

1. QUESTION

As a part of his technical bid, the bidder shall submit the Bid Security according to the Form of Bid Security (submitted in Appendix 3: Form of Bid Security), in the value of 2% of the foreseen reinstatement costs submitted by the Bidder (VAT excluded). According to paragraph 2.2(3) “*The estimated project value: 1.188 billion Euros (VAT excluded)*”, we would like to ask whether reinstatement costs and project value are the same thing?

ANSWER

The Bid Security Form should be in the value of 2% of the foreseen reinstatement costs which is the estimated project value as it is mentioned in p.2.2.(3) page 1 of the tender document (EN): “*The estimated project value: 1.188 billion Euros (VAT excluded)*”

2. QUESTION

Appendix 7 – at the lower part of the form, a seal from the contracting authority is required. What is meant with this seal/contracting authority?

ANSWER

The “Evaluation Form” of Appendix 7 is submitted as a complement to the documents required for the proof of technical capacity in Appendix 9, page 43. These apply for the projects/contracts presented by the Bidder to demonstrate the required technical capacity in “Operation, Maintenance and Exploitation Experience” and, specifically, for those “Operation, Maintenance and Exploitation” projects that are still under implementation (not completed). In these cases, the Contracting Authority/Investor issues, signs and stamps the said “Evaluation Form”.

3. QUESTION

Appendix 8 requires proof of possession of machinery? The paperwork to be prepared in this section is very large and in our opinion not necessary due to the strength of other conditions e.g. financial etc. Is there a way to simplify requirements under Appendix 8?

ANSWER

Appendix 8 is a statement/declaration of the Bidder concerning the possession of machinery and it is submitted with the technical offer as it is required according to the chapter 4.1 Tender Documents, page 14 : “• *Machinery availability statement*”.

The Appendix 8 is only a list of the machinery available by the Bidder and no other documents as proof are required.

4. QUESTION

What is meant under Appendix 9, point 1.3.3.2: To certify the fulfilment of the technical capacity, the Bidder should submit the project data as below accompanied with the contract/ contracts signed from both parties, final payment certificates, commissioning acts and relevant invoices.

ANSWER

To certify the fulfilment of the technical capacity (design, construction and operation), the Bidder should submit for each project the data included in the Appendix 9, the Template Sheet below the above mentioned paragraph (pages 43-44 of English tender document). The Bidder must use a separate Sheet – with the required data – for each contract that fulfils the criteria for the technical capacity. Each Sheet will be accompanied with the relevant proof documents for the related Contract, such as: copies of signed Contracts, invoices, certificates/letters by the Contracting Authority for the final payment and/or the completion of the Contract, etc.

5. QUESTION

Under Appendix 9 last two paragraphs of Art. 1.4.2 based on Decision of Council of Ministers No. 943, dated 28.12.2016, natural/legal foreign subjects shall apply for foreign license recognition in the Republic of Albania AND the foreign candidate/bidder should make the conversion of professional licenses issued by the country of origin for the categories of works to the Ministry of Infrastructure and Energy in the Republic of Albania and failure to submit it comprises a qualifying condition. Taken into account the time necessary for the conversion of professional licenses in Albania and the costs related to such process we would like to understand whether this process can be addressed only to the winner of the procedure thus amending the tender documents in this direction?

ANSWER

Pursuant to the Decision of Council of Ministers No. 943, dated 28.12.2016 “On Some Amendments and Addenda to DCM No. 759, dated 12.11.2014, “On professional licensing of individuals and legal persons who will conduct activities in the field of study and design in construction and surveillance and commissioning of construction implementation works”, the natural/legal entities shall apply through the e-albania portal in order to obtain a license in their relevant fields.

The e-albania portal provides this service to individuals and companies, local and foreign ones, by submitting their documentation as per the relevant requirements.

The Ministry of Infrastructure and Energy notifies that an accelerated 5-day procedure will apply only for applicants (foreign companies/individuals) interested in participating in this procurement procedure.

Interested entities should submit the following documentation:

The economic operator, legal entity OR engineers part of the main technical staff of the company must have a valid license in the field of design and in construction as per the specified categories. For license recognition of foreign companies OR foreign individuals:

1. The company's apostilled license from the country of origin (license/registration in the relevant authorities/documentation equivalent to the previous two documents) translated into Albanian and notarized;
2. Master's diploma issued by the country of origin for the technical directors (apostilled in the country of origin, translated into Albanian and notarized);
3. Employment contract entered into between the legal director and technical director, translated and notarized, that has been entered into for term of no less than 1 year in the capacity of technical director in the relevant field; (design/surveillance and commissioning);
4. Self-declaration as of 6/1, 6/2 and 6/5;
5. Self-declaration as 6/3 for the legal director;
6. The company's history regarding experience in the country of origin;
7. Documentation proving such experience (certifications / references / signed projects);
8. Collection/payment slip (ALL 150 per request attached);

For license recognition of foreign individuals:

