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**REPUBLIC OF ALBANIA**  
**MINISTRY OF INFRASTRUCTURE AND ENERGY**

**CONCESSIONS AND PUBLIC PRIVATE PARTNERSHIP COMMITTEE**

Prot. No. \_\_\_\_\_

Tirana, dated \_\_\_\_\_.\_\_\_\_.2020

**CLARIFICATIONS ON COMPETITION DOCUMENTS**

The Contracting Authority, i.e the Ministry of Infrastructure and Energy, following the request with subject “Grant of Concession/PPP on Vlora Airport design, construction, operation, maintenance and transfer” with Reference No. REF-46571-12-19-2019 submitted by several economic operators requesting thereby clarifications in relation to concession procedure/Public Private partnership documents, provides herein, pursuant to Law No.125/2013 “On Concessions and Public Private Partnership” as amended, Law No. 9643 dated 20.11.2006 “On Public Procurement” as amended, the relevant clarifications to economic operators in relation to their requirements without identifying the source of request and forwards them to all other interested economic operators.

The Ministry of Infrastructure and Energy encourages all interested national and international economic operators to submit any request for clarification in relation to the technical aspects of the concession procedure falling under its scope of competency, including those not related to the overall legal framework and/or cases that are clearly and unequivocally mirrored in the concession documents.

**QUESTION**

1. In paragraph 1.1 of DST, (b) quoting “*The territory wherein is projected the Vlora airport construction is situated in a green field and it is the property of the Albanian state*”, and according to d(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)...” the following clarifications are required to develop a clear proposal.*

Kindly provide the following information/confirmations/changes in the bid documents:

- a. List of the reference price or market evaluation of the properties that lie beyond/around the existing footprint of the project, in order to enable the concessionaire to calculate the expropriation costs in the business plan, as required. In absence of this information the bidders will face difficulties in submitting an accurate and comprehensive bid;
- b. Commitment of the Contracting Authority that if the expropriation price is successfully challenged in the court by the property owners, the additional costs shall be borne by the Contracting Authority;
- c. Commitment of the Contracting Authority that all expropriations shall be completed within a certain deadline, and eventual expropriation delays shall not affect the concessionaire.
- d. Can you please provide a procedural guide of the expropriations before submitting the bid offer?

## **ANSWER**

The Contracting Authority clarifies that the land is in state ownership, as approved by Decision of Council of Ministers No. 813, dated 16.12.2019, “On transferring the administration responsibility from the Ministry of Defense to the MoIE for property no. 914, named “Aerodrom Fushor”, located in Vlora, and on an amendment to DCM No. 515 dated 18.7.2003 “On approving the inventory of state immovable properties transferred under the administrative responsibility of the Ministry of Defense”, as amended. Therefore, expropriation is not applicable.

Your question is in reference to the “*Instructions to Bidders*” section, part of the Competitive Procedure Documents, wherein are provided general clarifications for the bidders, which may be referenced only in cases/conditions allowed/accepted in the special qualification criteria or winning bid selection, as well as technical specifications.

The Contracting Authority explains that by partaking in the competition procedure, the economic operators express their willingness and acceptance to abide by the technical specifications of the

procedure. Prior to submission, the legal documentation and the technical and economic proposal should consider the special qualification/winning bid selection criteria, as well as the technical specifications of the procedure.

Furthermore, Appendix 5 of the “*Declaration of the Fulfillment of Requirements of the Standard Documents of the Concession/Public-Private Partnership*”, by partaking in the competition procedure, the operator, inter alia, declares that: “*We meet all technical specifications set out in the Concession/Public Private Partnership documents 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 Concession/Public and Private Partnership documents. We meet all legal, financial and 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*”.

## QUESTION

2. In case the concessionaire decides to provide the proposed project that lies beyond the existing footprint, which is a state property, it would increase by default the whole project cost with the expropriation’s costs, to increase overall value of the project. The added cost is a fixed cost not related with the capabilities and efficiency of the economic operator. This cost is equal to any operator since the unit price of the expropriation cost is defined by the law, should any of them decides to expropriate beyond the defined footprint.

Kindly provide the following information:

- a. How this cost will be reflected in the operator's score in its final evaluation?

