair services during the warranty period.

**Argumentation:** The declaration guaranteeing the performance of repair services during the warranty period defines the operational responsibilities and the short implementation time of the repairs, ensuring the functionality and availability of the tools during the warranty period, as well as minimizes the impact on the operations of the contracting authority.

2.4.7. The economic operator must submit a declaration that with the delivery of the funds subject to the procurement procedure, (for those funds that are applied), it will necessarily cover with its expenses all payments related to:

- Physical Inspection Fee
- Registration fee (license plates)
- Payment for the technical inspection (in cases where it is not exempt from the DPSHTRR)
- Payments for MTPL

**Argumentation:** The declaration that the operator covers the costs associated with the delivery of the funds (physical check, registration/license plates, technical inspection when applicable, payments for MTT) ensures that the contracting authority does not bear unexpected administrative or procedural costs after delivery. This regulates financial responsibilities and makes total procurement expenses clear, improving comparability of bids and budget management.

**All documents must be originals or notarized copies. Cases of failure to submit a document, or false and incorrect documents, are considered conditions for disqualification.**

## **II. Argumentation of technical specifications (terms of reference):**

*Terms of reference/ Technical specifications have been drafted by specialized structures/ Working group for the object to be procured, established by the Order of the Owner for the drafting of technical specifications/ terms of reference for the procedure with the object "**Expenses for the purchase of vehicles for the needs of the institution**", in accordance with the provisions of Article 4, point 38/b and Article 36, of the LPP, as well as Article 40, points 1, 2 and 3, of DCM no. 285, dated 19.05.2021, "On the approval of public procurement rules", **arguing any functional or performance requirement, or/and any required standard**, where each reference must be accompanied by the words "or his/her equivalent".*

### **Argumentation, according to the material prepared by the special structure:**

In support of Article 8, paragraph 2, Article 9, paragraph 1/1.1, letter "d", and Article 64, letter "a" of Law no. 139/2015, dated 17.12.2015 on "Local Self-Government" (as amended); Law no. 10296, dated 08.07.2010 on "Financial Management and Control" (as amended); Article 36 of Law no. 162/2020, dated 23.12.2020 "On Public Procurement" (as amended); Article 76 of the Decision of the Council of Ministers no. 285, dated 19.05.2021 on "Approval of public procurement rules" (as amended); DCB no. 125 dated 22.12.2023 "On the approval of the medium-term budget program 2024-2026 and the detailing of the budget of the Municipality of Himare for 2024"; The working group drafted the technical specifications for the realization of the object: "**Expenses for the purchase of vehicles for the needs of the institution**", clearly defining the requirements of the Contracting Authority. Based on the technical specifications approved and drafted by the structure in charge for this purpose, the Working Group decided to conduct a market study on the price of per vehicle, on the basis of which the limit fund for the procurement procedure is determined. After the identification of the entities operating in the field of activity of the object to be procured, the request for the calculation of the limit fund in order to calculate the value of the contract, was sent to 3 entities, in accordance with the technical requirements prepared by the commission established by the Order of the Mayor of Himare "On the establishment of the commission for the drafting of technical specifications for the procedure "**Expenses for the purchase of vehicles for the needs of the institution**".

The need for means of transport for the institution, based on the available budget, is foreseen according to the

need for 1 4WD SUV vehicle, 2 2x4 SUVs and 3 2x4 sedan vehicles.

The working group consisting of specialists in the field, established by order of the Head of the AK Municipality of Himare, in implementation of the tasks set out in this order, after identifying the needs for the funds that the structures have, prepared the technical specifications and the introductory report for the realization of the investment.

### **Technical Specifications**

Terms of reference and functional requirements/ technical specifications drafted by specialized structures/ Working group for the object to be procured, established by the Order of the Owner for the drafting of technical specifications/ terms of reference, in accordance with the provisions of Article 4, point 38/b and Article 36, of the LPP, as well as Article 40, of DCM no. 285, dated 19.05.2021, "On the approval of public procurement rules" (as amended), for the fulfillment of the purpose and results that are expected to be achieved by the Contracting Authority, as follows:

The purpose of this investment is to complete and increase the capacities of the local self-government unit to exercise its general activity. This investment increases the mobility and efficiency of employees to be in the field in any situation.

## **PROCUREMENT UNIT**