

QUESTION

1. Due to the heavy requirements concerning the concept design issue, the announced tender date 28th September 2020 seems obviously unachievable. We would like to request two months extension for the preparation of a first quality acceptable concept design and the feasibility study which needs to be discussed with the financial institutions.

ANSWER

According to the Albanian Legislation, law 125/2013 “On concessions” article 22, point (2) where for concessions above high monetary boundary, procurement law time terms shall be observed. Moreover, concessions law with article 22, point (3) specifies that notification term cannot be lower than 30 days.

Therefore, the time allowed between the Date of the announcement/notification of the Tender (09/07/2020) and the Date of the Bids/Offer Submission (28/09/2020), i.e.: 80 days, is well beyond the minimum established by the relevant Albanian Legislation.

The Contracting Authority maintains that the available time is adequate for the preparation of the documents required for the Tender.

QUESTION

2. Construction experience:

a) We understand that if applicant’s share is more than %30 in a former JV or Consortium, the bidder can show the full project amount which should be minimum 200 million euro. (As an example, if the bidder has a %30 share in a JV for a 200 million euro contract, he can declare the full 200 mio euro) Please confirm.

b) And we also understand that if applicant’s share is less than %30 in a former JV or Consortium, the bidder’s completion certificate will be calculated by multiplying the JV/Consortium share with the Contract figure which should be minimum 200 million euro. (As an example, if the bidder has a %25 share in a JV for a 200 million euro contract, he can declare only 50 mio euro from that particular project). Please confirm

c) We understand that all the total values of these declared values should reach to 1 billion euro which will be regarded as a pass or fail position for the bidder. Please confirm

ANSWER

The relevant criteria are described in detail in the Tender Documents in Appendix 9, Chapter 2, Section 1.3 (page 41)

1.3. Technical capacity:

*The Bidder, in order to be deemed as technically and professionally capable, **must** accumulatively have and demonstrate the required Experience in Design, Construction, Operation and Maintenance of the Road as well as the Professional Capacity in accordance with the provisions below:*

Relevant to sub-question c)

Section 1.3.2 Construction experience(Page 41)

II. “ They **must** have constructed (completed) within the last five years (2014 – 2019) the construction of Acceptable Projects with a cumulative contract price higher than >€1.000.000.000 (one billion euro) excluding VAT. Acceptable Project for demonstrating construction experience means any infrastructure project with a minimum contract price of €200.000.000 (two hundred million euro) excluding VAT. In any case, in order to have the required construction experience, the Bidder must demonstrate that they have constructed Road Infrastructure Acceptable Projects with a final contract price of at least €500.000.000 (five hundred million euro).”

Relevant to sub-questions a) & b)

Section 1.3.2, last paragraph (Page 42):

III. “If the Bidder or, in case the bidder is a Joint Venture, Members thereof or the associates that have been declared as responsible for participating in the Constructor, has constructed Acceptable Projects as member of the Joint Venture, they can, towards demonstrating their Construction Experience, **invoke the contract price of the Acceptable Project, provided that they have participated in the construction Joint Venture with a percentage of at least 30%. In this case, each Bidder can invoke each Acceptable Project once. If the participation of the economic operator in the construction of the Acceptable Project is less than 30%, then, for the calculation, the contract price weighted according to the percentage of the participation of the economic operator in the construction Joint Venture is taken into consideration.**”