



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 Vlorë 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. Reviewing carefully the tender documentation provided by the Ministry of Infrastructure and Energy, it is not clear the Financial Model parameters used by the Ministry for the Feasibility Study of the Airport. Please provide the Financial Model

parameters used in this Project.

ANSWER

We wish to clarify that in the Feasibility Study, the Contracting Authority has published all the required data on which the participating economic operators may base the drafting and proposal of their business plan.

QUESTION

2. Tender documents 2.3 Technical Capacity item 4 contracting experience;
It is stated that; 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.

Could you please clarify that bidder should fulfill all above a,b,c,d items or any of the above items are enough for qualification.

Also is there a minimum contract volume for refurbishment similar experience.

ANSWER

As regards the first question, the Contracting Authority would like to clarify that the above criterion is cumulative (the economic operator should fulfill all four of the items above), therefore it should be read, interpreted and fulfilled as one.

As for the second question, there is no minimal number of contracts required, but the contract(s) submitted by the economic operator should demonstrate the fulfillment of the above criterion/criteria.

QUESTION

3. Appendix 8 “On the Possession of Machinery”.

We noticed that in the tender documentation, Appendix 8 “On the Possession of Machinery” has been left unchanged or without comment. This Appendix is typical for a construction contract, but its implementation for an object such as the airport, where the

majority of its value lies in the post-construction phase, is still unclear. Moreover, this Appendix provides requirements that are to be met by a company incorporated pursuant to the Albanian legislation, that possesses the necessary equipment and has them registered in accordance with the requirements set forth under the Albanian legislation (registration, permits etc.). Considering the complexity of the object that is to be built, the duration and, above all, the post-construction phase, we would like to get an explanation as regards whether the inclusion of this Appendix was deliberate. If so, what are the expectations of the Contracting Authority for the possession of required machinery, what is the term for the availability of these machinery and how should the possession be demonstrated by a foreign operator?

ANSWER

The Contracting Authority would like to explain that, in accordance with the competition documents, there is no need to demonstrate the possession of the equipment and machinery required for the performance (civil construction) of the contract. This is left to the discretion of economic operators.

QUESTION

4. Audited financial statements

The special qualification criteria in section 2.2 provide as follows: *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.*

Please inform us whether the financial statements and audit reports bearing no signature or seal, that are published in the official website of the economic operators, will be considered valid? Please keep in mind that these documents are published together with the auditor's report, which in the majority of cases is a Big4 audit company (Deloitte, PwC, E&Y, KPMG). Considering that these documents are public and online, there is no means to submit a notarized copy, only a photocopy bearing the company seal (if there is one) and the relevant link that allows the Contracting Authority to verify their authenticity.

ANSWER

The Contracting Authority wishes to clarify that, in accordance with the competitive procedure documents, all documents submitted must be either originals or notarized copies. If a document is not submitted or fake and inaccurate documents are submitted, it is grounds for disqualification. The competitive procedure documents provide clear explanations as regards the nature of the documentation required for demonstrating the economic and financial capacity, as well as the form they should be submitted in.

QUESTION

5. Bid submission deadline. The bid submission deadline is approaching quickly and European and Asian partners are becoming increasingly apprehensive about traveling due to the fast spread of Coronavirus. This has made it nearly impossible for these partners to visit and evaluate all technical conditions for the construction of the airport. As such, we would like to request a deadline extension by at least one week, in order to allow more time for this virus to be put under control and to facilitate the traveling of experts. According to the instructions provided by WHO, it is expected that the Coronavirus situation will be better controlled by May.

ANSWER

As regards the legal framework in force, we would like 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. The entire documentation is to be submitted online in the Electronic Procurement System.

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