



**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS
PUBLIC PROCUREMENT AGENCY**

**CONCESSION / PRIVATE PUBLIC PARTNERSHIP /
COMPETITION PROCEDURE DOCUMENTS FOR THE
DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE
AND TRANSFER OF VLORA INTERNATIONAL AIRPORT
(VIA)**

CONTRACT NOTIFICATION

I. Contractual Authority

I.1 Name and address of the contractual authority

Name Ministry of Infrastructure and Energy
Address "Abdi Toptani" Street, No.1, Tirana*
Tel/Fax +355 4 22222245
Website www.infrastruktura.gov.al

I.2 Name and address of the responsible person:

Name Kledia Ngjela
Address Ministry of Infrastructure and Energy
E-mail kledia.ngjela@infrastruktura.gov.al

I.3 Type of the contractual authority and the main activity or activities

Central Institution	Independent Institution
<input checked="" type="checkbox"/>	<input type="checkbox"/>
Local Governance Units	Other
<input type="checkbox"/>	<input type="checkbox"/>

II. Contract object

For the design, construction, operation, maintenance and transfer of Vlora International Airport (VIA)

II.1 Contract type

Works	Services
<input checked="" type="checkbox"/>	<input type="checkbox"/>

II.2 A brief description of the concession/public-private partnership contract

1. Contract object: Concession / PPP award for the design, construction, operation, maintenance and transfer of Vlora International Airport
2. Contract type: Design, construction, operation, maintenance and transfer.
3. Funding source: Private commercial company or Consortium / private capital
4. Project estimated value: 86,638,359 Euro (VAT excluded)
5. Contract duration: 35 years

II.3 Location of the contract object

The site for the construction of Vlora International Airport (VIA) is located near the Novosela region, in Akerni, Vlora.

III. Legal, economic, financial and technical information

III.1 Acceptance Criteria pursuant to Appendix no. 9

III.2 Bid Security

In order for an Economic Operator to participate in a concession/public-private partnership procedure, the Bid Security is requested to be submitted along with the Bid Security Form, found in Appendix 3.

IV. Procedure

IV.1 Type of procedure

Open	Limited	With a negotiation, with a preliminary announcement
X	<input type="checkbox"/>	<input type="checkbox"/>

IV.2 Selection criteria for the winner

Regarding the importance:

No.	Criteria	Points
1	Bidder's description	7
2	Brief summary and project's strategic reasoning including:	30
	a Improvement of the Masterplan made available by the contractual authority	15
	b Value Added solutions	10
	c Social responsibility:	5
P	Experience in Construction and/or Renovation Projects of at least 1 (one) airport (Category 4E), during the last 10 (ten) years, with a capacity of more than 10 (ten) million passengers.	8
4	Operation and Maintenance (O&M) experience	7
5	Experience on obtaining funds	8
6	Traffic growth capacity and network experience	12

INSTRUCTIONS TO BIDDERS

1. INTRODUCTION

The Contractual Authority has hereby decided to implement the project on the "Concession / PPP award for the design, construction, operation, maintenance and transfer of Vlora International Airport (VIA) from the Concessionaire to the CA". The selection of the Winning Bidder shall be made based on an open competition procedure, according to the qualification and evaluation criteria specified in the document herein. The concessionary/PPP contract duration shall last 35 years upon its entering into force.

The operation of the Vlora Airport is one of the main commitments of the Republic of Albania.

The new Vlora Airport shall be constructed pursuant to the national and international laws, standards and regulations in force. Whereas, regulations on the maintenance of technical security requirements pertaining to air and land operations and above all regulations to obtain and maintain the airport certification shall be adopted.

As set out in the Sectorial Transport Strategy and Action Plan 2016–2020, approved by DCM No. 811, dated 16.11.2016.

Pursuant to this Strategy, the main challenges to the aviation sector for the 2016-2020 planning period relate to the "creation of the adequate conditions for a more competitive market with liberalized aviation services which shall create the opportunity to reduce passengers travel expenses". The strategy goes on by setting out the strategic objectives for air transport up to 2020:

- Albania should become more competitive in the air transport market to ensure direct connections to main European airports in order to increase passenger flux thorough and from Albania.
- Attention to service quality, operations efficacy, social roles in proportional relation to transport demands.

As per above, the ongoing implementation of strategic objectives, by putting into operation the Vlora Airport, it is expected that this airport shall have a considerable economic, social and cultural impact in the development of this area, thus, enabling new job opportunities, tourism development, aviation services provision by low cost carriers, which shall bring about the reduction of ticket fees of citizens' international travel.

To all interested bidders, the Contractual Authority has made available a data room with controlled access for all CPD supplementary materials required to carrying out this project. These materials shall be accessed through the official website <https://www.infrastruktura.gov.al/wp-content/uploads/2019/12/via.mp4> and access granted by the contact person at MIE.

Referring to the total revenues estimated in the study scenarios made available to the Commission, we hereby state that this projects carries quite high risks since the airport is being constructed anew on a green field, therefore, it is impossible to correctly forecast the traffic and there are no databases. Moreover, according to the projection of the consultant responsible to conduct the study, hired by the Contractual Authority, a low return norm is noted for the base case at 9.23%. In these conditions, should the project implementation move forward, the contractual authority

should take measure to guarantee the revenues projected in the base scenario, thus, the revenues missing from the factual level and that projected in the base scenario for the first 10 years of operation. Specifically, the revenue amount shall be guaranteed based on the scenario shown in the following table.

Revenues guaranteed in the base scenario for the first 10 years of operation (euro)									
4	5	6	7	8	9	10	11	12	13
9,610,585	10,379,445	11,209,804	12,106,578	13,075,098	14,121,108	15,250,800	16,318,368	17,460,645	18,682,886

In case of exceeding the projected revenues at the optimum case, then, the projected level shall be divided with the state at the 50:50 ratio.

The level whereupon revenues shall be divided with the state at the 50/50 ration for the first 10 years of operation (euro)									
4	5	6	7	8	9	10	11	12	13
11,080,017	12,399,086	13,875,604	15,528,381	17,378,506	19,449,581	21,768,058	23,291,811	24,922,248	26,666,811

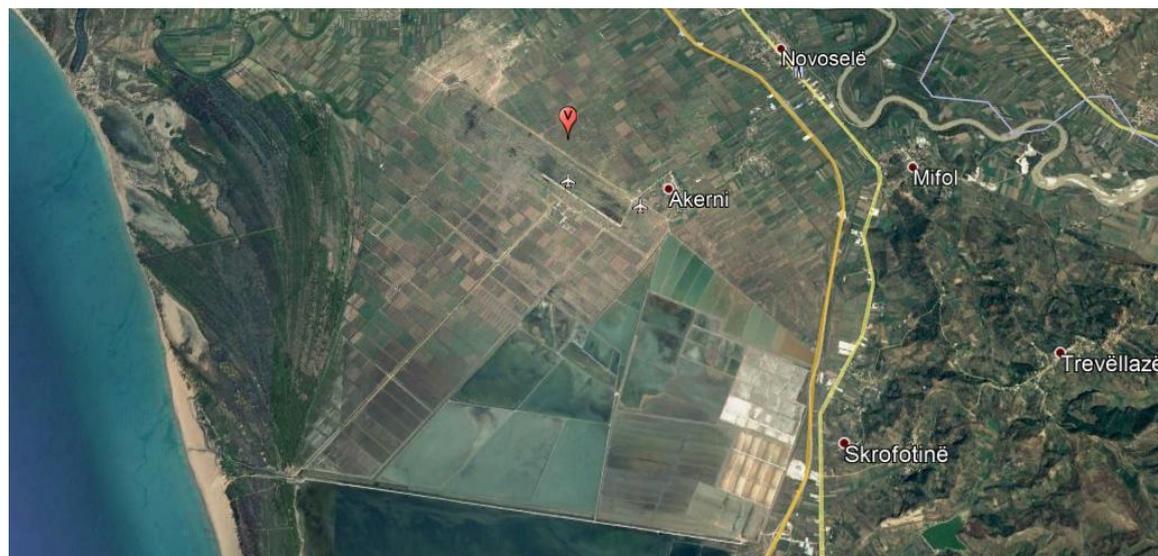
1.1 Further information:

