

Date 18.12.2024

MINUTES OF THE ARGUMENT

PROCUREMENT OBJECT:" On the design, construction, operation, maintenance, rehabilitation and transfer of the road segment "Milot-Balldre"

The estimated Total Value of the Contract is 364,732,924 EURO excluding VAT. This value includes the sum of the Design Value, Operation Value, routine and capital Maintenance value.

- The estimated value of the Project is 3'650'964 EURO without VAT (Design) plus 182'548'198 EUR without VAT (Construction, rehabilitation) plus 10'122'482 EUR without VAT (Payment System (toll))
- The estimated value of the Operation is 84,979,849 EURO excluding VAT (Operation)
- The estimated value of Routine and Capital Maintenance is EUR 83,431,431 excluding VAT

Based on Article 21, point 2 of Law No. 162/2020 "On Public Procurement", *as amended, and Article 2, point 2/c and Article 78, point 2, of DCM No. 285, dated 19.05.2021 "For the Approval of Public Procurement Rules"*, as amended the Contracting Authority/Entity Ministry of Infrastructure and Energy has drawn up the minutes for arguing the criteria for qualification for the above-mentioned procedure, with the content as follows:

Pursuant to Law No. 125/2013 "On concessions and public private partnership", as amended before the announcement of the concession award procedure/PPP "For the design, construction, operation, maintenance, rehabilitation and transfer of the road segment "Milot-Balldre", the MIE Contracting Authority has sent the feasibility study for evaluation and approval to the Ministry of Finance. Ministry of Finance with letter no. 13999/21 prot., dated 04.12.2024, approved the feasibility study for the concession of this road segment.

SPECIAL QUALIFICATION CRITERIA

1. The bidder must submit:

- a) *Bid security, according to Appendix 3;*
- b) *Declaration on the fulfillment of the technical specifications, according to Appendix 5;*
- c) *Declaration on Conflict of Interest according to Appendix 6;*
- d) *Description of the Offer duly completed and signed, according to Appendix 1;*
- e) *Evaluation form according to Appendix 7;*
- f) *Declaration on the availability of means according to Appendix 8.*

Argumentation: *The above requirements are based on Articles 76, 82 and 83 of the LPP and Article 26 of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules".*

2.2 Economic and financial capacity:

The bidder must have the necessary financial resources for the realization of the object of the competition and assumes any risk that may occur, as foreseen or implied in the General and special Conditions of the Contract.

2.2.1. All Bidders must demonstrate an economic and financial position that ensures financing implementation of the purpose of the Concession Agreement. In order for a bidder to qualify, it must meet the following criteria:

- a. Submit the balance sheets of the last three financial years where they show that the ratios between assets and liabilities in at least two consecutive balance sheets are positive (>0).
- b. Equity (total assets minus liabilities) for the last fiscal year must be no less than 30% of the project value as shown in the Audited Financial Statements of the last fiscal year.
- c. An average annual turnover of at least 1 (one) of the last 3 (three) financial years (2021, 2022, 2023) at least 10% of the contract value.

2.2.2. For the purposes of the cases according to 2.2.1, the bidder must submit the financial statements of the last 3 (three) years audited and published in accordance with the Law of the State where the bidder has its headquarters. Failure to meet this requirement shall be ground for disqualification.

2.2.3 Bidders must submit evidence of credible and verifiable project financing agreement, which will be in the form of a letter of interest to support the project "in principle". This evidence must be issued by one or more financial institutions of good repute or a letter of authorization/commitment from the Board of the company, or a similar high decision-making authority of the Bidder, to secure financing from internal sources, evidence of available funds or a combination of the above.

2.2.4 The economic operator must submit a business plan for the entire concession/ppp period including the data required in the tender documents. The Business Plan must be drawn up in accordance with points 3 and following of Article 7 of Decision no. 575/2013 of the Council of Ministers "On the Approval of the Rules for Evaluation and Concession/Public Private Partnership" amended as far as applicable.