1. The individual's apostilled license from the country of origin (license/registration in the relevant authorities/documentation equivalent to the previous two documents) translated into Albanian and notarized ;
2. Master's diploma issued by the country of origin (apostilled in the country of origin, translated into Albanian and notarized);
3. Self-declaration as of 6/1, 6/2, 6/3 and 6/4 (filled in based on the relevant licensing requirements (first time / category addition / renewal));
4. The detailed CV regarding the individual's experience in the relevant field to be licensed;
5. The documentation justifying such experience (certifications / references / signed projects);
6. Collection/payment slip (ALL 150 per request);

The application link for individuals is:

https://e-albania.al/eAlbaniaServices/UseService.aspx?service_code=11144 ;

The application link for companies is:

https://e-albania.al/eAlbaniaServices/UseService.aspx?service_code=11142

For any questions or concerns, companies may contact Mr. Enian Sina directly at the phone number +355682055586 or at the email address: enian.sina@infrastruktura.gov.al and licencat@infrastruktura.gov.al

6. QUESTION

Under Appendix 9, 1.4.4 *The economic operator (constructor) shall prove through the evidence documentation of the individual employment contracts and payrolls/ equivalent documentation issued pursuant to the applicable law in the country of origin that has employed an average number of 1.000 employees throughout the last three years (2017-2019). Employee contracts cannot be awarded due to the European Regulation 2016/679 (General Data Protection Regulation). Is it possible to extract this data from other sources e.g. balances, statement from chartered accountant?*

ANSWER

Appendix 9, par. 1.4.4 : *“The Bidder shall prove through the evidence documentation of the individual employment contracts and payrolls / equivalent documentation issued pursuant to the applicable law in the country of origin that has”*

According to the above mentioned paragraph of Appendix 9 the Bidder is allowed to submit equivalent documentation documents to prove the required criteria. The Bidder is responsible to justify that the submitted “equivalent documentation” are in compliance with the applicable law in the country of its origin.

7. QUESTION

We find the paragraph in Appendix 9, 1.2.1.c: *“The average of Debt Financing to the average of the Equity of the Candidate/ Bidder of the last three fiscal years shall be less than two (2), as shown in the Audited Financial Statements of the Last Three Fiscal Years. For Joint Venture of Persons, the average of Debt Financing and the average of Equity for the last three fiscal years of each Member of the Joint Venture of Persons shall be weighed with the percentage of their participation in this Joint Venture as a weighing factor (expressed in decimal numbers)”* very restrictive and would like to amend/remove it.

ANSWER

The equity for this financing Ratio includes also retained earnings and its calculation is the company's total assets minus its total liabilities. The Contracting Authority requests this maximum value for decreasing the financing and implementation risks for project.

8. QUESTION

We think there is an error in Appendix 9 as the sentence “*All documents produced by public entities must be original or notarized copies with apostille stamp in English and in Albanian language*” can be understood as apostille stamp shall come in both languages whereas tender documents can be sent in English or Albanian. Please clarify?

ANSWER

Continuing of the above mentioned paragraph titled “Translation” in Appendix 9 (page 50 of tender document English version):

“If the original of this document is in different language it will be translate in English or in Albanian language and notarized by the notary public.”

According to the above the translated documents can be submitted either in English or in Albanian. But regardless the language in which they are translated - Albanian or English – they must be original or notarized copies with apostille stamp.

9. QUESTION

Because of Covid 19, “apostille stamp” takes too long to be obtained, is it possible to remove such requirement?

ANSWER

In Appendix 9 paragraph titled “Translation” (page 50 of tender document English version), is mentioned:

“All documents produced by public entities must be original or notarized copies with apostille stamp in English and in Albanian language. If the original of this document is in different language it will be translate in English or in Albanian language and notarized by the notary public. Cases of non-delivery of a document or of false and inaccurate documents are considered as a condition for disqualification.”

Additional in Appendix 9, paragraph titled “Legalization of Documentation” (page 50) is mentioned:

*“Documents provided outside the territory of the Republic of Albania by foreign legal entities should be legalized in order to have legal value. The documentation submitted by the companies that are registered in the State of the Hague Convention **should contain the apostille stamp** in accordance with the Law no. 9060, dated 08.05.2003 "On the accession of the Republic of Albania to the Convention for the Abolition of the Request for Legalization of Foreign Official Documents”.”*

10. QUESTION

Under Appendix 9 it is foreseen that the Bidder shall submit a valid Professional License for the following categories related to the execution of the contract works or any other equivalent certification of the designer. *Category 6.a Design of local roads, secondary urban roads and secondary interurban roads. Category 6.b Design of secondary urban roads and secondary interurban roads. Category 6.c Design of motorways. Category 7.a Design of bridges and small art works lower than 10 m. Category 7.b Design of bridges and small art works taller than 10 m. Category 7.c Design of bridges/viaducts of large spans, suspended bridges, statically indeterminate bridges and other special systems. Category 7.d Design of metallic bridges. Category 7.e Road-Railway Tunnels. Category 11 b Design of non-lighting signals in motorways, main urban roads and main interurban roads and in intersections with the railway.* Such requirement is very restrictive and time consuming. Is it possible to amend and address such requirement to the successful bidder?