General description

a. GEOGRAPHICAL POSITION

The Vlora airport is situated at the former military airport of Mifol, near Akerni village, Novosele, Vlora. The location of the new airport is near Lagoon of Narta, Vlora Salt field and the Vjosa River. To the south it borders the Lagoon of Narta at a 5 km air distance of a protected natural landscape. To the west it borders the coastal line at a 6.4 km air distance. To the east, about 200 m away are situated several houses constructed recently following the closing of the former airport (1998-99), while the center of Akerni village is situated about 500 m from the closest point of the perimeter of the former Mifol airport. The salt fields are situated southeastwards about 3 km away at air distance. To the north it borders with the Vjosa River at 3.5 km air distance, whereas the river's mouth is located 10 km away.

The airport location is near the Lagoon of Narta and is part of Vjosa-Narta Protected Landscape area, Fifth category. The proposed airport location is in accordance with the General Local Plan of Vlora.



b. CURRENT CONDITIONS

The territory wherein is projected the Vlora airport construction is situated in a green field and it is the property of the Albanian state.

c. CONNECTING THE AIRPORT TO THE EXISTING INFRASTRUCTURE

Besides the airport infrastructure, it is paramount to have good road access between the city, the highway and the airport to ensure that passengers can reach the airport in time both ways and in order to increase the airport coverage area.

Currently, the Fier-Vlora highway is situated about 2 km from the airport. This highway has space to connect with the road to the new airport.

d. OTHER OBJECT-RELATED CONDITIONS

- 1.2 The project for the construction of the Vlora airport is the proposal required and approved by the Contractual Authority.
- 1.3 Should the bidders submit a Project on the construction of the Vlora airport that extends beyond the existing footprint, then, the value of expropriations affected by the proposed project shall be covered by the concessionaire (winning bidder) and such expense that be reflected in the Business Plan submitted by him. The Contractual Authority, upon concessionaire's request, shall carry out only the relevant procedures for the expropriation of properties affected by the proposed project.
- 1.4 These instructions ("Instructions for Bidders") as well as the "Invitation for Bid" shall be addressed to all judicial subjects or their consortiums, which aim to partake to this competitive selection procedure.
- 1.5 Expenses: The Winning Bidder must afford all expenses pertaining to the drafting and submission of his bid as well as any other expenses provided for in these documents pursuant to Article 25 and Article 29 of Law No. 125/2013 "On Concessions and Public Private Partnership", as amended.
- 1.6 The Contractual Authority shall reserve the right permanently suspend this competitive selection Procedure. The bidder shall have no right to request any compensation for any incurred costs or losses.

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: Invitation for bid form of the restricted procedure or with negotiation with preliminary announcement
- Appendix 3: Bid security form
- Appendix 4: List of confidential information
- Appendix 5: Declaration of the fulfillment of requirements of the standard documents of the concession/public-private partnership
- Appendix 6: Declaration on the conflict of interests
- Appendix 7: Evaluation form
- Appendix 8: On the possession of machinery
- Appendix 9: Qualification criteria
- Appendix 10: Judicial records statement
- Appendix 11: Evaluation criteria

- Appendix 12: Self-declaration for foreign bidders
- Appendix 13 (not applicable): Draft-project implementation and technical specifications
- Appendix 14: Cost estimates of works
- Appendix 15: Standard notice on the disqualified bidder
- Appendix 16: Winner's notification form
- Appendix 17: General conditions of the contract
- Appendix 18: Special conditions
- Appendix 19: Contract security form
- Appendix 20: Form of publication of the signed contract notification
- Appendix 21: Procurement complaint form submitted to the contracting authority
- 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.

If 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 contractual authority shall determine that the bid is not in compliance with the requirements of the documents of the competition procedure and shall refuse the bid.

2.2. Explanations on the Standard Documents of the Competition Procedure

2.2.1 All the replies along with the relevant explanations shall be notified to all the interested parties. The bidders of this competitive procedure have the right to request the amendment or correction of standard documents of the competitive procedure and shall submit his request through the electronic procurement system. This claim must be filed within 10 days, from the day after the publication of the contract notice.

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 Contractual Authority shall postpone the time limit for the submission of the bids pursuant to the law when changes are made in the documents of the procedure.

2.3.2. All the changes made by the Contractual Authority shall be published on the internet page of the Public Procurement Agency. 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 Contractual Authority may, with his initiative, postpone the time limit for the submission of the bids. In this case, the Contractual Authority "On the concessions and the private public partnership" shall publish the new time limit for submitting the bids on the internet webpage of the Public Procurement Agency.

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/PPP.
- b) The Form of the Bid Security filled in compliance with the attached model as Appendix 3 of CPD/PPP.
- c) The documents related to the concession/public private partnership object in compliance with the requirements provided for in Appendix 9 of CPD/PPP

An economic operator shall submit only one bid.

Every false data shall constitute the legal cause for the Contractual Authority to disqualify the Bidder at any time. If such a thing is revealed or notified after the contract is signed, the Contractual 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.
- 3.2.2.** Bid Security shall be submitted mandatorily in the form of a deposit or guarantee issued by a bank licensed by the state to carry out this activity. The bidder shall guarantee that the Bid Security is valid for a 30-day period after the completion of 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 time limit for its submission. For motivated reasons, the Contractual 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 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 Commission of 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 Merger of the companies.
- 3.2.4.** Upon the request of the non-Winning Bidder, the Contractual Authority shall bring him back 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 shall be given back to him after the submission of the Contract Security to the Contractual Authority.

- 3.2.6.** The bid Security may be kept by the Contractual Authority in the cases when the Bidder:
- i) gets his bid during the competition procedure before the bid validity time limit expires;
 - ii) does not present the Contract Security (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 15: Winner's Notification Form);
 - iv) has declared false data in his bid;
 - v) if he is the winner, refuses the payment of the expenses according to point 1.4 above.

3.3. Power of Attorney: Every bidder (or member of the Temporary Consortium, 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 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 Bids Evaluation Commission as acceptable. Exceptionally, the Contractual Authority may request the Bidder to extend the Bid Validity Period. The Contractual Authority's request shall be in writing. In case of an extension of the Bid Validity Period, the Bid Security period shall also extend in compliance with paragraph 3.2.2.

3.5. The 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). 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 Contractual 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 point 3.3) shall sign the Bid

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

3.5.3 The bid shall not have changes, deletion or addenda apart from the case when the corrections are signed by the person or the persons entitled 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 BID

4.1 Format and signing the bid

4.1.1 Pursuant to DCM No. 130, dated 12.03.2014 "On Electronic Completion of the Competing Procedures of the Concession/Public Private Partnership" and the DCM No. 575, dated 10.07.2013 "On the adoption of the evaluation rules and the provision of concessions/public private partnership" changed, the bid shall be submitted in the electronic

format in compliance with the instructions of the Public Procurement Agency. You can find comprehensive information on this procedure at the official webpage: www.app.gov.al.