Argument: *The above requirements are determined with reference to the value of the project and the value of the contract of this procedure, referring to Law No. 162/2020 "On Public Procurement", as amended, and DCM No. 285, dated 19.5.2021 "On the approval of public procurement rules", as amended.*

The determination of point (a) refers to DCM No. 285, dated 19.5.2021, as amended. The financial statements with a positive balance present truthfully and reliably the economic and financial capacities of the Bidders.

The determination of point (b) refers to Law No. 162/2020, as amended and DCM No. 285, dated 19.5.2021, as amended. The requested Economic and Financial Capacity, documented with balance sheets or financial statements, serves the contracting authority to recognize the

economic and financial condition of the Bidders and their possibility for successful fulfillment of the Contract during the construction phase.

The determination of point (c) refers to Law No. 162/2020, as amended, and DCM No. 285, dated 19.5.2021, as amended. Considering the size and complexity of the project, it is requested that the minimum turnover value annual average of at least 1 (one) of the last 3 (three) financial years (2021, 2022, 2023) be at least 10% of the contract value, this to prove the financial capacity of the Bidder, in order to successfully fulfill the Contract during Operation and Maintenance phase.

The determination of the years necessary for the presentation of balances is made by referring to Law No. 162/2020, as amended and DCM No. 285, dated 19.5.2021, as amended, and Law No. 25/2018 "On accounting and financial statements", Law No. 10091, dated 05.03.2009 "On the legal audit, the organization of the profession of the registered accounting expert and the approved accountant" as amended, as well as the relevant by-laws and instructions.

The established criteria are high international standards which only aim to increase the quality of the procedure. These criteria do not create discrimination for Economic Operators, on the contrary, they aim to introduce Economic Operators with the highest standards into the procedure so that no problems arise in the realization of this complex and very important project.

2.3 Technical capacity:

The bidder must meet the professional technical requirements, and must possess and demonstrate in a concise manner the Experience in Design, Construction and Maintenance for the Road Segment, as well as the Professional Capacity in accordance with the following provisions:

1.3.2. Experience in Design

The Bidder, or in case the Bidder is a Temporary Association of Companies, its members who have been declared responsible for the realization of the Design, must prove, during the last 5 (five) years, from the date of the announcement of the contract notice, that they have the appropriate experience in the design of the nature of the object being procured, they must prove that they complete the following:

- a) similar work for a single object in a value not less than 10% of the estimated value of the design for the object being procured and which has been realized during the last five years, from the date of the announcement of the contract notice; OR
- b) similar works up to a limit, where the total monetary value of the works performed, taken together during the last five years, from the date of publication of the contract notice, is not less than twice the limit value of the contract being procured.

Fulfillment of one of the above two conditions makes the offer eligible.

To prove previous similar experience, economic operators must submit the following evidence:

- a) for previous experience with the public sector, the economic operator must present:
- the contract and the certifications issued by a public entity for its successful fulfillment, where the value and deadline for completion are noted;
 - situations and sales tax invoices, completed according to the requirements of the legislation in force, where the dates, amounts and services performed are noted.
- b) for previous experience with the private sector, the economic operator must present:
- situations and sales tax invoices, completed according to the requirements of the legislation in force, and declared to the tax authorities, where the dates, amounts and services performed are noted.
 - the contract and certificates for its successful fulfillment, where the value and the deadline for completion are noted.

Argumentation: The above request is defined based on Article 77 of Law no. 162, dated 23.12.2020 "On Public Procurement" and Article 39, point 5, of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules". By means of this criterion, economic operators are required to prove that they have *the necessary experience to implement the contract, therefore it is requested that previous similar works are at least 10% of the design value, for a single object (which is within the limit value defined in the above-mentioned Article) or at least as much as double the design value, for the total similar works carried out in the last 5 years, which are within the limit values defined in the above-mentioned Article.*

The Bidder, or in case the Bidder is a Temporary Union of Companies, its members who have been declared responsible for the realization of the Design, must have the necessary licenses for the implementation of the contract based on the approved format. The professional license of economic operators related to the execution of contract services subject to procurement, must contain the following categories:

- Category 2.d Landscape design, arrangement of green areas, flower gardens and parks
- Category 4.i Designing street lighting, squares, decorative lighting, lighting of large sports facilities, ports and airports, etc.
- Category 4.j Design of telephone networks, intercom, intercom, Internet, TV, Access control, CCTV, alarm systems, fire detection systems.
- Category 6.a Design of local roads, secondary urban roads and secondary interurban roads.
- Category 6.b Design of main urban road and main interurban road.
- Category 6.c Highway Design
- Category 7.b Designing bridges and works of art over 10 m.
- Category 7.c Design of bridges/viaducts with large spans of light,

suspension bridges, bridges with statically undefined system and other special systems.

- Category 7. Road-railway tunnels.
- Category 8.a Engineering surveys
- Category 9.d Geological-engineering study/assessment of soft terrains and slopes with low stability.
- Category 9. Hydrogeological studies and designs.
- Category 10.e Electrical cabinets of the distribution network - low - medium voltage lines
- Category 11.a Illuminated signaling on local roads, secondary urban roads, secondary interurban roads, squares and parking lots.
- Category 11.b Non-illuminated signaling on highways, main urban roads and main interurban roads and at junctions with the railway.
- Category 11.d Illuminated signaling in the infrastructure.
- Category 12.c Studies/Assessments of engineering seismology for the lands where road and railway infrastructure facilities of all types, bridges, tunnels, viaducts, etc. will be built.

Based on Decision no. 943, dated 28.12.2016 of the Council of Ministers "On some amendments and additions to DCM no. 759, dated 12.11.2014, "On the professional licensing of individuals and legal entities that will exercise activity in the field of study and design in construction and supervision and approval of implementation works in construction", foreign physical / legal entities must apply for the equivalence of the foreign license in the Republic of Albania.

The foreign candidate/bidder must provide the professional licenses issued by the country of origin for the categories of works at the Ministry of Infrastructure and Energy in the Republic of Albania (failure to present them constitutes a disqualifying condition).

***Argumentation:** The above request is determined based on Article 77 of Law No. 162, dated 23.12.2020 "On Public Procurement" (as amended), Article 41, point 4, letter a) of DCM No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules" (amended), as well as Decision No. 759, dated 12.11.2014 of the Council of Ministers "On the professional licensing of individuals and legal entities that will exercise activity in the field of study and design in construction and supervision and coordination of implementation works in construction", as amended by DCM No. 943, dated 28.12.2016. By means of this criterion, it is required that the economic operators prove that they have the professional licenses provided by the legislation in force for the performance of the services, subject of the contract, issued by the competent authorities.*

The design study categories are set in accordance with the tasks and objectives described in the Feasibility Study.

The Bidder, or in case the Bidder is a Temporary Union of Companies, its members who have been declared responsible for the realization of the Design, must prove that they have the appropriate qualifications of the technical management staff of the company, capable of performing all services according to the scope of this contract, as follows:

- Project Manager (Construction Engineer)
 - Construction Engineer Structuralist profile.
 - Construction Engineer Profile Transport Infrastructure
 - Electrical Engineer
 - Electronic Engineer
 - Hydrotechnical Engineer
 - Environmental Engineer
 - Geotechnical Engineer
 - Geodetic Engineer/ Markscheider
 - Geological Engineer
 - Mechanical Engineer

For each member of the above main staff, he must submit: employment contracts, CV and professional design licenses for the facility being procured.

***Argumentation:** Based on point 4, Article 77, of law no. 162, dated 23.12.2020 "On public procurement" and Article 41, point 4/ b), of DCM no. 285, dated 19.05.2021 "On the approval of Public Procurement Rules"(changed), by means of this criterion it is required that the economic operators prove that they have the staff, the necessary qualified personnel for the successful realization of the contract. Specifically, the KDHK for the placement of staff is referred to the tasks and objectives described in the Feasibility Study.*

The criterion for the technical management staff is closely related to the object of the contract. The need for these engineers is dictated by experience and legislation in the field of study design in construction. Economic operators must prove that they possess the necessary technical and professional qualifications, organizational capacities, reputation and reliability, appropriate experience, as well as the necessary personnel to implement the contract.