ANSWER

Please see above Question 5 and Answer 5.

11. QUESTION

Under Appendix 9 – *Financial criteria*, we think the presentation of the following formula is wrong as sum symbol is missing: Formula $X = (a \times b) (c \times d) (e \times f) (g \times h) (k \times i)$. This is confirmed by the word “SUM” which appearing in the previous column of the table and in the chapter “*Explanation of evaluation criteria*” paragraph 2 (8), page 81: “*Financial Factor (X): the final score of the financial of the financial evaluation will be derived from the sum of the products of the offered values by the weighting factors.*” Please clarify.

ANSWER

According to the Appendix 12 in the Table Evaluation Criteria, page 65 is written the word SUM of the factors – results per criterion in brackets - of the Formula.

Additional in the Appendix 12, page 81, is mentioned:

“Financial Factor (X): the final score of the financial evaluation will be derived from the sum of the products of the offered values by the weighting factors.”

12. QUESTION

Under Appendix 12, the following is foreseen: Row (5) & row (7) : Guarantee starting level & Reward Starting revenue base case revenue level. The result is = (lowest offered value / bidder value) X (Gravity factor). Please confirm whether maximum benchmarking may exceed the defined grades in each of the criteria.

ANSWER

We are not sure to understand the question, and in particular what it is meant by “maximum benchmarking” and “defined grades”. However, please note that:

- The detailed explanation on calculation of the 5th financial criterion is described in Appendix 12, page 75, paragraph (5) Guarantee-starting level (English version).
- The detailed explanation on calculation of the 7th financial criterion is described in Appendix 12, page 79, paragraph (7) Reward -starting level (English version).

Also, the maximum points available (“bid result”) in each financial criterion is equal to the corresponding “gravity factor”.

13. QUESTION

It seems to be an error under Appendix 12. *The wording is: The total length of project has been divided in 3 sub-sections:*

1. *Milot – Kashar*
2. *Kashar – Luzi i Vogel*
3. *Luzi I Vogel – Fier*

The correct wording shall be:

1. Milot – Thumane
2. Thumane – Luzi i Vogel
3. Luzi I Vogel – Fier.

ANSWER

The grouping of the six (6) Sections of the motorway into three (3) sub-sections in Appendix 12, par. 1.7 “Deadline of the completion of works” is done by the main characteristic of the works of “existing alignment to be upgraded or new alignment”. The same characteristic of the works is applied also in the “Work Schedule” in Appendix 14 which presents the estimated time of completion for the Sections “existing alignment to be upgraded” (36 months) and for the Sections “new alignment” (60 months).

According to the above the sub-sections are:

1. Milot – Thumane: includes the Section1, “existing alignment to be upgraded”
2. Thumane – Luzi i Vogel: includes the Sections 2, 3 and 4, “new alignment”
3. Luzi I Vogel – Fier: includes the Sections 5 and 6, “existing alignment to be upgraded”

14. QUESTION

Under Appendix 12 there are 9 classes of vehicles. Is it possible to limit such classes to four to simplify electronic detection and usability?

ANSWER

In Appendix 12, chapter 2. “Financial Bid”, page 74 (English version) is mentioned:

“Recommended vehicle classes as per the Albanian Road Tolling Strategy (ARTS)”

According to the above the vehicle classes presented in the table are recommended although not obligatory.

The Bidder shall propose the toll rate for category 2 of the Table Passenger Vehicle / Light Vehicle. The No of classes and the “class coefficient” to be applied during the operation of the motorway will be negotiated and agreed with the winner before signing the Contract.

15. QUESTION

Under Appendix 12 it is foreseen that the concept design introduces the solution of the project and should minimally prepare certain surveys. We find this requirement unnecessary and time consuming. It shall be done afterwards during the construction phase as in this case all bidders will prepare plenty of initial surveys which independent of the bid will have to be replicated during construction phase. Is it possible to remove such requirement?

ANSWER

According to the Appendix 12, par. 1.1. “Concept Design” page 67:

“The Concept-Design generally introduces the solution of the project and should minimally prepare the following surveys:....”

The Bidder should include in its Technical Bid the mentioned surveys in the above paragraph.

The Bidder should take into account also the following part Appendix 12, par. 1.1. “Concept Design” page 66:

“The bidder should further elaborate the project on the basis of reviewing all key requirements of the Contracting Authority and using the results of the observations and technical studies available within or outside the project.”

16. QUESTION

Is there any requirement to present an indicative solution, e.g. map / drawing, if yes, please clarify specific requirements.

Your prompt response will be very much appreciated.

ANSWER

The requirements for the Technical Offer are described in Chapter 4 “Tender Documents and Requirements”, par. “d) Technical Bid” (pages 11-16) and in Appendix 12, Chapter 1. “Technical Bid” (pages 66-73) of the tender document (English version).