4.1.2. The Contractual 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 Contractual 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 Contractual 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 "Concession / PPP award for the design, construction, operation, maintenance and transfer of Vlora International Airport (VIA)"

The original bid shall be submitted to the following address:

Addressed to:	Ministry of Infrastructure and Energy
Cc:	Commission of Bids Evaluation
Address:	"Abdi Toptani" Street, No.1, Tirana

4.2. Bids submission deadline

4.2.1 The bids should be submitted through the PPA official website within 12/03/2019, at 13⁰⁰ AM. The Winning Bidder shall be notified in writing by the Contractual Authority on the original bid submission time frame.

5. BIDS COMMENCEMENT AND EVALUATION

5.1 Bids Commencement

5.1.1 The Commission of the Bids Evaluation shall make the verification of the bidders and the opening of the bids submitted in the webpage of PPA after the time limit for the submission of the bids expires.

5.2.2 Bids Evaluation

5.2.1. After the bid is opened, the Commission of Bids Evaluation 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 Contractual Authority shall be based on the data and on the content of the bid itself and if necessary, The Commission of Bids Evaluation 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 Contractual Authority is entitled to involve even different experts who may assist in treating those cases which pose difficulties for the Commission of Bids Evaluation.

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 all the 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 lot in the presence of the bidders.

5.2.6. The Commission of Bids Evaluation 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 Contractual Authority and the Commission of Bids Evaluation is in contradiction with Law No. 125/203 “On concessions and public private partnership” amended, and the DCM no. 575, dated 10.07.2013 “On the adoption of the evaluation rules and the rules on issuing concessions/pubic private partnership”, amended, using the form of the Competing Procedure Appeal, stipulated in the appendix 21.

5.2.7 Upon the completion of the appeal procedure, the Commission of the Bids Evaluation prepares the final report of bid evaluation and proposes to the Chairman of the Contractual Authority, the results achieved by each bidder.

5.3. Invalidity and Failure of the Competitive Procedure

The Competing Procedure is considered unsuccessful when:

- i) None of the submitted bids fulfils the requests of the invitation for a competing procedure;
- ii) The Contractual 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 Contractual 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 Contractual 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 Contractual 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 Contractual 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 set out in the clause 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. While signing, the Contracting Authority shall ask from the Winning Bidder the submission of the Contract Security. The Contract Security Form shall be signed and submitted according to clause 5.5.3. Contract Security in the value of 10% of the proposed Investment may be submitted in the form of an unconditional bank guarantee.

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 60 day deadline from the date of the Winner Notice and the deadline set out in the Council of Ministers' Decision, it becomes clear that if the Winning Bidder (for unjustified reasons) shall not submit the Contract Security and/or shall not Sign the Special and General Conditions 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.

Note: In case of any discrepancy between the documents on this competitive procedure from Albanian to English, then the Albanian language shall prevail.

Appendix 1

BID FORM

To: Ministry of Infrastructure and Energy

Address: "Abdi Toptani" Street, No. 1, Tirana

Subject: The bid of the company/temporary consortium (*place name of bidder*), for the competitive procedure "Concession / PPP award for the design, construction, operation, maintenance and transfer of Vlora International Airport (VIA)"

Date: ____ . ____ . ____

The bid presentation form is specified as follows:

No.	Criteria	Bid/Reference
1	Bidder description	
2	Brief summary and project's strategic reasoning including:	
	a Improvement of the Masterplan made available by the contractual authority	
	b Value added Solution	
	c Social responsibility:	
3	Experience in Construction and/or Renovation Projects of at least 1 (one) airport (Category 4E), during the last 10 (ten) years, with a capacity of more than 10 (ten) million passengers.	
4	Operation and Maintenance (O&M) experience	
5	Experience on obtaining funds	
6	Traffic growth capacity and network experience	
7	Concessionary fee	
8	The time of putting into operation	
9	Minimum guaranteed revenue level	

Note: *The bidder should provide no more than one record for each criterion, based on the submitted Project and business plan.*

Pay attention to the bid structure, there must not be any alternative presentation forms.

Name and seal of Bidder

Appendix 2

INVITATION FOR BID

The Ministry of Infrastructure and Energy invites all interested bidders to submit their bids to carry out the following Work:

Work contract venue

The Vlora airport which is located at the former Mifol military airport near Akerni village, Novosela, Vlora, near the Lagoon of Narta, Vlora Slat fields and Vjosa River.

To the south it borders the Lagoon of Narta at a 5 km air distance of a protected natural landscape. To the west it borders the coastal line at a 6.4 km air distance. To the east, about 200 m away are situated several houses constructed recently following the closing of the former airport (1998-99), while the center of Akerni village is situated about 500 m from the closest point of the perimeter of the former Mifol airport. The salt fields are situated southeastwards about 3 km away at air distance. To the north it borders with the Vjosa River at 3.5. km air distance, whereas the river's mouth is located 10 km away. The airport location is near the Lagoon of Narta and is part of Vjosa-Narta Protected Landscape area, Fifth category.

Contract execution time frame (according to the winning bid evaluated by the BEC)

The bid shall be submitted

On behalf of the Contractual Authority: Ministry of Infrastructure and Energy

Within and not later than 13:00, on March, 12th 2020

If the bid is required to be submitted electronically, the economic operators shall deliver the bid electronically in the official PPA website, www.app.gov.al.

Appendix 3

[Letter with logo from the Bank / Insurance Institution]

[Appendix to be submitted by the Economic Operator]

BID SECURITY FORM

[Date _____]

For: *[Name and address of the contracting authority]*

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

Procedure of concession/public and private partnership *[type of procedure]*

Brief description of the contract: *[scope]*

Publication *(if applicable)*: Bulletin of Public Notices *[Date]* *[Number]*/ *Reference number in the PPA website*

Referring to the above-mentioned procedure,

We hereby certify that *[name of the insured bidder]* has paid a deposit at *[name and address of the bank/insurance company]* in a value of *[currency and price expressed in words and figures]* as a requirement for bid security, delivered by the above-mentioned economic operator.

We undertake to transfer to the account of *[name of the contracting authority]* the insured value, within a period of 15 (fifteen) days from your simple and first written request, without asking explanations, provided that such request mentions the non-fulfillment of one of the following requirements:

- The Bidder withdraws his bid during the competitive procedure before the expiry of bid validity;
- The Bidder does not present the Contract Security (in case of winner's announcement);
- The Bidder does not sign the concessionary contract (in case of winner's announcement) within the time limits specified in the Winner's Notice Form;
- The Bidder has declared false data in his bid;
- In case of winner's announcement, the Bidder shall refuse the payment of expenses under paragraph 1.4 of the Standard Documents of the Competitive Procedure

This Security shall be valid *[contract notice or invitation for bid/tender]* days from the date of expiry of the term of bid delivery in PPA website.