The Bidder, or in case the Bidder is a Temporary Union of Companies, the members of this Union who have declared themselves responsible for the construction, to prove that they have the appropriate experience in construction, must certify that they complete the following:

- a) similar work for a single object in a value not less than 15% of the estimated value for the construction and the payment system that is procured and that has been realized during the last five years, from the date of the announcement of the contract notice; OR
- b) similar works up to a limit, where the total monetary value of the works performed, taken together during the last five years, from the date of publication of the contract notice, is not less than twice the limit value of the contract being procured.

Fulfillment of one of the above two conditions makes the offer eligible.

Point 2.3.2/a is completed by the member who has the largest percentage of participation in the union. Other members of the union will submit similar contracts in proportion to their percentage of participation in the union. In the case when the economic operators, members of a union, have the same participation percentage in the union, decide by agreement in the cooperation contract which of them will fulfill this condition. While point 2.3.2/b must be completed by all members of the union in relation to the percentage of their participation in the union.

The evaluation of the successful experience of the Economic Operator will be carried out based on the following statements and documents:

- a) For contracts concluded with public entities, the economic operator must submit the following documentation:
- Evaluation Form for the realization of works according to Appendix no. 7, accompanied by:
 - Contract Enterprise
 - The final situation;
 - tax invoices,
 - The approval act;

Note: *The evaluation form must accurately determine the quality of the work performed and whether the contract has been successfully completed.*

- b) For contracts concluded with the private sector, the economic operator must submit the following documentation:
- Certificate issued by the private entity accompanied by:
 - Enterprise Contract;
 - The final situation;
 - Tax invoices declared to the tax authorities;
 - Object approval act;

Note: The certification must accurately determine the quality of the performance of the works and the fact that the contract has been carried out successfully.

Argumentation: The above request is defined based on Article 77 of Law no. 162, dated 23.12.2020 "On Public Procurement" and Article 39, point 5, of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules". By means of this criterion, economic operators are required to prove that they have *the necessary experience to implement the contract, therefore it is requested that the previous similar works are at least 15% of the estimated value for the construction and the payment system being procured (which is within the limit value defined in the above-mentioned Article), for a single object, or at least twice the limit fund, for the total similar works carried out in the last 5 years, which are within the limit values defined in the above-mentioned Article.*

The determination of the required value for similar contracts is argued as follows: Previous experience is a very necessary element that guarantees the authority that economic operators on the basis of the value of similar works possess the capacity to implement the contract successfully according to an appropriate quality standard.

The Bidder, or in case the Bidder is a Temporary Union of Companies, the members of this Union who have declared themselves responsible for the construction must present the professional license of the company, valid for the implementation of the works subject to the contract, issued by the Ministry of Infrastructure and Energy, according to the format approved by DCM No. 42, dated 16.01.2008 "On the approval of the regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities that exercise construction activities" as amended. The examination of the licenses will be done on the basis of the rules provided above. The professional license of the economic operator related to the execution of contract works must contain:

| | | |
|----|----------|---|
| 1 | NP-1-G | Earth excavation works |
| 2 | NP-2-B | Civil and industrial constructions |
| 3 | NP-4-G | Roads, highways, overpasses, railways, trams, subways, airport runways |
| 4 | NP-5-G | Underground works, bridges, civil works |
| 6 | NP-9-E | Works and river protection, hydraulic systems and reclamation |
| 7 | NP-11-C | Construction of substations, transformer cabins, TN and medium line and energy distribution |
| 8 | NP-12-D | Environmental engineering works |
| 9 | NS.1 – D | Construction demolition works |
| 10 | NS-6-E | Non-illuminated traffic signals |
| 11 | NS-7-F | Barrier and road protection |
| 12 | NS-9 – D | Special structural works |
| 13 | NS-18-E | Topo - geodesic works |
| 14 | NS-20-F | Geological-engineering drilling, wells and water drilling |

Foreign companies must do the equivalence of the professional licenses they have issued by the country of origin, at the Ministry of Infrastructure and Energy, Republic of Albania. (Regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities that exercise construction activity, approved by DCM No. 42, dated 16.01.2008). Failure to appear in this form is a disqualifying condition.

