

REPUBLIC OF ALBANIA

MINISTRY OF TRANSPORT AND INFRASTRUCTURE

MILOT – MORINE HIGHWAY PROJECT

REQUEST FOR QUALIFICATION

February 8, 2016

Contract Notification

I. Contracting Authority

I.1. Name and Address of Contracting Authority

Ministria e Transportit dhe Infrastrukturës
Sheshi "Skenderbej", No. 5, Tiranë
Republika e Shqipërisë
www.transporti.gov.al

I.2. Name and address of contact person

Mr. Eduart Seitaj, e-mail: Eduart.Seitaj@transporti.gov.al
Ministria e Transportit dhe Infrastrukturës
Sheshi "Skenderbej", No. 5, Tiranë
Republika e Shqipërisë

I.3. Type of Contracting Authority

Central Institution

II. Contract Object

II.1. Type of Contract

Concession/PPP

II.2. Short Description of the contract

The Government of Albania through the Ministry of Transport and Infrastructure ("MTI") intends to grant concession/PPP to construct, upgrade, operate and maintain the Milot – Morine Highway. The Highway forms part of the National Roads network and constitutes the largest road engineering project constructed in Albania's history. Linking Milot, approximately 60km north east of the Adriatic Port of Durres, with Morine at the Kosovo border, the route forms the central section of the wider Albania to Kosovo Highway, connecting Durres with Pristina.

The main objective of this works and services Concession/PPP project is upgrading of the Highway and its effective operation and maintenance. The Future Concessionaire will upgrade, operate and maintain the Highway subject to a set of predefined performance standards over a 30 year

concession term. The future Concessionaire will collect and keep toll revenue and in exchange it will have responsibility to implement and finance motorway improvement measures, construct a new Drini Bridge at Kukes, and implement the most urgent geotechnical stabilization works.

II.3. Contract Period

30 Years

II.4. Location of the Contract Object

Milot, approximately 60km north east of the Adriatic port of Durres, to Morine, at the Kosovo border.

II.5. Contract Separation into Lots

No

III. Legal, economic, financial and technical information

III.1. Qualification Criteria

- Legal Requirements
- Technical Requirements on:
 - General Experience
 - Toll Road Operation Experience
 - Highway and Bridge Maintenance Experience
 - Tunnel Operation and Maintenance Experience
 - Highway Construction Experience
- Financial Capability

III.2. Bid Security

At the time of Bid submission, Prospective Bidders will be required to submit a Bid Security in the amount of Euro 250,000.

IV. Procedure

IV.1. Type of procedure

Restricted Procedure

IV.2. Winning Bidder Selection Criteria

The best offer based on: **Lowest requested Subsidy**

IV.3. Request for Prequalification Submission Deadline

Date: May 9, 2016

Time: 15:00 CET

Location: Official Website of the Public Procurement Agency of the Republic of Albania

www.app.gov.al

IV.4. Deadline for opening of Prequalification Applications

Date: May 9, 2016

Time: 15:00 CET

Location: www.app.gov.al

IV.5. Proposal Validity Period

8 months.

IV.6. Language for Bid and Request for Prequalification Preparation

Prequalification Applications and all related correspondence and documents shall be submitted in Albanian or English.

V. Additional Information

V.1. Tender Procedure Documents can be downloaded electronically, free of charge, at the web address www.app.gov.al

V.2. Any communication, question, clarification or information required by Prospective Bidders about the Bid Procedure shall be addressed only to the Contact Person, with a copy to the IFC's Transaction Leader at okudashov@ifc.org

V.2. Requests for clarification must be submitted prior to:

Date: April 25, 2016

Time: 15:00 CET

Date of Announcement of this Contract Notification: February 8, 2016, at 15:00 CET.

**Reference: Milot – Morine Highway Concession/PPP Project
Republic of Albania**

The Ministry of Transport and Infrastructure (“**MTI**”) of the Republic of Albania (“**Albania**”) hereby invites prequalification applications (“**Prequalification Applications**”) from prospective bidders (each a “**Prospective Bidder**”) for the execution and completion of a concession to construct certain elements, upgrade, operate and maintain the Milot – Morine Highway (the “**Concession/PPP**”).

The Concession will be awarded through a competitive tender process.

The following prequalification procedure has been adopted:

1. MTI published an invitation for prequalification in:
 - (a) the website www.transporti.gov.al on February 8, 2016 at 15:00 CET;
 - (b) Financial Times newspaper on February 8, 2016; and
 - (c) Panorama and Standard newspapers on February 8, 2016.
2. MTI published the tender notification announcement, including this Request for Qualification, Request for Proposals, and the draft Concession Agreement, on the website of the Albanian Public Procurement Agency (www.app.gov.al) on February 8, 2016, at 15:00 CET.
3. Following submission of Prequalification Applications, Prospective Bidders will be evaluated in terms of the requirements and criteria established in the attached Instructions to Prospective Bidders.
 - 3.1.1 Prospective Bidders that are determined to meet the requirements and criteria of the prequalification process shall be designated as “**Prequalified Bidders**”.
 - 3.1.2 Prequalified Bidders shall be entitled to have their Bids evaluated by the Bid Evaluation Committee.

Prequalification Applications must be submitted electronically by 15:00 local Tirana time on May 9, 2016 through the electronic portal of the Albanian Public Procurement Agency at the electronic address indicated in Appendix 1 (*Prequalification Application Details*).

Prequalification Applications will be evaluated by a tender evaluation committee (the “**Tender Evaluation Committee**”) established by the MTI.

IMPORTANT NOTICE

This invitation is provided to the recipient solely for use in preparing and submitting Prequalification Applications in connection with the Concession. The invitation is being issued by MTI solely for use by Prospective Bidders in considering the Concession. The invitation has been prepared with the assistance of International Finance Corporation ("**IFC**") as transaction adviser for the Concession/PPP.

Neither MTI nor IFC, nor their respective consultants or advisers make any representation (express or implied) or warranty as to the accuracy or completeness of the information contained herein or in any other document made available to a Prospective Bidder in connection with the tender process for the Concession and shall have no liability for this invitation or for any other written or oral communication transmitted to a Prospective Bidder in connection with a Prospective Bidder's evaluation of the Concession. Neither MTI nor IFC, nor their respective consultants or advisers will be liable to reimburse or compensate a Prospective Bidder for any costs or expenses incurred by a Prospective Bidder in evaluating or acting upon this invitation or otherwise in connection with the Concession as contemplated herein.

The winning bidder shall reimburse to the Contracting Authority all the costs related to publication of the contract notification as provided in this documents, after the winning bidder notification.

This invitation does not constitute a solicitation to invest, or otherwise participate in, the Concession.