[Bank/insurance institution representative]

Appendix 4

LIST OF CONFIDENTIAL INFORMATION

[To be completed by the Economic Operator]

(Specify below the information you wish to be kept confidential)

Type, nature of information to be kept confidential	Page number and points/items of Standard Documents of Concession/PPP, which you wish to be kept confidential	Reasons why this information should be kept confidential	Time limit where such information should be kept confidential

Appendix 5

[Appendix to be completed by the Economic Operator]

DECLARATION OF THE FULFILMENT OF REQUIREMENTS OF THE STANDARD DOCUMENTS OF CONCESSION/PUBLIC-PRIVATE PARTNERSHIP

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

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 declare under our legal responsibility that we agree with all given technical specifications and complete them as defined in the documents of Concession/Public and Private Partnership. We meet all legal, financial-economic requirements and technical specifications set out in the standard documents of the competitive procedure and certify thereof by certificates and documents submitted together with the present declaration.

Our bid shall be valid for the period specified in the standard contract documents for the competitive procedure.

We shall not participate as bidders in more than one bid for this competitive procedure. We authorize the contracting authority to verify the information/documents attached hereto. If our bid is accepted, we shall make the contract security, as provided for in the standard contract documents.

If we announce the winners of the competitive procedure, we shall agree to sign the Contract under the terms of the contract.

Date of declaration submission _____

Bidder's Representative

Signature

Seal

[To be completed by the Economic Operator]

Appendix 6: DECLARATION on the conflict of interests

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.

Pursuant to article 21/1 of the Law no. 9367 dated 7.4.2005, the categories of officials designated in Chapter III, Section II are strictly prohibited to directly or indirectly benefit from the conclusion of contracts with a party, and such public institutions are as follows:

- President of the Republic, Prime Minister, Deputy Prime Minister, ministers or deputy ministers, Members of Parliament, Constitutional Court Judges, Supreme Court Judges, Chairman of the High State Audit, Attorney General, People's Advocate (Ombudsman), Member of the Central Elections Commission, Member of the High Council of Justice or the Inspector General of the High Inspectorate of the Declaration and Audit of Assets, Members of Regulatory Entities (Supervisory Council of the Bank of Albania, including the Governor and the Deputy Governor; of the competition, telecommunication, energy, water supply, insurance, securities, media), Secretaries General of the central institutions, as well as every other official at every public institution, who holds at least an equivalent position with the Directors General.

If the official is acting in the capacity of mayor or deputy mayor of a municipality, commune or district council, member of the relevant council or is an official of a high management level of a local government unit, the prohibition due to private interests of the official, stipulated in this point, applies only to the conclusion of contracts, as appropriate, with the municipality, commune or district council where the official exercises these functions. This prohibition also applies where the contracting party is a public institution dependent on this unit (Article 21, paragraph 2 of Law no. 9367, dated 7.4.2005).

The prohibitions set out in Article 21, points 1, 2 and 24 of Law no. 9367, dated 7.4.2005, with the relevant exceptions, shall apply to the same extent to persons related to the official who, in the meaning of this law, are "**... spouse, cohabitant / adult children and parents of the official and of the spouse and cohabitant**".

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

Seal

Appendix 7*[To be presented by the Economic Operator]***EVALUATION FORM****(This application form shall be accompanied by the Testing Act and financial situations)**

Contracting Authority/Investor	
Address/Tel.	
Name of the Senior Official/Administrator	
I HEREBY CERTIFY THAT:	
Contracting Authority/Investor has signed the contract with	
Operator's name Taxpayer's Identity Number/ Consortium of Operators Taxpayer's Identity Numbers / Subcontracted Taxpayer's Identity Numbers	
Address/es	
Contract scope:	
Date of contract commencement	Date of contract termination
Value according to the contract	Value realized
% of the consortium of Economic Operators and description of the works carried out by each member Subcontracted.	
Evaluation	(expressed in words)
	Performed Non-performed
Signature	
Seal of the Contracting Authority	

Appendix 8

[To be completed by the Economic Operator]

ON THE POSSESSION OF MACHINERY

Economic Operator: _____

I hereby declare that I possess means, technical equipment and other physical assets to realize the contract as follows: _____

Under ownership				
Type of vehicle	Plate number	Circulation Permit number	Chassis number	Other
1				
2				
3				
4				
5				

and

On rent					
Type of vehicle	Vehicle plate number	Vehicle's circulation permit number	Vehicle's chassis number	Rent Contract number (notary office)	Rent Contract term (Date of commencement and termination)
1					
2					
3					
4					
5					
6					

- add/delete other lines, if necessary.

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

CONTACT PERSON (for this bid)

Name:

Address:

Telephone number:

Fax:

E-mail:

Signature

Seal

Appendix 9

1. GENERAL ADMISSION/QUALIFICATION CRITERIA

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 under Extra Number "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 the requirements 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 foreign language 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.

SPECIAL QUALIFICATION CRITERIA

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

- a. *Bid Security, in accordance with the Appendix 3;*
- b. *A declaration on the fulfillment of the requirements of standard documents of concession/public-private partnership, in accordance with Appendix 5;*
- c. *A Declaration on the Conflict of Interest, in accordance with Appendix 6;*
- d. *A Bid Description completed and duly signed, in accordance with Appendix 1;*
- e. *An Evaluation Form in accordance with Appendix 7 (as appropriate);*
- f. *A declaration on the availability of means, in accordance with Appendix 8*

2. In order to prove that the economic operators are qualified, the bidder shall present as follows:

2.1. Legal capacity of economic operators

1. Registration as legal entity. Business registration extract from the National Registration Center;
2. NIPT;
3. Documents attesting that the capital/assets of the entity are not handed over to the bailiff or there exists a sequestration order on them, issued by the Bailiff's Office at the city whereby the entity's headquarters are located;
4. Document attesting that the entity has fulfilled all fiscal obligations, issued by the Tax Administration;
5. Document that attests that the entity has paid all social security obligations issued by the Tax Administration;
6. An attestation that confirms the payment of all electrical power contracts maturing obligations owned by the economic operator registered in Albania. Nonpayment of electrical every obligations shall constitute grounds for disqualification of the economic operator, except in the case when such unpaid obligations, confirmed by the supplier's attestation, are in an appeal court proceeding. The electrical energy supplier shall be obligated to issue such attestation not later than 5 (five) days from the economic operator's request submission date.

The abovementioned criteria shall be fulfilled only if the submitted documents are original or notarized photocopies.

The bidding companies shall be registered in the relevant professional or commercial register of the country of their establishment, by attesting their legal entity. Therefore the bidders shall submit the Company Extract issued by the National Registration Center.

The foreign bidder (a company registered outside of the territory of the Republic of Albania) should attest that it fulfills all above listed requirements. If the documents mentioned above in the relevant paragraphs shall not be issued in the bidder's country of origin, then, they shall be accepted in a declaration form in writing, under the bidder's responsibility (according to the form presented in Appendix 11). Pertaining to the declaration on the non-issuance of these documents by the institutions in the bidder's country of origin, the bidder shall submit an attestation by the Commerce Chamber of the country of origin, whereby attesting that one or all attestations required in this Appendix are not issued by the responsible public institution.

Accordingly, the Contractual Authority shall investigate whether these attestations are issued or not by the relevant institutions in the country of origin, and should it officially find out that there is an institution in the country of origin that may issue such an attestation, submitted by the foreign bidder in the form of self-declaration, then the Commission shall deem invalid the submitted self-declaration document.

In case of a temporary consortium, the requirements of Appendix 11 shall be obligatory for each consortium member.

Legalization of the documentation

The documents obtained outside the territory of Albania by foreign legal entities shall be legalized in order for them to be legally accepted. The documentation submitted by companies registered in the member states of the Hague Convention (October 5, 1961) shall contain the Apostille stamp in compliance with Law No. 9060, dated 08.05.2003 "On the Accession of the Republic of Albania to the Convention Abolishing the Requirement of Legalization for Foreign Public Documents".