Argumentation: The above request is determined based on Article 77 of Law no. 162, dated 23.12.2020 "On Public Procurement", Article 39, point 6/a, of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", as well as Decision of the Council of Ministers No. 42 dated 16.01.2008, "On the approval of the regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities that exercise construction activities". Also, the data for the above licenses have been set referring to the legal basis for constructions, Law no. 8402 dated 10.9.1998 "On the control and discipline of construction works" amended, Article 8 defines "The implementation of

construction works is carried out only by legal entities, private or public, local or foreign, equipped with the relevant license, for implementation construction works. The implementer of the works is responsible and is obliged to carry out the construction works, in accordance with the construction permit, the project, the technical conditions of implementation and the insurance rules. technician. He must ensure the quality of construction materials and construction products, which must meet the requirements of the project in accordance with national or European standards".

The required categories were requested based on the items and values of the works, as follows:

| The required category | Description of the category according to the legislation of the field | Items of work that are expected to be performed in the estimate, which are included in the relevant category | The classification level required for the respective category | The value of the works that are expected to be carried out in the estimate, which are included in the relevant category |
|-----------------------|---|--|---|---|
| NP-1-G | Earth excavation works | Paving works in the body of the road, in small works of art, etc. | Over 800 mln | 979,700,882 |
| NP-2-B | Civil and industrial constructions | Building and toll (5% of the estimated value in the feasibility study | 21-50 mln | 50,000,000 |
| NP-4-G | Roads, highways, overpasses, railways, trams, subways, airport runways | Includes all road works and the toll system. | Over 800 mln | 19,033,936,471 |
| NP-5-G | Underground works, bridge and artwork | Works for the construction of bridges, etc | Over 800 mln | 1,439,699,957 |
| NP-9-E | Works and river protection, hydraulic systems and reclamation | Drainage system works | 201-400 mln | 313,832,060 |
| NP-11-C | Constructions for N/stations, transformer cabins, TN and medium lines and energy distribution | Works for lines, fibers, etc | 51-100 mln | 77,784,748 |
| NP-12-D | Environmental engineering works | Environmental works | 101-200 mln | 127,306,821 |

| | | | | |
|---------|---|--|-------------|-------------|
| NS-1-D | Works for the demolition of buildings | Works for destruction of layers | 101-200 mln | 125,408,853 |
| NS-6-E | Non-illuminated traffic signals | Vertical and horizontal signage works | 201-400 mln | 226,384,531 |
| NS-7-F | Barrier and road protection | Guardrail placement | 401-800 mln | 606,713,863 |
| NS-9-D | Special structural works | Works for pilots | 101-200 mln | 167,229,516 |
| NS-18-E | Topogeodesic works | Works on the road body, works of art, layers etc | 201-400 mln | 254'480'968 |
| NS-20-F | Geological-engineering drilling, wells and water drilling | Anticipated drilling | 401-800 mln | 403,932,816 |

The main technical management personnel in the license of the company, as follows:

- 1 (one) Civil Engineer
- 1 (one) Civil Engineer, Structuralist profile
- 1 (one) Construction Engineer Profile Transport Infrastructure
- 1 (one) Hydrotechnical Engineer
- 1(one) Electrical Engineer
- 1(one) Geological Engineer
- 1(one) Environmental Engineer
- 1(one) Engineer Geodesist/Markscheider
- 1(one) Mechanical Engineer

For each member of the above main staff, he must submit: CV. These documents must be presented in the original or in certified copies.