INSTRUCTIONS TO PROSPECTIVE BIDDERS

**MINISTRY OF TRANSPORT AND INFRASTRUCTURE
OF THE REPUBLIC OF ALBANIA**

**MILOT – MORINE HIGHWAY PROJECT
REQUEST FOR QUALIFICATION**

February 8, 2016

1. Introduction

The Ministry of Transport and Infrastructure (“**MTI**”) of the Republic of Albania (“**Albania**”) hereby invites prequalification applications (“**Prequalification Applications**”) from prospective bidders (each a “**Prospective Bidder**”) for the execution and completion of a concession to construct certain elements, upgrade, operate and maintain the Milot – Morine Highway (the “**Concession/PPP**”).

1.1 Milot – Morine Highway Description (the “**Highway**”)

The Highway forms part of the National Roads network of Albania. Linking Milot, approximately 60 km north east of the Adriatic port of Durres, with Morine at the Kosovo border, the route forms the central section of the wider Albania to Kosovo Highway, connecting Tirana and Durres with Kosovo.

Constructed in stages, the Highway is comprised of three sections, built to differing engineering standards:

- Section 1: Milot - Rreshen (26 km) is a two-lane road financed by the World Bank, IDA and the OPEC Fund. The section starts at the Milot Junction, which is at the intersection with the Tirana-Shkoder highway;
- Section 2: Rreshen - Kalimash (60.3 km) is a four-lane motorway in mountainous terrain built by Bechtel-Enka JV between April 2007 and June 2009 with Government funding. It includes the 5.5 km Thirra tunnel;
- Section 3: Kalimash - Morine (28.2 km) is a four-lane expressway with the exception of seven bridges which are two-lane, completed in 2011 with Government funding.

The Highway contains 57 bridges and 5 overpasses. Out of the 57 bridges, 37 are dual carriageway (all bridges in Section 2 and some in Section 3), 16 are single carriageway (all in Section 1 and the existing bridge over river Drini), and the rest are under construction by the Government (the left carriageway, all in Section 3).

Pavement strength is satisfactory and no failures are expected to occur due to traffic. Section 2 has been constructed with a semi-rigid pavement, while Sections 1 and 3 have a flexible pavement structure.

Traffic along the Highway varies between 4,200 AADT at the Thirra tunnel (Section 2) and 6,400 AADT in the vicinity of Milot (Section 1).

1.2 The main objective of the Concession is upgrading of the Highway, particularly slope stabilization works, and its effective operation and maintenance. Core Concession terms include the following:

1. Subject of the concession/PPP project: the road between Milot and Morine, consisting of sections Milot-Rreshen, Rreshen-Kalimash, and Kalimash-Morine.
 2. Duration of the concession term: 30 years (subject to the earlier termination of the Concession Agreement in accordance with its terms).
 3. Activities to be performed by the concessionaire: upgrading, financing, constructing, operating (including tolling) and maintaining the Milot-Morine highway subject to a set of contractually defined performance standards.
-

4. Sources of concessionaire's revenue: toll revenues collected from road users and subsidies received from the Contracting Authority.
5. Concession fee payable by the concessionaire: none.
6. Governing law: the Concession Agreement shall be governed by the law of the Republic of Albania.
7. Bidding criterion: the winning bidder shall be selected on the basis of the lowest subsidy requested from the Contracting Authority.

1.3 Project Data and Information

MTI and its advisors have completed the following analyses, reports of which will be made available in a project data room (the "**Data Room**"):

- (a) Traffic analysis and toll feasibility study, which include traffic counts, road user interviews, willingness to pay surveys, interviews with transport companies, and traffic and revenue forecasts;
- (b) Comprehensive diagnosis of the condition of the Highway, including pavement quality assessment, non-invasive diagnosis of bridges, assessment of drainage structures and protection and safety elements;
- (c) Geotechnical survey, which included a LiDAR survey of all geologically complex sections of the Highway, ortho-photo imaging, detailed ground testing, engineering geology mapping at a scale of 1:1,000, as well as identification, definition, description and hazard classification of all slopes along the Highway;
- (d) Conceptual design of the new Drini Bridge.

Current preliminary estimates of the total size of new capital investment, excluding major maintenance and replacement capex, range from 43 to 48 million Euros.

1.4 Regulatory Regime

The tender process shall be governed by the Council of Ministers Decision no. 634, dated 1/10/2014 "ON THE APPROVAL OF RULES FOR EVALUATING AND AWARDED OF CONCESSIONS / PUBLIC PRIVATE PARTNERSHIPS IN PUBLIC WORKS FOR THE CONSTRUCTION, OPERATION, MAINTENANCE AND REHABILITATION OF NATIONAL ROADS", amended. The Decision defines the preparatory actions for awarding a concession / public private partnership contract, the assessment of eligibility, content and treatment of unsolicited proposals, as well as the procedures and criteria for the implementation, evaluation and approval of concession / public private partnership projects for the construction, operation, maintenance and rehabilitation of national roads which represent special interest for Albania's road infrastructure.

1.5 Consortia

A Prospective Bidder may take the form of a consortium (a "**Consortium**") comprised of companies, firms, corporate bodies or other legal entities. Prospective Bidders will be able to change composition of their Consortia in accordance with this Section 1.5 and Section 5 of this Request for Qualification subject to the approval of MTI.

1.6 Consortia – Lead Member

Each Consortium shall appoint and authorise one lead member ("**Lead Member**") to represent and irrevocably bind all members of the Consortium in all matters connected with the prequalification and tendering process, including but not limited to the submission of the Prequalification Application on behalf of the Consortium.

The Lead Member must hold an interest in the Consortium and in any vehicle incorporated by the Consortium to implement the Concession of no less than 20%.

1.7 Consortium – Participation Restrictions

No company or other form of legal entity may participate in two or more Prequalification Applications, whether individually or as a member of a Consortium.

No Prospective Bidder or member of a Consortium may have control over another Prospective Bidder or member of a Consortium. For purposes of this Request for Qualification, "control" means the power to elect a majority of the board of directors (or other similar constituent body) or otherwise direct the management and policies of an entity, directly or indirectly, whether through the ownership of voting securities, by contract or otherwise, and "controlling" and "controlled" have correlative meanings.

1.8 Costs

Prospective Bidders shall bear all costs associated with the preparation and submission of their Prequalification Application, including without limitation all costs and expenses related to the Prospective Bidders' preparation of responses to questions or requests for clarification.

2. Prequalification Preparation

2.1 Language of Prequalification Application

Prequalification Applications and all related correspondence and documents shall be submitted either in English or in Albanian, with the exception that any pre-printed information (e.g. brochures) furnished by Prospective Bidders as per Section 2.7 of these instructions may be written in another language, provided that it is accompanied by a certified English or Albanian translation of the pertinent passages.

2.2 Documents Comprising the Prequalification Application

Prequalification Applications shall comprise the following documents:

- (a) Part I – information required by Section 2.3
- (b) Part II – documents or information required by Section 2.4
- (c) Part III – where the Prospective Bidder is a Consortium, documents required by Section 2.5
- (d) Part IV – power of attorney required by Section 2.6
- (e) Part V – optional, separately bound pre-printed literature as specified by Section 2.7

Prequalification Applications shall contain no prices or price schedules or other reference to rates and prices for undertaking the Concession. Prequalification Applications containing such price information will be rejected.