Temporary Consortium

Economic operators can bid separately or establish groups of economic operators and bid as a single candidate.

The bid may be submitted by a group of economic operators, one of whom represents others during the procedures and, in case of selection, during contract implementation as well. The contract should define the services or work to be carried out by each of the group members.

Prior to bid submission, the temporary consortium shall be formally established by a notarized agreement, specifying the group representative, the percentage of each member's participation and the specific components to be performed by each of the members of this temporary consortium. The goodwill to enter into the temporary consortium agreement shall be clearly manifested upon the decision of the decision-making body of all participating companies in the temporary consortium contract. In order to prove which the decision-making body in this temporary consortium is, the present statute of each party company in this temporary consortium shall be submitted.

Following the establishment of the economic operators consortium, the group members shall, by Power of Attorney, designate their representative who will submit the bid. This written agreement and the Power of Attorney shall be submitted along with the qualifications and economic bid, which shall be signed by the representative. The representative shall conduct the bid security, by specifying participation in the procedure on behalf of the Economic Operators Consortium.

The economic operator, member of a consortium, cannot simultaneously submit individual bids. The economic operators consortium shall not change upon bid submission; otherwise, the bid shall be rejected.

In case of bankruptcy of the representative of the economic operators consortium or under other circumstances, which discontinue his/her activity during contract implementation, the contracting authority may continue the contract with another economic operator, who is designated as the group representative and is proposed by other non-representative members, provided that he/she possesses the legal, economic, financial, and technical capacities to implement the contract; otherwise, the contracting authority may withdraw from the contract. If these circumstances are applied to the other economic operator, if the group representative fails to appoint a substitute, then the obligations of the failed economic operator may be undertaken by the representative or by another member of the group, provided that he/she fulfills the requirements.

The Albanian companies shall be subject to the rules provided for by Law no. 9901, dated 14.04.2008 "On Traders and Commercial Companies", as amended. In the case of foreign companies, the legal standards for commercial companies in the country of origin shall be respected.

2.2. Economic and financial capacity:

The Bidder shall have the necessary financial resources to fulfill the object of the competition and shall undertake any risk incurred, as provided for or implied in the General and Special Conditions of the Contract.

The Bidder (*if it is not a Consortium*) - or affiliates companies of Respondent- shall demonstrate that it had Net Worth of at least EUR 100 million or equivalent at all times during its last three (3) financial years.

If the Bidder is a Consortium, the Consortium shall demonstrate that the aggregate Net Worth of the Consortium Members was at least EUR 100 million or equivalent at all times during the last three (3) financial years AND at least EUR 80 million at all times for the Financial Member or Lead Member.

Net Worth shall be calculated as follows: Net Worth = (total assets) minus (total liabilities).

The documents demonstrating the sufficiency of financial resources shall include the following:
Copies of financial statements for the 3 (three) last years (2016, 2017 and 2018), as submitted to the tax authority
Financial audit reports, (including auditor's opinion), certified by the external licensed audit entity

2.3. Technical capacity:

The Bidders shall meet the qualifying technical requirements and shall submit the following documents:

1. EASA/ICAO certification in single activities required by the tender within the last 15 years:
 - Airport operator
 - Handling
 - Security

ARFF (Aircraft Rescue and Firefighting)

The Bidders shall declare and submit proper certifications of -at least- one (1) international airport currently managed by it (*on a stand-alone basis, or as part of a joint venture, consortium or otherwise*, or that one of its Related Companies operates, on an active basis [*landside and airside*]) on which the following activities are being performed; airport with no less than ten (10) million passengers per year for the last five (5) years continuously: (a) Airport Operator, (b) Handling, (c) Security, and (d) ARFF (Aircraft (Aircraft Rescue and Firefighting).

2. Controlling Interest / Ultimate Ownership

Each Respondent shall provide its equity structure. Such equity structure should be in the form of a chart showing percentages of shares of each shareholder until its ultimate ownership. Such equity structure shall comply with the shareholding requirements set out in the RFP and the Concession Agreement.

3. Final court decision or Arbitration decision about the Lawsuits submitted against the Bidder regarding failure to meet the Concessionary Agreement terms.

Lawsuits (Final court decisions): The Bidders shall provide a listing and brief description of all legal actions for the past five (5) years in which Respondent or, if applicable, any company that

is part of the Respondent's Consortium has been condemned (on final judicial decision or arbitration award): (i) as a debtor in bankruptcy; (ii) due to deficient performance under a Concession Contract; or (iii) in the capacity of the defendant in any criminal case.

4. Contracting experience – Construction

The Bidder shall demonstrate the required capacity in Construction and/or Refurbishment projects during the past ten (10) years of at least one (1) airport (Category 4E) of more than ten (10) millions passengers.

The Bidder, or, if the Bidder is a Consortium, one of the Members shall demonstrate the technical capacity as regards the following:

- a. Refurbishment of ten (10) runways in the last ten (10) years
 - b. Construction of at least two (2) terminals in the last ten (10) years.
 - c. Refurbishment / expansion of ten (10) terminals in the last ten (10) years.
 - d. Construction of *-at least-* two (2) Air Traffic Control Towers within the last ten (10) years..
5. The Bidder, or, if the Bidder is a Consortium, the Airport Operator, shall demonstrate by listing the airports concerned::
- a. Experience on: (a) development, design, engineering, procurement and construction, operation and maintenance and (b) management and monitoring of Commercial Airport Infrastructure construction projects during the past five (5) years in at least one (1) airport of more than ten (10) millions passengers and two (2) airports of up to five (5) millions passengers..
 - b. Managing experience: facility maintenance/repair and procurement of related materials. Respondent shall provide evidence of their certified expertise in project engineering and maintenance...
 - c. Experience on General Aviation activities.
 - d. Experience on System or Network of Airports: Respondent shall provide evidence of their certified expertise in management of airport systems (with inherent traffic competences)

In order to comply with the requirements under paragraphs 4 and 5, the Bidder shall address the following areas as regards its operational and managing capacity:

- i Operations and Maintenance Expertise: Provide evidence demonstrating expertise in managing an airport of the mentioned nature. Specifically, Respondent should highlight the experience and qualifications in the following areas:
 1. Substantial experience in management and improvement of other commercial airports.
 2. Substantial experience in management, maintenance/repair of airport facilities and procurement of related materials.
 3. Experience in airport passenger growth via route development and marketing.

ii. **Customer Service:** Demonstrate commitment to achieve the highest standards of customer service and satisfaction. Specifically, Respondent should highlight the experience and qualifications in the following areas:

1. Maintaining productive ongoing relationships with government and public entities, similar to the relationship that the winning Respondent shall have with the cities involved in the Concession Agreement.
2. Providing excellent customer service to the passengers.
3. Delivering safe and efficient operational conditions to airlines.
4. Maintaining active public relations with travelers, taxpayers and airport tenants.

iii. **Safety and Security:** Demonstrate ability to address and resolve safety and security issues. Specifically, the Bidder should highlight the experience and qualifications in the following areas:

1. Knowledge of airport safety and security management and methodologies.
2. Experience in emergency response support.
3. Background in relevant traffic engineering standards, specifications, policies, practices, and processes.
4. Environmental management expertise.

6. **Basic Layout Report of the Environmental Impact Assessment**

The Bidders that fail to provide the mentioned Technical Capacity of this RFP, as well as any other related document required in this RFP, or if the document(s) is (are) non-responsive, shall be considered non-eligible and their further financial qualifications shall not be evaluated.