Argumentation: Based on point 4, of Article 77, of Law no. 162, dated 23.12.2020 "On Public Procurement" and Article 39, point 6/c), of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", by means of this criterion it is required that economic operators prove that they have the necessary qualified personnel for the successful implementation of the contract.

The criterion for the technical management staff is closely related to the object of the contract, the technical relationship and the items of work. The need for engineers in the facility is dictated by experience and legislation for construction works. The lack of this staff in almost every case results in realization outside the deadline, outside the norms and with poor quality of the facilities. The engineers have been determined from the point of view of the technical nature of the contract with the aim of having the best possible result in the progress and implementation of the works. Economic operators must prove that they possess the necessary technical and professional qualifications, organizational capacities, reputation and reliability, appropriate

experience, as well as the necessary personnel to implement the contract. The project manager is responsible for the construction in accordance with the technical conditions of implementation, technical insurance and protection at work within the terms of the contract.

Support staff, as follows:

- **1 (one) Civil Engineer**
- **1 (one) Civil Engineer, Structuralist profile**
- **1 (one) Construction Engineer Profile Transport Infrastructure**
- **1(one) Electronic Engineer**
- **1(one) Geological Engineer**
- **1 (one) Geotechnical Engineer**
- **1(one) Engineer Geodesist/Markscheider**
- **1(one) Mechanical Engineer**

For each member of the above support staff must submit: valid employment contract, diploma, work book and CV. These documents must be presented in the original or in certified copies.

Argumentation: Based on point 4, of Article 77, of Law no. 162, dated 23.12.2020 "On public procurement" and Article 39, point 6/c) of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", by means of this criterion it is required that economic operators prove that they have the necessary qualified personnel for the successful implementation of the contract. The criterion for support staff is closely related to the object of the contract, the technical relationship and the items of work. The need for engineers in the facility is dictated by experience and legislation for construction works. The lack of this staff in almost every case results in realization outside the deadline, outside the norms and with poor quality of the facilities. Economic operators must prove that they possess the necessary technical and professional qualifications, organizational capacities, reputation and reliability, appropriate experience, as well as the necessary personnel to implement the contract.

The participating economic operator for the realization of the works subject to the contract, must have a workforce of at least 200 (two hundred) people. These documents must be presented in original or in certified copies, as follows:

- Certification issued by the Social Security or Tax Administration according to the format required by the legislation in force, specifying the number of employees for each month, for the period November 2024.
- Employee payroll according to the format required by the legislation in force for the period November 2024.

Argument: The Contracting Authority has based this criterion on Article 77, point 4 of Law no. 162 dated 23.12.2020 "On Public Procurement", which states: "The professional ability of economic operators to provide the service, work, goods is assessed in relation to organizational skills, reputation and reliability, appropriate experience, as well as personnel necessary to implement the contract, as described by the contracting authority or entity in the notice of object of the contract".

*The number of employees is determined based on the deadline, working hours and the minimum salary allowed, which are needed to fulfill the implementation of the contract. The evidence required for the number of the economic operator's workforce necessary for the execution of the object of the contract, is a document that certifies the technical and professional capacity of the operator, as long as they are proportionate to the nature and size of the contract. The declaration and registration of employees in the insurance register is a legal obligation of the employer provided by the Labor Code, therefore any evidence at this time is a document certifying the stability of the employees and their experience, as long as they are proportionate with the nature and dimensions of the contract. Employing a certain number, as one of the basic qualification requirements, in addition to the reliability of economic operators, also tries to limit social problems and avoid informality in the labor market, it is also an indicator of the qualification and experience that this must have category of employees. Setting the criteria for an employment **at least 200 people**, including the technical staff, is in accordance with the volume of work, the nature and the terrain where the works will be carried out. If we refer to the project, the estimate, the relationship, the relevant measurements that the designer has made, the number of employees is fully justified. The criterion for qualification is set to serve the authority to recognize the state of the capacities of the operators who, through documentation, prove that they possess the technical and professional capacities, the necessary personnel, as well as the organizational capacities, all in function of the successful realization of the contract.*

The economic operator must submit a copy of the company's General Policy on Health, Safety and Environment (HSE) and confirm their compliance with the requirements of the HSE OHSAS 18001:2007 Certificate. The economic operator must show the way in which the Company's Policy regarding OSH has been respected during the last 3 (three) years, in terms of accidents, as well as the statistics of incidents during the last 3 (three) years.