All documents comprising the Prequalification Application which were issued by non-Albanian public and state authorities must be apostilled.

2.3 Part I – Prequalification Criteria

In Part I of the Prequalification Application, the Prospective Bidder shall submit proof that it meets the prequalification criteria set out below (the “**Prequalification Criteria**”). If the Prospective Bidder is a Consortium, the Prequalification Criteria must be fulfilled by the Consortium as a whole.

2.3.1 Prequalification Criteria and Required Documents

Prequalification Criteria	Required Documents / Forms
<p>PC1: Technical Criterion 1 - General Experience</p> <p>During the ten years immediately preceding the Prequalification Application submission deadline, the Prospective Bidder shall have had experience in:</p> <ul style="list-style-type: none">(a) toll road operation(b) highway and bridge maintenance(c) tunnel operation and maintenance(d) highway and bridge construction	<p>DPC1:</p> <p>In order to demonstrate that it satisfies this criterion, the Prospective Bidder shall provide copies of contracts and certificates issued by the hiring authority that include all required information, as well as fill out Form 1 presented in</p>

Prequalification Criteria	Required Documents / Forms
in the role of management contractor ¹ , contractor or operator.	Appendix 5.
<p>PC2: Technical Criterion 2 - Toll Road Operation Experience</p> <p>During the ten years immediately preceding the Prequalification Application submission deadline, the Prospective Bidder shall have participated as management contractor or operator in at least one contract, which included or includes responsibility for operating a dual-carriageway highway of at least 60 km in length, including collecting tolls from road users, and which performed or has been performing with no history of Non-Performance².</p>	<p>DPC2:</p> <p>In order to demonstrate that it satisfies this criterion, the Prospective Bidder shall provide copies of contracts and certificates issued by the hiring authority that include all required information, as well as fill out Form 2 presented in Appendix 5.</p>
<p>PC3: Technical Criterion 3 - Highway and Bridge Maintenance Experience</p> <p>During the ten years immediately preceding the Prequalification Application submission deadline, the Prospective Bidder shall have participated as management contractor or Operator in at least one contract, which included or includes responsibility for maintaining a dual-carriageway highway of at least 60 km in length, including routine and periodic maintenance and repairs of roadways, cuts and embankments, and bridges, and which performed or has been performing with no history of Non-Performance.</p>	<p>DPC3:</p> <p>In order to demonstrate that it satisfies this criterion, the Prospective Bidder shall provide copies of contracts and certificates issued by the hiring authority that include all required information, as well as fill out Form 3 presented in Appendix 5.</p>

¹ A company will qualify as a management contractor for the purpose of this Prequalification Application if it has successfully procured and managed relevant contracts, i.e. acted in the role of a concessionaire.

² Non-Performance shall include all contracts where (a) non performance was not challenged by the Prospective Bidder, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the Prospective Bidder. Non-Performance shall not include contracts where Employer's decision was overruled by the dispute resolution mechanism. Non-Performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Prospective Bidder have been exhausted. For the avoidance of doubt, Non-Performance shall not include award of penalty points against the Prospective Bidder in its role as operator or concessionaire where such award did not lead to interruption of services or termination of the project.

Prequalification Criteria	Required Documents / Forms
<p>PC4: Technical Criterion 4 - Tunnel Operation and Maintenance Experience</p> <p>During the ten years immediately preceding the Prequalification Application submission deadline, the Prospective Bidder shall have participated as management contractor or operator in at least one contract, in which the Prospective Bidder was responsible for operating and maintaining a highway tunnel with the following characteristics:</p> <ul style="list-style-type: none"> recorded traffic volume of at least 2,000 vehicles AADT per lane for single tube tunnels and 4,000 vehicles AADT in both directions of travel for double tube tunnels; tunnel length of at least 1.5 km in case of a double tube tunnel or at least 2.5 km in case of a single tube tunnel; tunnel traffic control center; communications and safety systems <p>and which performed or has been performing with no history of Non-Performance.</p>	<p>DPC4:</p> <p>In order to demonstrate that it satisfies this criterion, the Prospective Bidder shall provide copies of contracts and certificates issued by the hiring authority that include all required information, as well as fill out Form 4 presented in Appendix 5.</p>
<p>PC5: Technical Criterion 5 - Highway Construction Experience</p> <p>During the ten years immediately preceding the Prequalification Application submission deadline, the Prospective Bidder shall have participated as management contractor or contractor:</p> <ul style="list-style-type: none"> in at least one contract with a value of the construction component of at least Euros 20,000,000 (twenty million) equivalent, with construction satisfactorily completed, in at least one contract for construction of a highway bridge or viaduct of at least 200 meters in length with a special construction method (preferably balanced cantilever), and in slope stabilization works on projects of similar size and complexity, including construction of rockfall barriers (nets, energy dissipation fences, etc.), retaining and containing walls, bioengineering and erosion control measures, and slope drainage, on road sections with an aggregated length of at least 20 km. 	<p>DPC5:</p> <p>In order to demonstrate that it satisfies this criterion, the Prospective Bidder shall provide copies of contracts and certificates issued by the hiring authority that include all required information, as well as fill out Form 5 presented in Appendix 5.</p>

Prequalification Criteria	Required Documents / Forms
<p>PC6: Financial Criterion 1</p> <p>The Prospective Bidder shall have had a Net Worth of at least Euros 15,000,000 (fifteen million) equivalent at the end of each of the most recent two full financial years.</p>	<p>DPC6:</p> <p>The Prospective Bidder, or if the Prospective Bidder is a Consortium then each member of the Consortium, shall provide audited financial statements duly certified by a certified public accountant for the most recent two full financial years for which such statements are available, including the consolidated balance sheet, income statement, statement of cash flows and the accompanying notes.</p> <p>The Prospective Bidder shall also provide a summary of its Net Worth values in Form 6 presented in Appendix 5.</p>

2.3.2 Recognition of the Contracts

For a contract to be recognized as evidence of required experience the following principles must hold true:

- For PC2, PC3, and PC4:
 - the Prospective bidder must have been either the sole contractor for the project, or owned / owns at least 5% of equity in the project company which implemented / is implementing the project during the entire contractual period in which the experience requirements were met;
 - if the contract has not been completed, it must have been ongoing for at least five years.
- For PC5:
 - the Prospective Bidder must have either been the sole contractor for the project, or owned at least 20% of equity in the project company which implemented the project during the entire contractual period in which the experience requirements were met;
 - the contract must be completed at the time of the Prequalification Application submission.

2.3.3 Other Members' Participation in the Project Company

Each Member of the Consortium whose credentials are used for the purpose of meeting prequalification criteria shall have substantial (no less than 20% for the Lead Member and

no less than 5% for all other members) participation in the capital of a Project Company or any other entity that will be created for the purpose of implementation of the Concession.

2.3.4 Fulfilment of Prequalification Criteria through an Affiliate

The Applicant (or if the Applicant is a Consortium, members of the Consortium) may choose to present evidence (including financial statements) from an Affiliate to satisfy the Financial Criteria (set out in PC6 above).