Clarifying: In this case the methodology of evaluation has dependent and correlated selection criteria, which do affect directly the bidder. The cost increase with the expropriations to add overall value of the project, does provide more points under Selection Criteria 2, the increase in cost will be reflected on the overall cost and reduce points under Selection Criteria 6. The sum of the points does not affect positively the scoring of the operator and since is not related with competitive advantages and technical expertise of the operator, it will discourage the operator to pursue this approach, even though it would bring more value to the project.

- b. If, the concessionaire will absorb and pay the costs of expropriation in case the project would require lying beyond the existing footprint, then automatically will be the owner of that property.

Please clarify how this specific case will be addressed?

**ANSWER**

The study has been conducted on the respective footprint in accordance with the technical specifications and the survey plan. The evaluation will be carried out in accordance with the methodology set out in the procedure documents.

**QUESTION**

3. Selection Criteria 3 is related to the experience of building (construction/ renovation/refurbishment) for airports of 4E category and more than 10 million passengers. The required experience in building an airport of 4E category consists of two basic elements provided in the table below.

<b>Code number</b>	<b>Aero plane reference field length</b>	<b>Typical aero plane</b>
1	<800 m	DE HAVILLAND CANADA DHC-6 / PIPER PA-31
2	800 m but <1200 m	ATR ATR-42-300 / 320 / BOMBARDIER Dash 8 Q300
3	1200 m but <1800 m	SAAB 340 / BOMBARDIER Regional Jet CRJ-200
4	1800 m and above	BOEING 737-700 / AIRBUS A-320

<b>C ode letter</b>	<b>Wingspan</b>	<b>Outer main gear wheel span</b>	<b>Typical aircraft</b>
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A	<15 m	<4.5 m	PIPER PA-31 / CESSNA 404
B	15 m but <24 m	4.5 m but <6 m	BOMBARDIER Regional Jet CRJ- 200 / DE HAVILLAND CANADA DHC-6
C	24 m but <36 m	6 m but <9 m	BOEING 737-700 / AIRBUS A-320
D	36 m but <52 m	9 m but <14 m	B767 Series / AIRBUS A-
E	52 m but <65 m	9 m but <14 m	B777 Series / B787 Series / A330 Family
F	65 m but <80 m	14 m but <16 m	BOEING 747-8 / AIRBUS A-380- 800

The airport civil work (construction/renovations/refurbishment) experience in category 4E is unrelated to the number of passengers. Since the number of passengers is not related to construction then the formula used in the evaluation methodology does not objectively score the relevant selection criteria.

Please clarify:

- i. What is the added value that the number of passengers does provide in the criteria 3 related to construction?
- ii. Please illustrate an example of how this selection criteria will be evaluated.
- iii. In the formula used, the Amax coefficient will be about category 4e, 10 million passengers or both?

## ANSWER

The Contracting Authority explains that the request above is in proportion to the nature and volume of the contract, based on a balancing test for the two elements.

In reference to the project's complexity, requesting of economic operators to demonstrate previous experience with the construction of 4E category airports does not necessary relate to the number of passengers, because they may demonstrate their previous experience in constructing 4E category airports focused on repairing airplanes/testing, and/or other purposes, and not demonstrate the technical capacity in regards to the number of passengers.

Whereas, the project required by the Government of the Republic of Albania combines these two elements.

As regards the requirement in the second paragraph, we would like to clarify that the evaluation process of the legal documentation and technical and financial bid of economic operators will be carried out in accordance with the competitive procedure documents. We thus explain that the aim and purpose of the request for clarifications is in relation to some uncertainties in the procedure documents, whereas the evaluation process, in accordance with the transparency and equality principle cannot be based on hypothetical situations, but is subject to a concrete evaluation.

As for the third paragraph, the above criterion is cumulative (airport category and passenger capacity), therefore it should be read, interpreted and fulfilled as one.

## QUESTION

4. Selection Criteria 4. The formula applied on this selection criteria,  $*Pk$  and variables “ $OM_i$  - the number of airports operated by the bidder” and “ $OM_{max}$  - the maximum number of bids for operated airports”. You will evaluate that, the bidder must demonstrate operational and maintenance experience by providing quantitative/ numerical values to state this experience, meanwhile, in addition to operation and maintenance, you require other experiences.

