



REPUBLIC OF ALBANIA
MINISTRY OF INFRASTRUCTURE AND ENERGY

CONCESSION GRANTING COMMITTEE/PUBLIC-PRIVATE PARTNERSHIP

Prot. No. _____

Tirana, dated _____.____.2020

APPENDIX

**ON SUSPENDING THE CONCESSION/PPP
PROCEDURE**

The Ministry of Infrastructure and Energy is following up concernedly on the situation caused by the COVID-19 outbreak, which has affected Albania as well. Furthermore, in accordance with Decision of Council of Ministers No. 243, dated 24.03.2020, “On State of Natural Disaster Declaration”, the Government of Albania has declared the state of natural disaster. Moreover, the World Health Organization has declared the COVID-19 a pandemic on a global level.

The Preventive Measures Plan adopted by the Republic of Albania and many other countries for the purpose of containing the virus spread has affected many sectors of the economy. The “Grant of Concession/PPP on Vlora Airport design, construction, operation, maintenance and transfer” project is a strategic project of special importance to the Government of the Republic of Albania. The winning bidder selection procedure, an *Open, International Procedure*, has been designed based on the principles of transparency, non-discrimination, proportionality, efficiency, equal treatment, reciprocity and legal safety.

As regards the Concession/PPP procedure, Economic Operators are required to submit their documentation demonstrating fulfillment of the general qualification/ eligibility criteria, as well as demonstrating legal, economic, and technical capacity. The preparation of the documentation for the purpose of participating in this procedure, besides the willingness of the Economic Operators, also requires interaction with state and judicial administrations, or other legal subjects. The situation at hand has brought about unusual and unpredictable circumstances, which are beyond the control of private and public legal subjects, thus resulting in serious difficulties as regards the fulfillment of legal obligations, such difficulties being unavoidable notwithstanding all proper care been taken.

Due to the strict and restrictive measures, the Contracting Authority deems necessary the

suspension of the procurement until further decision is taken based on the proportionality principle, as an encouraging measure for the participation of Economic Operators in the Concession Granting/PPP procedure, as the highest level of applying the principle of transparency, non-discrimination and equal treatment among registered bidders coming from countries where strict measures as regards the economy sectors have been taken and from countries where such measures have not been applied.

The Contracting Authority, during this period, has undertaken all the necessary measures to postpone the Concession Granting/PPP procedure, however, considering the national official data of the state bodies responsible and the international information, it is not possible to determine the term when the preventative measures will be lifted. Taking also into account the frequent postponement of the procedure, determining a legal deadline as regards the procedure date results in confusion for Economic Operators, as well as infringes the legal safety principle.

As regards the above, 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, Decision of Council of Ministers No. 243, dated 24.03.2020, “On State of Natural Disaster Declaration”, Public Procurement Agency Notice with Protocol No. 2339, dated 27.03.2020, the Contracting Authority *Indefinitely Suspends* the Concession Granting/PPP procedure, as a proportional measure for safeguarding the best public interest.

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