The Applicant (or if the Applicant is a Consortium, members of the Consortium) may choose to present evidence of works and services by an Affiliate to satisfy any Technical Criterion.

For purposes of this Request for Qualification, an “Affiliate” means any entity directly or indirectly controlling, controlled by or under common control with the Applicant. For purposes of this Request for Qualification, “control” means the power to elect a majority of the board of directors (or other similar constituent body) or otherwise direct the management and policies of an entity, directly or indirectly, whether through the ownership of voting securities, by contract or otherwise, and “controlling” and “controlled” have correlative meanings.

If any qualifying criterion, technical or financial, has been executed through an entity which is an Affiliate of the Applicant, the Applicant must submit documentation evidencing that such entity satisfies the definition of an Affiliate as hereinabove set forth.

For purposes of the above, the Affiliate shall provide an executed letter of support that undertakes the responsibility to provide to the bidder all necessary resources in the form attached in Appendix 7.

2.4 Part II – Prequalification Form and Other Documents

In Part II of the Prequalification Application, each Prospective Bidder shall provide the following:

- (a) a Prequalification Application signed by the Prospective Bidder (or if the Prospective Bidder is a Consortium, the Lead Member) in the form of Appendix 2.
 - (b) The following legal documents and background information:
 - (i) basic information on the Prospective Bidder (or each member of a Consortium) as detailed in Appendix 4, including an up to date list of shareholders of the Prospective Bidder holding more than a 5% ownership interest in the Prospective Bidder (or one list for each Consortium Member);
 - (ii) by-laws of the Prospective Bidder (or by-laws for each member of a Consortium) and any amendments thereto;
 - (iii) a valid extract of the Prospective Bidder’s commercial registry (or a valid extract for each member of a Consortium); and
 - (iv) a written statement from the Prospective Bidder (or a written statement from each member of the Consortium) as detailed in Appendix 8, that it is not aware of any conflict of interest or potential conflict of interest
-

arising from prior or existing contracts or relationships which could materially affect its ability to comply with the obligations under the Concession contract.

- (c) Certificates issued by competent public authorities confirming that the Prospective Bidder or each member of the Consortium:
 - (i) is not in bankruptcy or liquidation proceedings;
 - (ii) has not been convicted of fraud, corruption, collusion or money laundering or for a criminal act committed in the course of professional activity performance;
 - (iii) has not had unsettled tax liabilities, social security liabilities, or liabilities in respect of judgments awarded in criminal or misdemeanour proceedings in the period of no less than three years prior to the date of issue of this Request for Qualification;
 - (iv) does not have unsettled outstanding electricity payment liabilities as per the requirements of the Council of Ministers Decision No 379 dated 11 June, 2014 (applicable to Prospective Bidders registered on the territory of the Republic of Albania).

If the above stated certificates are not being issued in the country where the Prospective Bidder has its place of registration or the main place of business, it will be sufficient for it to execute an Affidavit in the form of Appendix 6 attached to this Request for Qualification.

2.5 Part III – Consortia Documents and Requirements

A Prospective Bidder wishing to prequalify as a Consortium shall submit as Part III of the Prequalification Application the following:

- (a) Power of Attorney evidencing the appointment of the Lead Member who is duly authorized by all other Consortium members to act on their behalf.
- (b) An undertaking that any changes in the constitution of the Consortium shall be carried out in accordance with the requirements of Section 1.5 of this Request for Qualification.
- (c) A Consortium Agreement to be entered into between and executed by the legal representatives of its members which, inter alia, confirms each member's commitment to the Consortium.

2.6 Part IV – Power of Attorney

Each Prospective Bidder (or if the Prospective Bidder is a Consortium, the Lead Member) shall provide as Part IV of the Prequalification Application a written power of attorney in the form of Appendix 3, duly notarised, indicating that the person(s) signing the Prequalification Application has(ve) the authority to sign.

2.7 Part V – Pre-Printed Literature

If the Prospective Bidder wishes to provide pre-printed literature (e.g. brochures) about the Prospective Bidder or the Consortium members, that pre-printed literature shall be contained in Part V of the Prequalification Application only and shall be separately bound.

2.8 Clarifications

A Prospective Bidder requiring any clarification of this Request for Qualification, Prequalification Criteria or any of the requirements set out herein may notify MTI in writing at the email address indicated in Appendix 1 with a copy to IFC.

Any request for clarification of the Request for Qualification must be received by email at any time prior to 15:00 Tirana time on April 25, 2016. Electronic copies of the response(s), including explanation of queries but not identification of their source (the “**Response to Questions Document**”), will be sent in one or several rounds to all Prospective Bidders who have confirmed receipt of the Request for Qualification as specified in the introductory letter.

2.9 Timetable

The estimated timetable from the issuance of this Request for Qualification to the issuance of the invitations to submit bids is as follows (the “**Estimated Timetable**”):

Indicative Timetable*

Activity	Target Deadline
Request for Qualification issued	February 8, 2016
Deadline for submission of Clarification Requests	April 25, 2016
Deadline for submission of Prequalification Applications	May 9, 2016

**This timetable is presented for indicative purposes only*

MTI may in its sole discretion and without prior notice to the Prospective Bidders amend the Estimated Timetable. Prospective Bidders shall not rely in any way whatsoever on the Estimated Timetable and MTI shall not incur any liability whatsoever arising out of the amendments to the Estimated Timetable. MTI shall give notice to the Prospective Bidders of any changes to the Estimated Timetable.

2.10 Format and Signing of Prequalification Applications

- (a) Each Prospective Bidder shall submit electronically one Prequalification Application and shall keep its original hard-copy Prequalification Application until it either terminates participation in the tender process or is appointed as Preferred Bidder by the Contracting Authority. Following conclusion of the tender process and prior to the signing of the Concession Agreement, the Prequalified Bidder who shall be appointed as Preferred Bidder shall submit its original hard-copy Prequalification Application for verification. Any Prospective Bidder, Prequalified Bidder or Preferred Bidder who provides false information in its electronic Prequalification Application shall be excluded from the Bidding Procedure.
 - (b) Each original hard-copy Prequalification Application, consisting of the documents listed in section 2.2, shall be typed or written in indelible ink. The person or
-

persons duly authorised to represent the Prospective Bidder shall sign the original hard-copy Prequalification Application and initial all of its pages, except for unamended pre-printed literature.

- (c) Prequalification Applications shall contain no alterations, omissions or additions, unless such corrections are signed by the person or persons signing the Prequalification Application.
-

3. Prequalification Application – Submission

3.1 Submission of Prequalification Applications

- (a) Prospective Bidders shall submit their Prequalification Applications electronically by uploading them prior to the submission deadline onto the web-based portal of the Albanian Public Procurement Agency at www.app.gov.al. Prequalification Applications shall comprise part of the Bid Documents (as defined in the Request for Proposals).
- (b) Instructions for uploading the Bid Documents can be found in the Albanian and English languages on the web-based portal of the Albanian Public Procurement Agency at www.app.gov.al. Requests for clarification in relation to the electronic submission of the Bid Documents shall be submitted to and responded by MTI in accordance with the procedure set out in Section 2.8 of this Request for Qualification.

