



---

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

**CONCESSION COMMITTEE/PUBLIC-PRIVATE PARTNERSHIP**

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 reference to Figure 41 - Airport Plan in Vlora in the Feasibility Study (page 97), the picture shows a different layout compared to the one provided in the Masterplan (ref. Airport Masterplan ground floor masterplan, page 53).

Does the picture provided in the Masterplan prevail over the one provided in the Feasibility Study?

What are the margins of changes, expansion, with regard to the perimeter of the airport ground?

## **ANSWER**

The land is owned by the state, as approved by Decision of Council of Ministers No. 813, 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 amending the 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.

The Contracting Authority would like to clarify that improvements of the existing Master Plan on the construction footprint proposed in accordance with the above Decision of Council of Ministers, a footprint also reflected on the map published in the Electronic Procurements System in the “*Survey Plan*” document, will be accepted.

## **QUESTION**

2. Can you please confirm that the runway direction will be 13/31 as it is provided in the published documents?

## **ANSWER**

The Contracting Authority confirms that the runway direction will be 13/31.

## **QUESTION**

3. In page 121 of the Feasibility Study, it is mentioned that *"The site of Novosela (Vlora) is a part of the Periadriatic Depression, more precisely it is its south-western extreme. In this sector are not observed faults or tectonic dislocations."* However, in figure 31, figure 44 and figure provided in page 100 of the Feasibility Study the airport area is above an active fault.

Can we have a clarification on this? This topic is important for a correct project framework.

## **ANSWER**

Based on the official data provided by the Institute of GeoSciences, Energy, Water and Environment in the Republic of Albania, we wish to clarify that: In reference to the official Seismic Regionalization Map of Albania, Vlora region and the surrounding areas are located in a zone with MSK-64 intensity of 8 for average land conditions.

The Contracting Authority explains that, prior to the construction permit approval, a specific seismological study will be conducted for the purpose of defining the required design parameters pursuant to the law in force and Eurocode 8 (velocity and design spectrum, as well as the land categorization in accordance with said standard).

## **QUESTION**

4. In Appendix 12 at chapter 3.4 it is requested to ensure the Level of Service C according to IATA standards. This refer to obsolete regulations (IATA, LOS Level C). However, there are currently in place more recent IATA ADRM manual requirements, enforced by ADRM 10<sup>th</sup> edition.

Should the new correspondent level Optimum be considered as the new target or IATA, LOS Level C?

## **ANSWER**

The LoS (Level of Service) has been applied in various ways for airport constructions and/or expansions. Moreover, it has also been used as a benchmark for determining whether the contractual obligations of the airport owners and/or service provider third parties have been fulfilled.

In the ADRM (Aerodrome Development Reference Manual) 10<sup>th</sup> edition, the Level of Service (LoS) has been reviewed and adapted in order to include the waiting time for different airport process stages, as well as the quality of services relating to the spaces in use.

In consideration of the change above, you may refer to the ADRM 10<sup>th</sup> edition “LoS Guideline table”, page 315, for the optimal criteria (wherein over-design and sub-optimum are omitted).

## **QUESTION**

5. There is no evidence of where the Airport Administration Building is located in the Master Plan. Is there any information on the Airport Administration Building?

## **ANSWER**

The Contracting Authority would like to clarify that, in reference to Appendix 11 “Evaluation Criteria”, Criterion 2, it has been requested that the existing Master Plan be improved, in order to avoid any discrepancy or deficiency in the current Master Plan published in Appendix 12 of the Procurement Procedure Documents.

Paragraph 2.1.7 of Annex 12 of the Terms of Reference, requires that the Airport Administration Building be included in the Master Plan. Furthermore, paragraph 3.3.6 of the 10<sup>th</sup> edition of ADRM (Aerodrome Development Reference Manual) of IATA (the International Air Transport Association), emphasizes that there are several ways of determining the location of the Airport Administration Building, depending on the size and territory of the airport, as well as on the Airport Authority organizational structure. It is up to the Concessionaire to submit the intended location (within the terminal or as a separate building) of the Airport Administration Building through the Master Plan improvement proposal.

## **QUESTION**

6. Can you please confirm if there exists or not a photovoltaic plant approved on the Akerni area close to the future airport?

## **ANSWER**

We wish to clarify that there is no Photovoltaic plant approved as of yet.

## **QUESTION**

7. Can you confirm that the Government of Albania will meet the basic infrastructure needs up until the perimeter of the airport, such as:
  - a. (a) Water supply; (b) Sewage supply ; (c) Power supply ; (d) Road infrastructure.
  - b. The project studies have shown that one of the strategic activities with in

the MPL development may necessarily require methane gas supply.