Please clarify and specify:

- i. The 4th criteria "operation and maintenance" = "numerical value for airports" does include or no other descriptions such as (a), (b), (GA), Airport systems or networks and facility repairs etc?
- ii. If yes, how these experiences will be calculated quantitatively?

Can you please provide an example? If no, is it necessary to describe and validate these experiences as well?

$$P_i = \frac{OM_i}{OM_{max}} * P_k$$

## ANSWER

As regards the first question, the above criterion, together with the four sub criteria, is cumulative, in reference to Appendix 11 “Evaluation Criteria” and therefore it should be read, interpreted and fulfilled as one.

Moreover, the Contracting Authority explains that Appendix 11 “Evaluation Criteria” of the competitive procedure documents also sets out the method of fulfilling each subcriterion. We would like to add that it is the responsibility of the economic operators to submit valid legal and justifying documentation in order to prove that all qualification/winning bid selection criteria have been met.

As regards the requirement in the second paragraph, we would like to clarify that the evaluation process of the legal documentation and technical and financial bid of economic operators will be carried out in accordance with the competitive procedure documents. The Contracting Authority would like to clarify that the competition documents clearly provides the scoring and criterion evaluation system.

## QUESTION

5. In reference
  - i. In the DSK document Paragraph 2.3 Technical capacity
    - a. Paragraph 2.3.1, does require that the bidder should comply , quoting “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.”
    - b. Paragraph 2.3.5.a, does require that the bidder should comply, quoting “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.”

In the Albanian version of the documentation it is required 1 Airport of 5 million passengers, meanwhile in the English version of the document does require 2 airports of 5 million passengers.

Please explain:

1. Which is the correct version of the requirement?
2. The experience required in an airport of 10 million passengers does already include an airport of 5 million passengers in its entirety. Does the economic operator should have experience at both these airports of approximately 10 million and 5 million passengers over the last 5 years, respectively? or having one of them does already satisfies the criteria?

ii. In reference to

a. Terms of reference document, paragraph 3, Passenger terminal, subparagraph

3.3 quoting “The Concessionaire shall ensure that the equipment necessary for Phase 1 of the Terminal will be suitable to handle the following levels of passenger traffic in accordance with the Standards:”

b. subparagraph 3.4 quoting “The Concessionaire will ensure that the Terminal is designed and maintained with the aim of expanding the Airport's capacity to 3 million passengers per year”

c. In the feasibility study procured by the contracting authority, which is the pillar that has driven the project, at paragraph 3.5.3 does provide conclusions elaborated based on the methodology explained in the document, which guarantees acceptable accuracy of data provided to build the whole project based on it, confirms that the projected traffic foreseen on VIA, is provided in the table 14.

	<b>Baze Scenario</b>	<b>Optimistic scenario</b>	<b>Pessimistic scenario</b>
<b>Years</b>	<b>Vlora Airport</b>	<b>Vlora Airport</b>	<b>Vlora Airport</b>
<b>2022</b>	<b>369.581</b>	<b>425.682</b>	<b>343.708</b>
2023	399.148	476.764	364.330
2024	431.080	533.976	386.190
2025	465.566	598.053	409.361

2026	502.811	669.819	433.923
2027	543.036	750.197	459.959
<b>2028</b>	<b>586.479</b>	<b>840.221</b>	<b>487.556</b>
2029	627.533	899.036	513.153
2030	671.460	961.969	540.093
2031	718.462	1,029,307	568.448
2032	768.755	1,101,358	598.292
2033	822.567	1,178,453	629.702
2034	880.147	1,260,945	662.761
2035	941.757	1,349,211	697.556
2036	1,007,680	1,443,656	734.178
2037	1,078,218	1,544,712	772.722
<b>2038</b>	<b>1,153,693</b>	<b>1,652,842</b>	<b>813.290</b>
2039	1,215,993	1,742,095	837.689

Based on the detailed references provided questions that the requirement of the economic operator must operate airports 10 million passengers (refer above, paragraph 4) is not in aligned and accurate to the need. Since this requirement does not ensure the contractor authority that will add value to the project or provide cost/competitive advantages, please explain

- i. The reason of the necessity on having such requirement based on an airport of 10 million passengers.
- ii. The reasoning that this selection criteria will not affect the objective evaluation of the bidders.