3.2 Deadline for Submission of Prequalification Application

Prequalification Applications must be submitted no later than the time and date stated in Appendix 1 as the “**Prequalification Application Submission Deadline**”.

4. Prequalification Application – Opening and Evaluation

4.1 Preliminary Examination of Prequalification Applications

The Bid Evaluation Committee will examine each Prequalification Application to determine whether all documents required as per Sections 2.4, 2.5 and 2.6 of this Request for Qualification have been submitted and whether these documents have been properly executed (**“Preliminary Examination”**).

Where the Bid Evaluation Committee deems it convenient or necessary for clarification purposes, it may request supplementary information or documentation from a Prospective Bidder (including each member of a Consortium) for determining its eligibility for prequalification. Whenever such request is made, the Prospective Bidder shall provide the required information to the Bid Evaluation Committee in the form and manner which will be specified by the Bid Evaluation Committee.

Any Prequalification Application (including supplementary information or documentation) which is found not to contain a full set of properly executed documents as per the requirements of Sections 2.4, 2.5 and 2.6 of this Request for Qualification will be rejected by the Bid Evaluation Committee and not included for further consideration.

4.2 Evaluation of Prequalification Applications

The Bid Evaluation Committee will carry out detailed evaluation of the Prequalification Applications that have not been rejected after Preliminary Examination in order to determine whether they are responsive to the Prequalification Criteria. In order to reach such a determination the Bid Evaluation Committee will examine the information and documentation supplied by each Prospective Bidder and take into account the following factor:

Prequalification Criteria set out in section 2.3 Part I shall be evaluated on a “pass” / “fail” basis for each such criterion.

A Prospective Bidder whose Prequalification Application is determined by the Bid Evaluation Committee to meet all Prequalification Criteria specified in Section 2.3 Part I shall be designated as a **“Prequalified Bidder”**.

A Prospective Bidder whose Prequalification Application is determined by the Bid Evaluation Committee not to meet all Prequalification Criteria specified in Section 2.3 Part I shall be designated as a **“Non-Prequalified Bidder”**.

5. Evaluation of Bids

Following evaluation of Prequalification Applications the Bid Evaluation Committee will either:

- (a) designate a Prospective Bidder as a Non-Prequalified Bidder and reject its Prequalification Application on the grounds that it does not meet all Prequalification Criteria and/or other requirements set forth in Sections 2.4, 2.5 and 2.6; or
 - (b) designate a Prospective Bidder as a Prequalified Bidder and proceed with evaluating its bid.
-

Appendix 1

Prequalification Application Details

The following specific data for facility and services to be procured shall supplement the provisions in the Request for Qualification.

Project Name	Milot – Morine Highway Concession
Name of Contracting Authority	Ministry of Transport and Infrastructure of Albania
Address of Contracting Authority	Sheshi Skënderbej Nr. 5, Tirana, Albania
Address for submission of Prequalification Applications	www.app.gov.al
Email address for submission of requests for clarification	For MTI: Eduart.Seitaj@transporti.gov.al For IFC: okudashov@ifc.org
Prequalification Application Submission Deadline	Time and Date: 15:00 local Tirana time May 9, 2016
Language of Prequalification Application	English or Albanian
Number of Copies of Prequalification Application	One electronic application

MILOT – MORINE HIGHWAY CONCESSION

- (a) Power of Attorney (Appendix 3)
- (b) Basic Information Form (Appendix 4)
- (c) Relevant Experience Forms (Appendix 5)
- (d) Affidavit (Appendix 6), if applicable

- (e) Letter of Support from the Affiliate (Appendix 7)
- (f) Other documents required in section 2.4 b, c and 2.5 a, b, c of this Request for Qualification
- (g) Statement on the Conflict of Interest (Appendix 8)
- (h) List of Confidential Information Form (Appendix 12)

[*name of Prospective Bidder*] hereby designates [] as its representative to receive notices in respect of the prequalification and the tender at the following address, telephone and facsimile numbers.

[]

Dated []

[*signature*]

In the capacity of [*position*]

Authorised to sign this Prequalification Application for [*name of Prospective Bidder*]

Appendix 3

Form of Power of Attorney

On this [] day of []

Before me

The Notary in this office

The undersigned

Mr/Mrs []
in his capacity as []

Nationality: []
Holder of Passport or ID no.: []
Issued from: []
Dated: []
Residing at: []

Hereby appoints Mr / Mrs [] in his capacity as [] to:

- (a) execute under hand or under seal and deliver to the competent authorities all the documents listed in Schedule 1 attached hereto;
- (b) deliver and receive any document or instrument in relation to the documents listed in Schedule 1 hereto; and
- (c) do all things necessary and incidental in respect of the matters set out herein including to do, execute and perform any other deed or act ought to be done, executed or performed to perfect or otherwise give effect to the documents listed in Schedule 1.

And is hereby authorised to appoint others for all of part of the powers delegated by the present Power of Attorney.

Schedule 1

- A. DATED *[Insert date of execution]*
- B. THE GRANTOR *[Insert name of the Prospective Bidder / Consortium member]*
- C. THE ATTORNEY *[Insert name of the Lead Member representative]*
- D. PLACE IN WHICH DOCUMENTS ARE DEEMED TO BE EXECUTED AND DELIVERED
ELECTRONICALLY www.app.gov.al
- E. DOCUMENTS All documents in respect of the grantor's prequalification application
in respect of the Milot – Morine Highway Concession

IN WITNESS WHEREOF the Grantor has executed this Power of Attorney *[under seal]* on the date set out above.

[seal]

[name and title of grantor representative]

[Notary seal and signature]

Appendix 4
Basic Information Form

Prospective Bidder Information	
Name:	
Type: (Corporation, Partnership etc.)	
Commercial registration no.:	
Domicile:	
Address of principal office:	
Telephone number:	
Fax number:	
Email address:	
Primary area of business:	
Shareholder certificate (attach separately)	

Consortium Member Information (if applicable, fill in details for all members identifying the Lead Member)	
Name:	
Type: (Corporation, Partnership etc.)	
Commercial registration no.:	
Domicile:	
Address of principal office:	
Telephone number:	
Fax number:	
Email address:	
Primary area of business:	
Shareholder certificate (attach separately)	

Appendix 5

Relevant Experience Forms

Form 1 General Experience

[The following table shall be filled in for the Prospective Bidder and/or for each Member of a Consortium whose credentials are used for the purpose of satisfaction of Technical Prequalification Criteria]

Prospective Bidder's/Consortium Member's Legal Name: *[insert full name]*
Date: *[insert day, month, year]*

[Identify contracts that demonstrate activities pursuant to Section 2.3 PC1. List contracts chronologically, according to their commencement (starting) dates.]