All documents must be original or notarized copies thereof. Cases of non-delivery of a document or study, according to the requirements set out in these Standard Documents of the Competitive Procedure, or false and incorrect documents are considered as grounds for disqualification.

Appendix 10

[To be completed by the Economic Operator]

JUDICIAL RECORDS STATEMENT

Of the economic operator participating in the procedure of concession to take place on _____ by the Contracting Authority _____ regarding _____

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

- **The economic operator _____ is not convicted of criminal offences/infringements pursuant to article 45/1 of the Public Procurements Law,**
- **The economic operator _____ is not convicted by virtue of a final court decision related to the professional activity,**

Date of declaration submission _____

Bidder's Representative

Signature

Seal

Appendix 11

EVALUATION CRITERIA

The bids shall be evaluated based on the following criteria and the winner, who has attained the largest number of points based on the evaluation criteria, shall be considered a winner.

The Bid Evaluation Commission shall evaluate the Technical and Financial Bids on the basis of the following criteria:

Evaluation methodology

No.	Criteria	Maximum score per criterion	Evaluation methodology
1	Bidder's description	7	-
2	Brief summary and project's strategic reasoning including:	30	-
	a Improvement of the Masterplan made available by the contractual authority	15	-
	b Value Added solutions	10	-
	c Social responsibility:	5	-
3	Experience in Construction and/or Renovation Projects of at least 1 (one) airport (Category 4E), during the last 10 (ten) years, with a capacity of more than 10 (ten) million passengers.	8	$P_i = \frac{A_i}{A_{max}} * P_k$
4	Operation and Maintenance (O&M) experience	7	$P_i = \frac{OM_i}{OM_{max}} * P_k$
5	Experience on obtaining funds	8	$P_i = \frac{L_i}{L_{max}} * P_k$
6	Traffic growth capacity and network experience	12	-
7	Concessionary fee	5	$P_i = \frac{F_i}{F_{max}} * P_k$
8	Time of putting into operation	5	$P_i = \frac{T_{min}}{T_i} * P_k$
9	Minimum level of guaranteed revenues	18	$P_i = \frac{R_{min}}{R_i} * P_k$

Symbols annotation:

P_i – Bidder's score

A_i – Number of bid airports by the Bidder

A_{max} – Maximum airport bid number

OM_i – Number of airports operated by the Bidder
OM_{max}-Maximum number of bids for operated airports
L_i – bidder's amount of contracted funds per project
L_{max}- highest amount of funds obtained per project
F_i – concessionary fee bid
F_{max} – highest concessionary fee bid
T_i – bidder's time of putting into operation
T_{min} – minimal time offered for putting into operation
R_i – bidder's amount of “minimum guaranteed revenues”
R_{min}- lowest bid amount of bidder's “minimum guaranteed revenues”
P_k – Specified criterion scores

The criteria presented in the Bid shall be considered as non-negotiable terms of the Concession Contract and under no circumstances shall they be modified.

Rationale on the bidders' evaluation criteria and methodology during the competing procedure:

1 Description of Bidder: identification of the Respondent company and corporate information. In case Respondent is a Consortium, description of all Consortium members and the activities where each member shall be in charge including a description of all Team members and the anticipated legal relationship (governance and shareholder structure) among the Team members, as appropriate. Insert table with CV references to create a link with the point C3. The organizational structure and bidders works references. The Bidder providing the best description shall receive the highest score for this criterion me.

- 2 Executive summary and strategic rationale of the project:
- a. Improvement of the Master Plan provided by the authorities
 - b. Added Value Solutions
 - c. Social Responsibility

This section shall assess the description of economics, business developments and architectural developments.

- a. Improvement of the Master Plan provided by the authorities

This section shall assess -on the basis of the information shown in the Master Plan concept- better aviation and terminal functionalities, operation lay out and architectural design and economical and environmental results. Respondent shall include a description of the experience related to constructions and/or installations related to Jet Fueling.

- b. Added Value Solutions

This section shall assess the different options or solutions that may bring additional added value in economic/technological/operational/efficiency terms; as well as ideas/proposals and information on the ability to grow revenues and traffic. As an extended scope of the Tender Respondents may list options and proposals aimed to suggest further improvements related to marketing and infrastructure development.

- c. Social Responsibility

This section shall assess the different industrial options which shall lead to an improvement in employment levels and/or which shall have a significant social impact and/or aeronautical qualifications.

The Bidder best complying with the requirements of this criterion shall receive the highest scores for this criterion.

3 Experience with Construction and/or Refurbishment Projects of at least 1 (one) airport (4E category), during the last 10 (ten) years,) of more than ten (10) millions passengers.

The Bidder who shall demonstrate the required capacity in Construction and/or Refurbishment projects during the past ten (10) years of at least one (1) airport (Category 4E) of more than ten (10) millions passengers, shall receive the highest score for this criterion. On the other hand, the other Bidders shall receive the scores based on the specified methodology.

4 Operation and Management Experience (O&M)

The Bidder, or, if the Bidder is a Consortium, the Airport Operator, shall demonstrate by listing the airports concerned:

Experience on: (a) development, design, engineering, procurement and construction, operation and maintenance and (b) management and monitoring of Commercial Airport Infrastructure construction projects during the past five (5) years in at least one (1) airport of more than ten (10) millions passengers and two (2) airports of up to five (5) millions passengers.

Managing experience: facility maintenance/repair and procurement of related materials. Respondent shall provide evidence of their certified expertise in project engineering and maintenance..

Experience on General Aviation activities.

Experience on System or Network of Airports: Respondent shall provide evidence of their certified expertise in management of airport systems (with inherent traffic competences)

The Bidder providing the highest number of operated and maintained airports shall receive the highest score for this criterion. On the other hand, the other Bidders shall receive the scores based on the specified methodology.

5 Experience with obtaining funds

The Bidder, or, if the Bidder is a Consortium, the Lead Member or the Financial Member, shall demonstrate the ability to fund/finance the Project through equity investments and/or debt financing raised for the Project, including having financed at least one (1) previous project in excess of EUR 100 million in the past five (5) years

The Bidder presenting the highest value of benefited financing shall receive the highest score. On the other hand, the other Bidders shall receive the scores based on the specified methodology.

5 Traffic Growth Capacity and network experience

The Bidder must provide specific evidence demonstrating proven ability and results on traffic growth via route development and marketing, over the last three (3) years in three (3) regional airports managed by Bidder.

Bidders shall detail any experience in operating, management and maintaining a group of airports (with inherent traffic competences), owned or leased by the same entity, contractually bundled, either in the form of a management/O&M contract, lease contract or a long-term concession agreement, for three (3) consecutive years in the last ten (10) years..

The Bidder providing the best outputs for traffic growth and network experience as well as the lowest proposed service fees shall receive the highest score for this criterion.

6 Concession fee

This fee refers to the concession monetary compensation that the concessionaire shall pay to the Contracting Authority for using the Vlora Airport. This fee shall be payable from the moment of putting the airport into operation. The fee amount shall be expressed in percentage of the concessionaire's annual revenues and be paid to the Contracting Authority.

The lowest concessionary fee shall amount to 2 %, and this amount shall be provided for in the Contract as a non-negotiable term.

The Bidder proposing the highest concession fee amount shall receive the highest score. On the other hand, the other Bidders shall receive the scores based on the specified methodology.

