



REPUBLIKA E SHQIPËRISË

MINISTRIA E INFRASTRUKTURËS
DHE ENERGJISË

KOMISIONI I POSACEM I DHENIES ME KONCENSION

QUESTION

1. Reference is made to 1.3.3.1 under Operation, Maintenance and Exploitation Experience of the “PRECEDING DOCUMENTS FOR COMPETITION CONCESSION/ PRIVATE PUBLIC PARTNERSHIP PROCEDURE FOR THE DESIGN, CONSTRUCTION, FINANCING, OPERATION, MAINTENANCE, REHABILITATION AND TRANSFER OF ROAD SEGMENT: MILOT – THUMANE – KASHAR- LUZI VOGEL –FIER” regarding definition of the Acceptable Project.

Could you please clarify or confirm as follow:

SUB-QUESTION

1.1. “Acceptable Projects that demonstrate experience in the fields of maintenance, operation and exploitation, are projects of Motorways at least one hundred (100) kilometers long accumulatively per contract.” Does “accumulatively per contract” mean it is allowed to collect 100km from adding up several sections / projects, which are not necessarily connected to each other, or only of one Motorway which all belongs to one contract?

ANSWER

Tender Documents, ENGLISH VERSION Appendix 9, par. 1.3.3.1 (page 43) mention:

*“..Acceptable Projects that demonstrate experience in the fields of maintenance, operation and exploitation, are projects of **Motorways at least one hundred (100) kilometers long accumulatively per contract.....**”*

The Contract for maintenance, operation and exploitation must refer to Motorways at least one hundred (100) kilometers long, either as one single Motorway or as more than one section

of Motorways which are not necessarily connected to each other but all sections are included in the same Contract.

Further, Tender Documents, ALBANIAN VERSION Appendix 9, par. 1.3.3.1 (page 42) mention:

“...Projektet e Pranueshëm që dëshmojnë përvojë në fushat e lartpërmendura janë projektet e Autostradave me një gjatësi minimumi 100 (njëqind) kilometra për kontratë...”

“..Acceptable Projects that demonstrate experience in the fields of maintenance, operation and exploitation, are projects of Motorways with a minimum length of 100 (one hundred) kilometers per contract.....”

Tender documents in Albanian language are the official documents approved by the Council of Ministers. In case of differences between the Albanian and English versions the text in Albanian is the official one.

According to the above the Acceptable Projects is one single Motorway with a minimum length of 100 (one hundred) kilometers, which is included in one Contract.

SUB-QUESTION

1.2. “Acceptable Projects that demonstrate experience in the fields of maintenance, operation and exploitation, are projects of Motorways at least one hundred (100) kilometers long accumulatively per contract.” Could you please clarify what kind of scope or activities conducted by the Candidate (member of consortium) would justify exploitation experience? Is it just having an Operations & Maintenance Contract for the project, or you require the Operations & Maintenance company to have some toll collection and traffic risk as part of the exploitation experience on the project?

ANSWER

Exploitation experience includes services for toll collection and traffic risk.

SUB-QUESTION

1.3. Would be a contract for Operation and Maintenance of the Motorway with the length more than 100km where the Candidate (member of Consortium) conducted operation and maintenance Services for more than 2 consecutive years in last 5 years considered as relevant one for Acceptable Project having in mind that such contract did not include toll collection services on the subject motorway?

ANSWER

Tender Documents, ENGLISH VERSION, Appendix 9, par. 1.3.3.1 (page 43) mention:

*“ All Candidates **must demonstrate**, by submitting the Supporting Documents listed in this call, previous experience of at least two (2) consecutive years within the last five (5) years before the Bid Submission Deadline, **in the fields of maintenance, operation and exploitation** of at least two (2) Acceptable Projects. Acceptable Projects that demonstrate experience **in the fields of maintenance, operation and exploitation**, are projects of Motorways at least one hundred (100) kilometers long accumulatively per contract”*

According to the above the Candidates **must have experience** in the fields of **maintenance, operation and exploitation**. Candidates with experience in less of the above three fields are disqualified.

SUB-QUESTION

1.4. Would it be allowed that two companies jointly fulfill the criterion related to Operation, Maintenance and Exploitation experience in the way that each company can present one Acceptable Project?

ANSWER

The criterion should be fulfilled by the Bidder. If the Bidder is a Joint Venture or Consortium of Companies then, the relevant experience of each Member of the Joint Venture or Consortium is demonstrated and the required experience of the Bidder is the cumulative experience of all the Members.

QUESTION

2. Reference is made to 1.3.3.2 under Operation, Maintenance and Exploitation Experience of the “PRECEDING DOCUMENTS FOR COMPETITION CONCESSION/ PRIVATE PUBLIC PARTNERSHIP PROCEDURE FOR THE DESIGN, CONSTRUCTION, FINANCING, OPERATION, MAINTENANCE, REHABILITATION AND TRANSFER OF ROAD SEGMENT MILOT – THUMANE – KASHAR- LUZI VOGEL –FIER” regarding the participation of the member who holds Operation, Maintenance and Exploitation Experience

SUB-QUESTION

2.1. Having in mind that companies which hold Operation, Maintenance and Exploitation Experience usually have at Concessionaire level minor share, which is in the same range with their potential scope they could provide in such projects, we kindly ask you to clarify the meaning and correctness of mentioned 90%.

ANSWER

Appendix 9, paragr.1.3.3.2 (page 43)

*“In case of a Joint Venture and/or Companies, the Experience in Operation, Maintenance and Exploitation **must be held by at least one member thereof, who participates in the Joint Venture of Persons with a percentage no less than 90%.** It is noted that this member of the Joint Venture of Persons, will keep the above mentioned percentage of their participation in the capital share of the SPS for a defined period of time in accordance with the special provisions of the Concession Agreement.”*

According to the above, at least one member of the Joint Venture and/or Companies must have the required experience in Operation, Maintenance and Exploitation (2 Acceptable projects).

SUB-QUESTION

2.2. If the answer on our question under bullet 1.4. would be positive could you please explain in which ratio 90% should be shared between two companies which jointly fulfill the criterion related to Operation, Maintenance and Exploitation experience?

ANSWER

According to the answer of the above Sub-question 2.1, both Members should participate in the Joint Venture with a percentage of not less than 90% cumulatively. The Tender documents do not define the percentage of participation of each Member in Joint Venture and/or Companies. The percentage of participation of each Member will be defined by the Bidder in their offer.

SUB-QUESTION

2.3. If the answer on our question under bullet 1.4. is positive would it be possible that two companies establish O&M Joint Venture which would be member of Consortium and the members of the O&M Joint Venture have jointly 90% share in the Concessionaire?

ANSWER

The criterion is applied to the Bidder / potential Concessionaire. If the Bidder is a Joint Venture or a Consortium of Companies (and Joint Ventures) then, the Member or the

Members of the Joint Venture or Consortium who demonstrate the required experience in Operation, Maintenance and Exploitation must participate in the present Offer's Joint Venture or Consortium and in the final Concessionaire legal scheme with at least 90% share.

SUB-QUESTION

2.4. Would it be possible to fulfill the criterion related to Operation, Maintenance and Exploitation experience through the relevant experience of a company which would be in advance officially nominated Operation and Maintenance Subcontractor of our Consortium (i.e. this company would not have shares in Joint Venture and later in Concession Company)?

ANSWER

The criterion is fulfilled only by the Bidders experience. If the Bidder is a Joint Venture or a Consortium of Companies (and Joint Ventures) then, the criterion is fulfilled only by its Members and not by Sub-Contractors.