Starting Month / Year	Ending Month / Year	Contract Identification	Role of Prospective Bidder
<i>[indicate month/ year]</i>	<i>[indicate month/ year]</i>	Contract name: <i>[insert full name]</i> Area of experience: <i>[one of the four areas as per PC 1 in Section 2.3]</i> Brief Description of the Works performed by the Prospective Bidder: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i> Name of Employer: <i>[indicate full name]</i> Address of Employer: <i>[indicate street/number/town or city/country/telephone number/email address]</i>	<i>[insert " Management Contractor", "Contractor" or "Operator"]</i>
		Contract name: <i>[insert full name]</i> Area of experience: <i>[one of the four areas as per PC 1 in Section 2.3]</i> Brief Description of the Works performed by the Prospective Bidder: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i> Name of Employer: <i>[indicate full name]</i> Address of Employer: <i>[indicate street/number/town or city/country/telephone number/email address]</i>	<i>[insert " Management Contractor", "Contractor" or "Operator"]</i>
		Contract name: <i>[insert full name]</i> Area of experience: <i>[one of the four areas as per PC 1 in Section 2.3]</i> Brief Description of the Works performed by the Prospective Bidder: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i> Name of Employer: <i>[indicate full name]</i>	<i>[insert " Management Contractor", "Contractor" or "Operator"]</i>

		Address of Employer: <i>[indicate street/number/town or city/country/telephone number/email address]</i>	
		Contract name: <i>[insert full name]</i> Area of experience: <i>[one of the four areas as per PC 1 in Section 2.3]</i> Brief Description of the Works performed by the Prospective Bidder: <i>[describe works performed briefly]</i> Amount of contract: <i>[insert amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i> Name of Employer: <i>[indicate full name]</i> Address of Employer: <i>[indicate street/number/town or city/country/telephone number/email address]</i>	<i>[insert " Management Contractor", "Contractor" or "Operator"]</i>

Form 2

Toll Road Operation Experience

[The following table shall be filled in for contracts performed by the Prospective Bidder or Consortium Leader whose credentials are used for the purpose of satisfaction of PC2]

Prospective Bidder's/Consortium Leader's Legal Name: *[insert full name]*
Date: *[insert day, month, year]*

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year]</i>		
Completion date	<i>[insert day, month, year]</i>		
Role in Contract <i>[check the appropriate box]</i>	Management Contractor <input type="checkbox"/>	Operator <input type="checkbox"/>	
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		EURO <i>[insert total contract amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i>
If partner in a Consortium specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in EURO equivalent, using the exchange rate at the date of the contract for conversion, if applicable]</i>
Employer's Name and Counter-Signature:	<i>[insert full name and signature of the Employer]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert e-mail address, if available]</i>		

Description of the similarity in accordance with PC2:	
1. Contract details and activities performed	<i>[insert key details of the assignment and key activities performed]</i>
2. Complexity	<i>[insert description of complexity]</i>
3. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
4. Other Characteristics	<i>[insert other characteristics as suitable]</i>

Form 3

Highways and Bridge Maintenance Experience

[The following table shall be filled in for contracts performed by the Prospective Bidder or Consortium Leader whose credentials are used for the purpose of satisfaction of PC3]

Prospective Bidder's/ Consortium Leader's Legal Name: *[insert full name]*
Date: *[insert day, month, year]*

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year]</i>		
Completion date	<i>[insert day, month, year]</i>		
Role in Contract <i>[check the appropriate box]</i>	Management Contractor <input type="checkbox"/>	Operator <input type="checkbox"/>	
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		EURO <i>[insert total contract amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i>
If partner in a Consortium specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i>
Employer's Name and Counter-Signature:	<i>[insert full name and signature of the Employer]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert e-mail address, if available]</i>		

Description of the similarity in accordance with PC3:	
1. Contract details and activities performed	<i>[insert key details of the assignment and key activities performed]</i>
2. Complexity	<i>[insert description of complexity]</i>
3. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
4. Other Characteristics	<i>[insert other characteristics as suitable]</i>

Form 4

Tunnel Operation and Maintenance Experience

[The following table shall be filled in for contracts performed by the Prospective Bidder, or Member of a Consortium whose credentials are used for the purpose of satisfaction of PC4]

Prospective Bidder's/ Consortium Member's Legal Name: *[insert full name]*
Date: *[insert day, month, year]*

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year]</i>		
Completion date	<i>[insert day, month, year]</i>		
Role in Contract <i>[check the appropriate box]</i>	Management Contractor <input type="checkbox"/>	Operator <input type="checkbox"/>	
Total Contract Amount	<i>[insert total contract amount in local currency]</i>		EURO <i>[insert total contract amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i>
If partner in a Consortium specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in EURO equivalent using the exchange rate at the date of the contract for conversion, if applicable]</i>
Employer's Name and Counter-Signature:	<i>[insert full name and signature of the Employer]</i>		

Address:	<i>[indicate street / number / town or city / country]</i>
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>
E-mail:	<i>[insert e-mail address, if available]</i>
Description of the similarity in accordance with PC4:	
1. Contract details and activities performed	<i>[insert key details of the assignment and key activities performed]</i>
2. Complexity	<i>[insert description of complexity]</i>
3. Methods/Technology	<i>[insert specific aspects of the methods/technology involved in the contract]</i>
4. Other Characteristics	<i>[insert other characteristics as suitable]</i>

Form 5

Highway Construction Experience

[The following table shall be filled in for contracts performed by the Prospective Bidder, or each Member of a Consortium whose credentials are used for the purpose of satisfaction of PC5]

Prospective Bidder's/ Consortium Member's Legal Name: *[insert full name]*
Date: *[insert day, month, year]*

Similar Contract No. <i>[insert number] of [insert number of similar contracts required]</i>	Information		
Contract Identification	<i>[insert contract name and number, if applicable]</i>		
Award date	<i>[insert day, month, year]</i>		
Completion date	<i>[insert day, month, year]</i>		
Role in Contract <i>[check the appropriate box]</i>	Management Contractor <input type="checkbox"/>	Contractor <input type="checkbox"/>	
Total Contract Construction Amount ³	<i>[insert total contract amount in local currency]</i>		EURO <i>[insert total contract amount in EURO equivalent, using the exchange rate at the date of the contract for conversion, if applicable]</i>
If partner in a Consortium specify participation in total contract amount	<i>[insert a percentage amount]</i>	<i>[insert total contract amount in local currency]</i>	<i>[insert total contract amount in EURO equivalent, using the exchange rate at the date of the contract for conversion, if applicable]</i>
Employer's Name and Counter-Signature:	<i>[insert full name and signature of the Employer]</i>		
Address:	<i>[indicate street / number / town or city / country]</i>		
Telephone/fax number	<i>[insert telephone/fax numbers, including country and city area codes]</i>		
E-mail:	<i>[insert e-mail address, if available]</i>		

³ In case of concession contracts, specify the amount which corresponds to construction only

Description of minimum construction rates for key construction activities in accordance with PC5:	
1. Construction of highway segments	<i>[insert number of kilometres and length of time needed to complete construction]</i>
2. Construction of highway bridges and/or viaducts	<i>[insert number of kilometres and length of time needed to complete construction]</i>
3. Slope stabilization works	<i>[insert aggregate length of section(s) and length of period over which works were performed]</i>
3.1. Similarity	<i>[describe similarity in terms of size and complexity of slope stabilization works involved in the contract]</i>

Form 6 Financial Situation

[The following table shall be filled in for the Prospective Bidder and for each Member in the case of a Consortium]

Prospective Bidder's/ Consortium Member's Legal Name: [insert full name]
Date: [insert day, month, year]

1. Financial data

Financial information in (EURO equivalent, in 000s)		
	Year 1	Year 2
Net Worth (NW)		

In case of inconsistency between this form and submitted financial statements, information contained in submitted financial statements will prevail.