7 Time of putting into operation

This criterion shall assess the Bidders in terms of timeframes within which the airport construction shall be completed and it be put into operation.

The Bidders proposing the reasonably shortest time for the airport construction (starting from the moment of being grating the necessary permits and licenses for works commencement) and it being put into operation shall receive the highest score for this crediting. On the other hand, the other Bidders shall receive the scores based on the specified methodology.

9 Lowest level of guaranteed revenues

This criterion refers to the lowest level of revenues guaranteed by the state during the first 10 years of operation to the fulfillment of this project. The Bidder proposing the lowest amount of the “minimum guaranteed revenues” shall receive the highest score for this criterion. On the other hand, the other Bidders shall receive the scores based on the specified methodology.

Appendix 11

SELF-DECLARATION FOR FOREIGN BIDDERS

- For participation in the procedure for the award by concession/PPP of “On the design, construction, operation, maintenance and transferring of the Vlora International Airport (VIA) from the Concessionaire to the CA”

[Date]

For: Ministry of Infrastructure and Energy

[Bidder's Name/Steering Member of the Temporary Consortium] declare and guarantee that on the date thereof *[Bidder's Name/Steering Member of the Temporary Consortium]* and every member of the *Temporary Consortium* (as appropriate)

- (a) is not subject to the bankruptcy or liquidation procedures;
- (b) is not convicted for a criminal offence;
- (c) is not convicted by virtue of a final Court Decision related to the professional activity;
- (d) equities/assets are not estimated by the Bailiff Office or there is a seizure order thereupon;
- (e) has met all fiscal obligations;
- (f) has met all social insurance obligations.

Yours sincerely

Signature of the Authorized Person
Name and Position of the Signer
Bidder's Name/Head of the Temporary Consortium
Address

Appendix 12

(To be completed by the contracting authority)

IMPLEMENTATION PROJECT AND TECHNICAL SPECIFICATIONS

- *Document attached at the E-Procurement System*

Appendix 13 - Not applicable

(To be completed by the contracting authority)

COST ESTIMATES OF WORKS

Appendix 14

[To be completed by the Contracting Authority]

STANDARD NOTICE ON THE DISQUALIFIED BIDDER

[Place and date]

[Name and address of the contracting authority]

[Bidder's address]

Dear Mr./Mrs. <contact name>

I would like to thank you for participating in the aforementioned concession/public-private partnership procedure. The procedure conducted in accordance with the Law on Public Procurements, no.125 / 2013 "On Concessions and Public-Private Partnership" as amended and DCM no. 575, dated 10.7.2013 "On the Approval of Rules for Evaluation and Award by Concession/Public-Private Partnership", as amended.

Your bid was carefully evaluated according to the terms and conditions set out in the contract notice and the bid file. I regret to inform you that you were [disqualified] [eliminated because the bid submitted by you was rejected due to the following reason(s) *[check the right box]*:

[the entity]

- participated in the preparation of contract notice or tender file or a part of it, which were used by the contracting authority
- was provided with illegal assistance in the preparation of contract notice or tender file or a part of it

[the entity]

- It has been subject to a trial held by a competent jurisdiction court that has committed a criminal or administrative offence, including corruptive practices, money laundering, criminal organization, provided for in applicable laws and regulations in Albania, or in international agreements and conventions;
- A competent jurisdiction court has decided that it has committed fraudulent actions or an action equivalent to fraud;
- It is being prosecuted for one of the criminal offences described in Article 45 of Law No. 9643, dated 20.11.2006, "On public procurement";
- It has gone bankrupt; activity has been taken in administration by the court, in compliance with Article 45 of Law No. 9643, dated 20.11.2006, "On public procurement".
- It is subject to bankruptcy declaration procedure, based on an order for compulsory liquidation or administration by the court, or by an agreement with creditors or similar procedures, in compliance with public procurement rules;
- It has been sentenced by final court decision for offences related to professional activity;
- It has not paid social insurance contributions in compliance with the Albanian Law and provisions in force in the country of origin;

- It has not fulfilled obligations related to tax payment, in compliance with the Albanian Law and provisions in force in the country of origin;

You failed to submit:

- Requested certificates or attestations indicating that you are not in conditions set forth by public procurement rules;
- A certificate, document or other sufficient attestations requested by the contracting authority, with the aim of verifying your professional suitability;
- Sufficient attestations, as indicated in public procurement rules indicating that the candidate or the bidder in question meets the requirements for minimum financial, technical and professional capacities, specified in bid file or contract notice;
- The Contracting Authority has decided that you have submitted documents containing false information, with the purpose of being qualified;
- Your bid [does not meet requirements] [it is not correct];
- You failed to meet requirements for the bid security;
- (any other cause apart from the ones mentioned above)

REASONING

[You are disqualified] [your bid was rejected] because of the following reasons:

[Please, write detailed reasons for the disqualification or rejection of the bid in question]

If you believe that the Contracting Authority has violated the Law no. 125/2013 “On concessions and public- private partnership” and DCM 575, dated 10.7.2013 “On the approval of rules for evaluation and award by concession/public-private partnership” during the concession/PPP procedure, then you shall be entitled to start a review procedure envisaged in the Law “On concessions and public -private partnership”.

Although we have not been able to make use of your services on this occasion, I believe that you shall continue to take an active interest in our initiatives of concession/PPPs.

Yours sincerely

< **Name** >

Appendix 15

[To be completed by the Contracting Authority]

WINNER’S NOTIFICATION FORM

[Date_____]

For: [Name and address of the awarded bidder]

Concession/public-private partnership procedure

Short description of the contract: [Amount or purpose and duration of the contract]

Previous publications (if any): Bulletin of Public Notices [Date] [Number]

We notify that the following bidders have participated in this procedure with these respective offered values:

1. _____ Value (in numbers and words)

2. _____ Value (in numbers and words)

Etc. _____ Value (in numbers and words) _____

The following bidders were disqualified:

1. _____

2. _____

accordingly for the following reasons:

* * *

(Contracting Authority) hereby informs[name and address of the awarded Bidder]that the bid submitted on [date]for the award by concession of [name and general description of the contract scope]is accepted.

The term of negotiation of your Contract shall be_____

The Bidder [name]is required to submit to the (Contracting Authority) the following documents:

- A copy of notification about the Form of General and Special Conditions of the Concessionary/Public- Private Partnership Contract, signed.
- Contract Security as per the form required in the Standard Documents of the Competitive Procedure. The security shall be submitted no later than the time of Contract signature by both parties.
- A bank document certifying the payment made for the expenses of publication and specialized consultancy (if any). This payment shall be executed before the start of negotiations.

If you withdraw from the contract conclusion, you should inform in writing.

..... *Contracting Authority*

Classification notification is made on _____

Complaints: yes or no _____

(if any) has received a reply on _____

[Head of the Contracting Authority]

Appendix 16

GENERAL CONTRACT TERMS

- *Document attached at the E-Procurement System*

Appendix 17

[To be completed by the Contracting Authority]

SPECIAL CONDITIONS (DRAFT CONTRACT)

- *Document attached at the E-Procurement System*

Works

The following special conditions of the Contract shall meet the General Contract Conditions. In case of the occurrence of any conflicts, the following provisions shall prevail over the General Conditions.

Article 1: Definitions

1.1 The Contracting Authority is

1.2 The Contractor is

Article 2: Contract Security

2.1 The contract security in the amount of 5% of the value thereof, shall be provided by the contractor to ensure the enforcement of his obligations under the contract.

