

Dear Economic Operator,

Regarding your questions you are invited to find the explanations below:

1. Regarding the first question, all participants in the Joint Venture Agreement must 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.
2. Regarding the second question, in the case of the submission of the offer a joint venture of the economic operators, in accordance with Article 14.3 of the Law No. 162/2020 the submission and review of the bids shall be made in accordance with Article 88 of the DCM No: 285, Dated 19 May 2021 as you can find it below:

"Article 88

Merger of economic operators

1. The bid may be submitted by a merger of economic operators, as defined in Paragraphs 2 and 3, of Article 14 of the Public Procurement Law, where one of them represents the others during the procedure and, in case of selection, also during the contract execution. The bid must specify the part of the service, work or supply, which shall be performed by each of the members of this merger through a cooperation contract concluded between the parties.
2. The members of the merger of economic operators shall assign, in the cooperation contract concluded between them, their representative for the submission of the bid. This cooperation contract must be submitted together with the qualifications and economic bid, which must be signed by the representative. The representative must also secure the bid by specifying the participation in the merger of economic operators.
3. Each of the members of this merger must meet the requirements, which are set out in Article 76 of Public Procurement Law, and those set out in the tender documents. Qualification requirements including the economic, financial, professional and technical ones must be met by the whole merger, in accordance with the percentage and/or nature of participation in works, service or goods, as defined in the agreement.

When the bid is submitted by a merger of operators, the condition set out in Article 39, Paragraph 5, Subparagraph "a" of these rules shall be met by the member who has the highest percentage of participation in the merger. The other members of the merger will submit similar contracts in relation to the percentage of their participation in the merger. If the economic operators, members of a merger, have the same percentage of participation in the merger, they shall decide upon agreement in the cooperation contract which of them will meet this condition.

4. The economic operator, member of a merger, may not submit also individual bids at the same time. If the merger of economic operator's changes after the submission of the bid, its bid shall be rejected. Before concluding the contract, the contracting authority or entity may request the formal establishment of the merger of economic operators upon a notarized agreement.
5. If the merger of economic operators is awarded as winner, the contract must be signed by each of the members of this merger.

6. In case of bankruptcy of one of the members of the merger of economic operators or in other circumstances, which terminate its activity during the contract execution, the contracting authority/entity may continue the contract with other economic operator/s, members of the merger, provided that the member enjoys the legal, economic, financial and technical capacity to execute the contract. Otherwise, the contracting authority/entity shall terminate the contract."

Sincerely
Valbona Pepa

P.S. Please do note that the answer of this question shall also be made available for the public at the Contracting Authority website: <https://www.infrastruktura.gov.al/shpallje/>