As far as we know there is no methane gas network throughout Albania at present. A methane gas primary pipeline has been recently brought into the vicinity of Fier as part of the international project called Trans Adriatic Pipeline (TAP) . So it is reasonable to think that in a near future there could be methane gas availability in Vlora and it would be helpful to know how long this may be possible. "The project studies have shown that one of the strategic activities within the MPL development may necessarily require methane gas supply. As far as we know there is no methane gas network throughout Albania at present. A methane gas primary pipeline has been recently brought into the vicinity of Fier as part of the international project called Trans Adriatic Pipeline (TAP). So it is reasonable to think that in a near future there could be methane gas availability in Vlora and it would be helpful to know how long this may be possible".

#### **ANSWER**

As regards the first question in paragraph “a”, the Contracting Authority explains that the Government of the Republic of Albania will undertake the design and construction of the required infrastructure up to the airport connection point, including water supply, sewerage, power supply, as well as road infrastructure.

As regards the second question, the Contracting Authority wishes to clarify that the sale and purchase of natural gas in the Republic of Albania is governed by Law No. 102/2015 “On the Natural Gas Sector”, as well as the free trade principle. As for the relation to TAP, it concerns trade agreements with the private sector.

#### **QUESTION**

8. It is known that during the flood event on 2015, Akërne village was involved in the flooding waters from Vjosa river and many other artificial channels existing just close to the new airport area. The IFRC Report (Emergency Plan of Action Final Report) confirms this.

Is the hydraulic safety of the new area to be considered as a mandatory requirement? The flood-prone area showed at page. 100 of the Feasibility Study is the only hydraulic chart available for the bidder.

Will the hydraulic safety OF PERIMETER OF THE AREA of the new airport be under the responsibility of the Albanian Government?

## **ANSWER**

Regarding the first question, the Contracting Authority clarifies that the area in question is considered a high flood risk area by the National Civil Emergencies Authority, based on data and studies conducted during the '60s, which do not rely on factual precipitation amounts. Currently, the Government of the Republic of Albania, in cooperation with international institutions, has initiated a procedure to conduct a detailed feasibility study on the Vjosa River.

As regards the second question, we would like to explain that there is a complete bonification system in place, the efficiency of which will be considerably increased by increasing the hydrovor capacity and the periodic preventative and maintenance servicing of the existing canals.

## **QUESTION**

9. Based on the Standard Concession Documents, the Bid Security and Contract Security refer to a specific percentage of the " value of the proposed investment ". Can you please confirm if the wording "value of the proposed investment" refers to the investment in nominal terms, does it include Value Added Tax, during the entire concession period?

## **ANSWER**

In regards to the bid security value, the Contracting Authority clarifies that the bid security value includes the proposed investment value, Value Added Tax is excluded.

The Contracting Authority explains that, in referral to Article 28, of Law No. 125/2013 "On Concessions and Public-Private Partnership" as amended, it stipulates that: "Contracting Authority shall prior to signing or entry into force of the contract, collect from the most successful tenderer, the required contract performance guarantees and/or security instruments as compensation for damage that may be inflicted as a result of concessionaires/private partner's failure to fulfill obligations assumed by the contract (promissory notes, bank guarantees, corporate guarantees, bills of exchange, etc.). The contract security will amount to 5% of the contract value and will be defined in tender documents." The contract security will amount to 5% of the contract value, as the maximum of required legal guarantee.

The value above includes the full contract value, Value Added Tax is excluded.

## QUESTION

10. What are Appendixes no. 7 and no. 8 of the Standard Concession Documents related to? Are these Appendixes mandatory? What other supporting information or documents are the bidders obliged to submit in relation to Appendix no. 7 and Appendix no. 8?

## ANSWER

The Contracting Authority would like to explain that, in regards to the competition documents, there is no requirement to demonstrate possession of the equipment and machinery required for the performance (civil construction) of the contract. This is left to the discretion of economic operators. Therefore, Appendix 8 does not apply.

As regards Appendix 7 "*Evaluation Form*", the Contracting Authority explains that the appendix above should be submitted together with the supporting documentation, as set out in the appendix and the concession granting procedure documents regarding the fulfillment of criterion/criteria on demonstrating similar experience (in construction).