2.2 The contract security shall be issued or immediately returned to the Contractor in accordance with the following file:

Article 3: Name of the Contracting Authority

3.1 Representative of the Contracting Authority:

3.2 Address/contact point: _____

Article 4: Site

4.1 The Site of Works shall be (accurate description of the location of facility to be built):

Article 5: Date of Commencement

5.1 This Contract:

Article 6: Type of Contract

Appendix 18

[Headed notepaper of Bank / Insurance Company]

[To be submitted by the Economic Operator/Supplier]

CONTRACT SECURITY FORM

[Date _____]

To: [Name and address of the Contracting Authority]

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

Concession/PPP procedure: [type of procedure]

Short description of the contract: [scope]

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

Whereas:

- (Name of the Awarded Bidder) is announced winner in the Competitive Procedure for the Award by Concession/PPP of _____, located in _____, based on the letter of (name of the Contracting Authority) (hereinafter referred to as "Contracting Authority"), Prot. no. , dated _____.2018, "Winner's Notification" and
- The Awarded Bidder has delivered to us the Draft Contract concluded between him and the Contracting Authority, "On the award by concession/PPP of ____; and
- in your Contract, you request the issuance of a Contract Security in the amount specified below as a guarantee for the fulfillment of the Concessionaire's obligations provided for in the Contract; and
- (Bank name/insurance company) agrees to issue this guarantee.

We hereby declare that:

- we are the guarantors of the above cited contract up to the total amount of (*amount in figures and words*), an amount which is payable in the method and currency specified in the contract; and
- we undertake to pay, upon you make the first written request and without the need to argue the request, any amount within the limit of (*amount of guarantee*); and
- in order to receive this guarantee, there is no need to previously refer to the Concessionaire\Public- Private Partnership to realize the payment upon your request; and
- any additions or amendments of the Contract conditions for which you may agree with the Concessionaire, does not release us from the obligations of this Guarantee.

This guarantee shall be valid until the date including _____ days from the date of issuance of the Completion Certificate.

This Security shall be valid until the full contract implementation.

[Bank representative/insurance company]

Appendix 19 (Draft)

[To be completed by the Contracting Authority]

FORM OF PUBLICATION OF THE SIGNED CONTRACT NOTIFICATION

I. Contracting Authority

I.1 Name and address of the contracting authority

Name _____
Address _____
Tel/Fax _____
E-mail _____
Website _____

I.2 Type of contracting authority and the main activity or activities:

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

II Contract Scope

II.1 Type of Contract

Work	Services
<input type="checkbox"/>	<input type="checkbox"/>

II.2 Brief description of the contract

1. Contract Scope _____
2. Contract Form _____
3. Financing Source _____

II.3 Contract duration or time limit for execution:

Duration in months or days

or

starting from and ending on

III Procedure

III.1 Type of procedure:

	Open	Restricted	With negotiation by preliminary announcement
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III.2 Number of delivered bids:

Number of regular bids:

IV. Information on the contract

IV.1 Contract number: _____

Contract date

IV.2 Name and address of the Contractor

Name _____
Address _____
Tel/Fax _____
E-mail _____
Website _____

IV.3 Total value

Value _____ (without VAT)

Currency _____

IV.4 Additional information (*if any*)

Date of distribution of this notice

Appendix 20 (Draft)

**PROCUREMENT COMPLAINT FORM SUBMITTED TO THE
CONTRACTING AUTHORITY**

Complaint to: Contracting Authority

Section I Complainant Identification

The complainant can be a bidder or a potential bidder (e.g. individual, partnership, corporation, joint venture).

Complainant's full name (please type)

Address

City

State

Postal code/ Zip Code

Telephone No. (including area code)

Fax No. (including area code)

E-mail

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

Signature of authorized official

Date (year/month/day)

Telephone No. (including area code)

Fax No. (including area code)

Section II Information on the Procedure

1. Identification Number

*Complete the contract number provided in the contract notification or bid documents including the **type of procedure used** for the concession/ public-private partnership in question (e.g. Request for Proposal [RFP], Open procedure [OP], Restricted procedure [RP], Negotiated Procedure through Preliminary Announcement [NP]).*

2. Contracting Authority

Name of the contracting authority administering the procurement process

3. Estimated Value of the Concession/PPP

Estimate of the contract value (amount in number and letters)

4. Contract scope

Brief description of the works/ services acquired

5. Final Deadline for Bid Submission

Final deadline for the submission of bids

6. Contract Award Date

Section III. Description of the complaint

1. Complaint Legal Grounds

(write down the legal infringement with regard to decisions, deeds, documents etc.)

2. Detailed statement of facts and arguments

Give a detailed statement of the facts and arguments that support your complaint. For each reason of your complaint specify the date when you were informed on the facts related to the reasons of your complaint. Also mention the relevant sections of the bid documents, if applicable. Use additional sheets if necessary.

3. List of Appendixes

In order for a complaint to be considered filed, it shall be complete.

*If possible, attach a legible copy of all documents that are relevant to your complaint and a list of all these documents. The documents would typically include **any notification published, all bid documents, with all amendments and attachments, your proposal.** Specify which information, if any, is confidential. Explain why the information is confidential and provide either a version of the relevant documents with confidential sections removed, or a summary of the contents.*

Send the completed concession/PPP complaint form, all the necessary Appendixes and some additional copies, to the **Contracting Authority**.

4. Preliminary objection against the Contracting Authority

An objection is deemed a complaint directly addressed to the contracting authority. Attach a copy of each complaint in writing, including the answer, if any.

1. Have you filed any similar objections? If yes, then specify the method of objection (e.g. in writing, via fax etc.).

Yes No

2. Contracting Authority to which the objection is filed

Name of the contracting authority.

Name and title of the official subjected to objection.

3. Nature of the Required Corrected Measure

What corrective measure do you request?

4. List

*In order for a complaint to be considered filed, it shall be complete. Attach a legible copy of all documents that are relevant to your complaint and a list of all these documents. The documents would typically include **any notification published, all bid documents, with all amendments and Appendixes, your proposal, all correspondence and any written information related to any objections you have made.** Specify which information, if any, is confidential. Explain why the information is confidential or provide a version of the relevant documents with confidential sections removed and a summary of the contents.*

Submit the completed Complaint Competition Form, all the necessary Appendixes and some additional copies to: **The relevant authority according to law no. 125/2013 "On Concessions and Public- Private Partnership", as amended.**

Fax No:
Signature and Seal of
Complainant

Note: For the complaints to the Public Procurement Commission, you should refer to the Complaint Form issued by this institution.

Fax No:
E-mail:
Signature and Seal of
Complainant

Appendix 21

POWER OF ATTORNEY FORM

POWER OF ATTORNEY

This day, month, year.....

Before me

the Notary Public

I, the undersigned Mr./Mrs. _
in his/her quality of _____

Nationality_____

Holder of the Passport or Identity Document no.
_____ issued by

on_____

Domiciled in_____

hereby designate Mr./Mrs. _____ in his/her quality as _____, to:

- (a) sign or seal and deliver to the competent authorities all documents listed in the Schedule 1 attached;
- (b) deliver and take over any kind of documents or instruments in relation to the documents listed in the Schedule 1 attached; and
- (c) to carry out all necessary or additional actions regarding the issues specified in this document, including the signature and execution of each act required to implement, complete the documents listed in Schedule 1 or that these documents bring consequences thereof.

and is authorized to designate other persons to exercise any or all powers set out in this Power of Attorney.