## **ANSWER**

In relation to the first requirement, the Contracting Authority states that the Airport Operator Bidder, or if the Bidder is a Merger of Companies, shall demonstrate by listing the respective airports:

- a. Experience in: (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 1 (one) airport of up to five (5) millions passengers.

As for the other requirement, the above criterion is cumulative (airport of more than 10 million passengers and more than 5 million passengers), therefore it should be read, interpreted and fulfilled as one.

As regards the requirement of 10 million passengers, the above claim does not relate to a request for clarifications on competition documents, but is a complaint regarding the qualification/evaluation criteria. We would like to clarify that the administrative review procedure is regulated by Article 43 under Law No. 125/2013 “On Concessions and Public-Private Partnership” as amended.

## **QUESTION**

6. In Selection Criteria 6 of the evaluation methodology, has been defined the condition that, “The bidder with the best results for increasing the number of passengers, the network experience and the lowest level of proposed service tariffs will be awarded with maximum points of the criterion.”

Please explain:

- a) Does the operator need to provide in its bid offer reference / numerical value from where it can be clearly shown the increase on the number of passengers and lowering the service tariffs. If so, can you give an example of how these will be written on the bid offer?
- b) According to the evaluation methodology and lack of formula how the other offers will be scored? Can you please provide an example of the scoring for second, third, etc bidder.

## **ANSWER**

We would like to add that it is the economic operators' responsibility to submit valid legal and justifying documentation in order to prove that all qualification/winning bid selection criteria have been met as provided for in the competitive procedure documents.

We also want to clarify that the evaluation process of the legal documentation and technical and financial bid of economic operators will be carried out in accordance with the competitive procedure documents.

The Contracting Authority thus clarifies that the competition documents clearly provide the scoring and criterion evaluation system, by stating that: *“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”.*

## **QUESTION**

7. Selection Criteria 9 from the evaluation methodology, it is stated that, “The Bidder proposing the lowest amount of the “minimum guaranteed revenues” shall receive the highest score for this criterion. The other bidders will receive points based on the defined methodology. ”

Please explain:

- a) Can you please provide an example of scoring for other second, third bidders according to the evaluation methodology.

In similar cases where such large projects are being implement, the contractor authority does organize workshop with bidders and related parties to clarify potential questions/issues related to the project, to ensure the highest return in project value engineering and cost wise.

Please let us know if you have planned such a workshop before submitting bid?

## **ANSWER**

We would like to explain that the evaluation process of the legal documentation and technical and financial bid of economic operators will be carried out in accordance with the competitive procedure documents. The Contracting Authority would like to clarify that the competition documents clearly provide the scoring system and evaluation of the criterion above.

In compliance with the legal framework in force, we wish to explain that the concession/ppp granting procedure is carried out through electronic means and that the whole information required, including videos and other supporting and explanatory materials, are made available in electronic form.

## **QUESTION**

8. In case of documentation discrepancies between English and Albanian language bid

documents and appendices provided issued by the Contracting Authority, please specify and confirm which the one that prevails is?

**ANSWER**

The documents in the Albanian language will prevail.

**QUESTION**

9. Does the Contracting Authority plan to organize an open bidders conference to discuss the main issues identified in the bid documents?

**ANSWER**

Please refer to question number 7 (seven).

**QUESTION**

10. In view of the concession procedure, since the procedure documents are both in the Albanian and English languages, in which one should the bidders submit their documents if the bid is to be submitted by a merger of Albanian companies with one or more foreign companies? Are all documents to be submitted in one language (either Albanian or English) or is it acceptable for Albanian companies to submit their documents in Albanian and for foreign companies to submit them in English?

**ANSWER**

In reference to the competitive procedure documents, we would like to clarify that the accepted document languages are Albanian and English.

All clarifications herein are based on Law No. 125/2013 “On Concessions and Public Private Partnership”, as amended, its bylaws and the Competitive Procedure Documents.

**CONCESSION COMMITTEE/PUBLIC-PRIVATE PARTNERSHIP**