2. Financial documents

The Prospective Bidder, or if the Prospective Bidder is a Consortium each member of the Consortium, shall provide financial statements for the most recent two full financial years for which such statements are available, including the consolidated balance sheet, income statement, statement of cash flows and the accompanying notes. The financial statements shall:

- (a) reflect the financial situation of the Prospective Bidder or Consortium Member;
 - (b) be audited by a certified accountant;
 - (c) be complete, including all notes to the financial statements;
 - (d) correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).
- ☐ Attached are copies of financial statements (balance sheets, including all related notes, and income statements) for the two years required above; and complying with the above requirements.
-

Appendix 6

Affidavit

Date: []

To: []

[Name of Prospective Bidder / Lead Member of Consortium] hereby represents and warrants that, as of the date of this letter [Name of Prospective Bidder / Lead Member of Consortium] [and each member of our Consortium (if applicable)]:

- (a) is not in bankruptcy or liquidation proceedings; and
- (b) has not been convicted of fraud, corruption, collusion or money laundering or for a criminal act committed in the course of professional activity performance; and
- (c) does not have unsettled outstanding electricity payment liabilities as per the requirements of the Council of Ministers Decision No 379 dated 11 June, 2014 (applicable to Prospective Bidders registered on the territory of the Republic of Albania); and
- (d) has not had unsettled tax liabilities, social security liabilities or liabilities in respect of judgments awarded in criminal or misdemeanour proceedings in the period of no less than three years prior to the Invitation for Prequalification.

Yours sincerely

Authorised Signature
 Name and Title Signatory
 Name of Firm
 Address

Appendix 7

Letter of Support from Affiliate Form

Ref: Milot-Morine Highway Concession Project

To: Ministry of Transport and Infrastructure
Sheshi "Skenderbej", No. 5, Tirana, Albania

Dear Sir / Madam,

We refer to the Request for Qualification issued by the Ministry of Transport and Infrastructure, dated [Date], for the award of a concession involving the operation, maintenance and upgrade of the Milot-Morine Highway.

According to Section 2.3 of this Request for Qualification (*Part I – Prequalification Criteria*), the Applicant (or if the Applicant is a Consortium, the members of the Consortium) may choose to present evidence (including financial statements) from an Affiliate to satisfy Financial Criteria and Technical Criteria. For this purpose, “Affiliate” means any entity directly or indirectly controlling, controlled by or under common control with the Applicant. For purposes of this Request for Qualification, “control” means the power to elect a majority of the board of directors (or other similar constituent body) or otherwise direct the management and policies of an entity, directly or indirectly, whether through the ownership of voting securities, by contract or otherwise, and “controlling” and “controlled” have correlative meanings.

In consideration of the above, we hereby confirm that we are an Affiliate of [Applicant/Consortium Lead Member], which has submitted a Prequalification Application for the Project as [Applicant/Consortium Lead Member].

Except where the context requires otherwise, capitalized terms used in this letter shall have the meaning ascribed to them in the Request for Qualification and Public Invitation for Prequalification.

Yours faithfully,

[Name of Affiliate Company]

[Authorized Signature]

[Name, Surname and Title of Authorized Signatory]

Appendix 8

Statement On Conflict of Interest

To: [Name of the Contracting Authority]

We, [Name of the Prospective Bidder] are participating in the competitive process which will take place on May 9, 2016 as announced by the Ministry of Transport and Infrastructure of the Republic of Albania subject to the Milot-Morine Highway Concession Project.

Conflict of interest is the state of conflict between the public duty and private interests of an official, where he has private interests, directly or indirectly that affect, which may affect or appear to affect the unfair carrying out of statutory duties and responsibilities.

In implementation of Article 21, point 1, of Law no. 9367, dated on 07.04.2005, the categories of Officials stipulated in Chapter III, Section II, that are absolutely forbidden to directly or indirectly benefit from the Formation of Contracts with one party, a public institution is:

- President of the Republic, Prime Minister, Deputy Prime Minister, Ministers, or Deputy Ministers, Members of Parliament, Judges of Constitutional Court, Judges of High Court, the Head of High State Audit, General Prosecutor, the Ombudsman, Members of the Central Election Commission, Members of High Council of Justice or General Inspector of the High Inspectorate of Disclosure and Audit of Assets, Members of regulatory Entities (Supervision Council of Bank of Albania, including the Governor and the Deputy Governor, of competition, Telecommunication, Electricity, Water Supply, insurance, bonds, media), General Secretaries of Central Institutions as well as every public official in each public institution whose position is equivalent to that of the General Directors.

If the official holds the position of the Mayor or Deputy Mayor, Chair or Deputy Chair of the Commune or City Council, member of the respective council or is an official of a high ranking position of a local government unit, the prohibition due to the private interests of the official, stipulated in herein, is only applied to the formation of contracts, according to case, with the Municipality, Commune or the county council where the official exercises these functions. This prohibition is also applied when party in the contract one is a public institution, subordinate to this unit (Article 21 point 2 of law No.9367, dated on 07.4.2005)

The prohibitions stipulated in Article 21, points 1, 2 of Law no. 9367, dated on 04/07/2005, with the relevant exceptions, are applied to the same extent to the persons related to the official which to this law means: **the spouse, adult children or the parents of the official and the spouse.**

I, the undersigned _____, in the Capacity of the representative of the legal person, declare under my personal responsibility that:

I am Aware of the requirements and prohibitions provided in Law No. 9367, dated on 07.04.2005 "On the Prevention of Conflict of Interest in the Course of Exercise of Statutory Functions"

amended, as well as in the by-laws issued for its implementation by the High Inspectorate of Disclosure and Audit of Assets.

In accordance with them, I declare that none of the officials set out in **Chapter III, Section II** of law no. 9367, dated on 07.04.2005, and in this statement, does not possess private interests, directly or indirectly with the legal person I represent herein.