## QUESTION

11. In the Master Plan it is provided that the construction of the Maintenance Hangar will be done in phase 2 and the construction of the Cargo area in phases 2 and 3. The technical specification in setting the features of the hangar, does not also fix certain criteria or set-up spaces suggesting that the strategic non-aviation activity will be defined in the second phase. On the other hand, the Cargo area envisaged in phases 2 and 3, is not expressly provided in the Standard Tender Documents. In addition, it should be noted that on page 150 of the Feasibility Study mention is made of the 3 phases cadenced every 4 years but also that the conditions under which the "development phases ... (are confirmed) if the traffic data assumed ... will be reasonably reliable", thus deferring the constraints of the Concession Contract to the next negotiation.

Can you confirm that the above understanding is correct?

Can you please provide more information on the construction of the Maintenance Hangar and Cargo?

## **ANSWER**

As regards the first question, we confirm that you have understood it correctly.

As for the second question, the Contracting Authority would like to clarify that paragraph 5 of Appendix 12 “Terms of Reference” sets forth that the hangars shall be constructed in stages, commencing with phase 2 (4 years following the Airport operation) and its expansion shall be carried out gradually based on the Concessionaire’s business plan.

In the final stage, it is expected that the hangars shall provide indoor sites for three airplanes, as well as outdoor sites for 3 airplanes. The Concessionaire will determine the location of the hangars in the first Master Plan update, and will also take into consideration the possibility of expansion.

The hangars (either fully or partially) may be constructed in the first stage as will be agreed upon with the relevant authorities. ICAO standards will apply. Considering that the Master Plan review is part of the initial activities, the hangar time of construction should be included in the updated Master Plan and will be subject to the approval of the relevant authorities.

The cargo center will be constructed in accordance with the Master Plan in phase 2 and 3 (should there be no other Concession proposal reflected in the improved Master Plan), in order to allow time for the Concessionaire to develop his business plan for said activity, however at the end of the third stage the service should be complete in accordance with the guidelines included in the Terms of References, which is part of the Concession Granting Procedure/PPP documents.

ICAO will be the standards complied with during construction, together with the guidelines provided by the ADRM 10<sup>th</sup> edition. As the Master Plan review is part of the initial activities, the cargo center construction time may be included in the updated Master Plan and subject to the approval of the relevant authorities.

## **QUESTION**

12. Is the Concessionaire free to choose the timing, manner, technical specifications, for the construction of Cargo?

## **ANSWER**

Please refer to the answer provided for question number 11 (eleven).

## QUESTION

13. Given that the Heavy Maintenance and Cargo services are not related to aviation services, can you confirm that revenues from Heavy Maintenance and Cargo services (which are not related to aviation services) will not be taken into consideration for calculating the revenue sharing between the Concessionaire and the Contracting Authority? in case they will be made earlier than 11<sup>th</sup> year.

## ANSWER

The Cargo service has been calculated and is part of the revenue calculated for the guarantee, in reference to the *Instructions to Bidders* section. *Heavy Maintenance* revenues are not included in the total revenues calculated for the guarantee in accordance with the aforementioned section.

## QUESTION

14. Will revenues obtained from non-aviation services, e.g. from hotel, commercial areas, parking, rentals, etc, be taken into consideration for the calculation of the revenue sharing between the Concessionaire and the Contracting Authority?

## ANSWER

In the total revenues calculated for services unrelated to aviation the revenues from the following services have been taken into account:

1. Rental revenues (e.g. Offices, Duty free, Food & Beverages, Ground Lease, Ticket Counters, SLA (service level agreement), IT, telecommunication, telephone booth, Retail, Business lounge, Services etc)
2. Advertising
3. Fuel concession
4. Parking revenues
5. Retail F&B

## QUESTION

15. Page 5 of the procedure documents (Instruction to Bidders}, has a table of "Revenues guaranteed in the base scenario for the first 10 years of operation (euros)", and another

table with "The level whereupon revenues shall be divided with the state at 50/50 ratio for the first 10 years of operation (euro)". However, in clause 13.2.23 of the Draft Concession Agreement (p.44), there is mention that the Contracting Authority shall guarantee the minimum income for a period of 10 years so that the total Project NPV for the first 10 years becomes 0.

Could you please confirm that the government will indeed guaranteed revenues as stated in the Instruction to Bidders in the procedure documents, and that Clause 13.2.23 will be adjusted to reflect this?

## **ANSWER**

The final Contract will be subject to negotiations between the Winning Bidder and the Contracting Authority. Please refer only to the Competitive Procedure Documents.

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

## **CONCESSION GRANTING COMMITTEE/PUBLIC-PRIVATE PARTNERSHIP**