The bidding economic operator must have specialized / qualified employees as follows:

- 1 (one) employee equipped with a certificate "Expert for first aid and emergency intervention", which should be issued by accredited companies or by international accrediting bodies recognized by the Republic of Albania.
- 1 (one) employee who has the certificate as "Responsible for safety and health protection at work" in accordance with the clauses of Law No. 10327, dated 18/02/2010 "On safety and health at work" and DCM no. 312, dated 05.05.2010 "On the approval of the regulation "On construction site safety".

To fulfill this criterion, the operator must present: Diploma/Certificates cited above. These documents must be presented in the original or in certified copies.

Argument: Based on point 4, Article 77 of Law no. 162, dated 23.12.2020 "On Public Procurement" and Article 39, point 6/c), of DCM no. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", by means of this criterion it is required that economic operators prove that they have the necessary qualified personnel for the successful implementation of the contract. *Specifically:*

The above request is based on Law no. 10327 dated 18/02/2010 "On safety and health at work" and DCM no. 312, dated 05.05.2010 "On the approval of the regulation "On safety at the construction site", as well as Law no. 10431 dated 09.6.2011 "On environmental protection".

The nature of the contract and its specifics require special knowledge and preparation for accurate evaluations to resolve issues related to guaranteeing safety and protection at work. In the regulation

on construction site safety approved by DCM no. 312/2010, it is determined that the employer, for protection and prevention from risks, must attend relevant training courses in the field of safety and health in the workplace. Each employer chooses one or several persons to be responsible for first aid in case of emergencies and for safety and health protection. The regulation defines the minimum safety and occupational health requirements for temporary or mobile construction sites, as well as general surveillance measures.

The economic operator/s who, during the exercise of the activity, must have the relevant qualifications and documents related to the impact on the environment and environmental rehabilitation, for cases of pollution as provided by DCM no. 312/2010. The general rules and procedures for guaranteeing a high level of protection of the environment are a legal obligation for every commercial entity, natural or legal person, for the prevention and reduction of risks to human life and health, ensuring and improving the quality of life, for the benefit of today's and future generations, as well as ensuring the conditions for the country's sustainable development. The guarantee of the expertise of the protection against any risk and unexpected at work and the relevant documents of the responsible persons serve the authority to create conviction and reliability for the realization of the contract.

The tenderer (executor of the works) must submit a copy or description of the company's plan regarding Quality Assurance and Quality Control.

The tenderer (executor of the works) must confirm that it acts in accordance with all requirements and ISO standards. The economic operator must be certified with the following Standards:

ISO 9001:2015 Quality Management Systems

ISO 14001:2023 Environmental Management Systems

ISO 45001:2023 Occupational Health and Safety Management

ISO 39001 - 2012 Road Traffic Safety Management

All the above certificates must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania. In the case of the Union of Economic Operators, each member of the group must submit the above certificate according to the items of work he will perform.

Argument: *The above requirements are established based on Article 79, point 1 of Law No. 162/2020 "On Public Procurement", according to which: "The contracting authority or entity to prove that the works, goods or services, the object of procurement, meet the quality requirements, may ask the bidders to present certificates issued by a conformity assessment body, accredited by the national accreditation body or international accrediting bodies, recognized by the Republic of Albania", as well as in application of Article 44, point 1 and point 3 of DCM No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules" (amended), where it is determined:*

"The contracting authority/entity, in order to prove that the works, goods or services, the object of procurement, meet the quality requirements, may ask the bidders to present certificates issued by a conformity assessment body, accredited by the national organization of accreditation or international accrediting bodies, recognized by the Republic of Albania, only if they are substantiated and closely and directly related to the object of the procurement".