Date of statement submission _____

Name, Surname, Signature

Seal

Appendix 9

Prequalified Bidder Notification Form

[Appendix to be completed by the Contracting Authority]

_____ *[Date]*

To: *[Name and address of the Prequalified Bidder]*

* * *

Dear Sir/Madame <Contact name>

Thank you for participating in the prequalification procedure for awarding the concession contract for the upgrading, operating and maintaining the Milot – Morine Highway. The procedure was conducted in accordance with the Decision of the Council of Ministers of the Republic of Albania No. 634, dated 1.10.2014, amended, on the approval of “Rules for evaluating and awarding of concessions/public private partnerships for public works and services for the construction, operation, maintenance and rehabilitation of national roads.”

Your Proposal was carefully evaluated against the conditions and requirements established in the Contract Notification and Request for Qualification. We are happy to inform that you are Qualified and invited to proceed with the submission of your BID in accordance with the Request for Proposal and Bidders Instructions attached herewith/that will be shortly announced.

* * *

[Head of the Contracting Authority]

Appendix 10

Non-Prequalified Bidder Notification Form

[Appendix to be completed by the Contracting Authority]

[Place and date]

[Name and address of the contracting authority]

[Address of Prospective Bidder]

Dear Sir/Madame <Contact name>

Thank you for participating in the prequalification procedure for awarding the concession contract for the upgrading, operating and maintaining the Milot – Morine Highway. The procedure was conducted in accordance with the Decision of the Council of Ministers of the Republic of Albania No. 634, dated 1.10.2014, amended, on the approval of “Rules for evaluating and awarding of concessions/public private partnerships for public works and services for the construction, operation, maintenance and rehabilitation of national roads.”

Your Proposal was carefully evaluated against the conditions and requirements established in the Contract Notification and Request for Qualification. We regret to inform that you are NOT qualified because the proposal submitted by you did not qualify for the following reason(s) *[mark the appropriate box]*:

[You/Consortium/member of your consortium] [Your executive director]

- ☐ participated in the preparation of the contract notification, or RFQ, or its part(s), which was used by the contracting authority;
- ☐ received illegal assistance while preparing the contract notification, or the bid file, or part of it.

You/Consortium/member of your consortium]

- ☐ Has been determined by a court of competent jurisdiction to have committed a criminal or civil offence involving corrupt practices, money laundering, criminal organization or activities as provided by the laws or regulations applicable in Albania, or under international agreements or conventions;
 - ☐ Have/has been determined by a court of competent jurisdiction to have committed an act of fraud, or an act equivalent to fraud;
 - ☐ Is under criminal prosecution for one of the criminal offenses;
 - ☐ Is bankrupt or wound up, and your affairs are being administrated by the court;
 - ☐ Is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court, or of an arrangement with the creditors, or of any other similar proceedings;
 - ☐ Has been convicted by a final decision for an offence concerning its professional activity;
-

- ☐ Has not paid social security contributions, in accordance with the Albanian law or the applicable provisions in the country of origin;
- ☐ Has not fulfilled its obligations relating to the payment of taxes, in accordance with the Albanian law, or the applicable provisions in the country of origin.

You failed to submit:

- ☐ Required certifications or attestations _____;
- ☐ Sufficient evidence, as described under Section 2.3 of the RFQ, reasonably demonstrating that your candidacy meets the minimum financial, technical and professional capacity requirements, specified in the bid dossier or contract notification;
- ☐ It has been determined by the Contracting Authority that you have submitted documents containing false information or documents forged for purposes of qualification;
- ☐ Your proposal [is not compliant] [is irregular];
- ☐ (any other reason, in addition to the above).

JUSTIFICATION

[You were Not Qualified] [your proposal was rejected] due to the following reason(s):

[State detailed reasons for disqualification or rejection of the application]

If you believe that the Contracting Authority, during the prequalification procedure, has breached provisions of the law, you are entitled to initiate the review procedure, as provided in the Article 32 of the DCM no. 634, dated 1/10/2014, amended, on the approval of "Rules for evaluating and awarding of concessions/public private partnerships for public works and services for the construction, operation, maintenance and rehabilitation of national roads."

Although we have not been able to make use of your services on this occasion, we hope that you will continue to take an active interest in our procurement initiatives.

Sincerely,

<

Appendix 11 Complaint Form

1. ***Complaint to: Contracting Authority*** ☐

Section I Complainant Identification

The complainant can be a Prospective Bidder or a Potential Prospective Bidder (e.g. individual, partnership, corporation, joint venture, and consortium).

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)

2. ***Section II. Information about the Procedure***

✓ Identification Number

Fill the contract number provided in the contract notification or RFQ including the **type of procedure used** for the disputed competitive procedure.

✓ Contracting Authority

2.1 Name of the contracting authority administering the procurement process

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

2.3 Scope of the Contract

2.4 Deadline for Prequalification Bid/ Submission

Date (year/month/day)

3. Section III. Description of the complaint

3.1 Complaint's Legal Ground

(Describe the violations with regard to decisions, acts, documents etc.)

3.2 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 with the reasons of your complaint. Also mention the relevant sections of the bid documents, if applicable. Use additional sheets if necessary.

3.3 List of Appendixes

*In order for a complaint to be considered as duly filed, it shall be complete. Attach a legible copy of all documents that are relevant to your complaint and a list of all documents attached thereto. The documents must include **any published notification, Request for Qualification, with all amendments and attachments as well as your proposal**. Indicate which information, if any, is confidential. Explain why the information is confidential or provide either a version of the relevant documents with confidential parts removed or a summary of the contents.*

Note: Send the completed complaint form, all the necessary appendices and additional copies, to the **Contracting Authority**.

4. Preliminary Objections to the Contracting Authority

Objections is considered a complaint which is directly addressed to the Contracting Authority. Please attach copy of any written complain including the answers, if any

- ✓ Have you done any objection? If yes, please specify how this is being made (in written form, or fax etc.);

☐ Yes

☐ No

- ✓ Name of the Contracting Authority where the Objection has been filed

- ✓ (Name and the position of the Official/Person against whom the objections has been made)_____

5. The Remedy Sought

(State in writing the Remedy Sought)_____

5.1 List

*In order for a complaint to be considered as duly filed, it shall be complete. Attach a legible copy of all documents that are relevant to your complaint and a list of all documents attached thereto. The documents must include **any published notification, Request for Qualification, with all amendments and attachments as well as your proposal; All the Correspondence and the necessary written information relevant to the objection**. Indicate which information, if any, is confidential. Explain why the information is confidential or provide either a version of the relevant documents with confidential parts removed or a summary of the contents.*

Send the completed complaint form, all the necessary appendices and some additional copies, to the **Contracting Authority**, pursuant to the DCM no. 634, dated 1.10.2014, amended, on the approval of "Rules for evaluating and awarding of concessions/public private partnerships for public works and services for the construction, operation, maintenance and rehabilitation of national roads."

Fax No:

E-mail:

Signature and seal of the complainant

Note: For complaints to the Public Procurement Commission please refer to the complaint form issued by this institution.

Appendix 12

List of Confidential Information

[Appendix to be filled out by the Prospective Bidder]

(Note down the information you wish to remain confidential)

Type, nature of information to be kept confidential	Number of pages and points in the STD you wish to remain confidential	Reasons for keeping this information confidential	Time limit for keeping this information confidential