** REPUBLIC OF ALBANIA**

 **MINISTRY OF DEFENSE**

 **PROCUREMENT UNIT**

No.\_\_\_\_\_\_\_ prot. Tirana, on \_\_\_\_.\_\_\_\_.2024

**CONTRACT NOTICE TO BE PUBLISHED IN THE BULLETIN OF PUBLIC NOTICES AND ON THE OFFICIAL WEBSITE OF THE CONTRACTING AUTHORITY**

***Section 1* Contracting Authority**

**1.1 Name and address of the contracting authority**

Name Ministry of Defense

Address Rr. of Dibra, former United School, Tirana , PO Box 2423

Phone/Fax 042 226 601/2/3 1320, 1095

E-mail sekprokurime@mod.gov.al

Website <http://www.mod.gov.al>

**1.2 Type of contracting authority**

|  |  |
| --- | --- |
| **Central institution** | Independent institution |
| **X** |  |
| Local Government Unit | Other |
|  |  |

**1.3 Contract within the framework of a special Agreement between Albania and another country**

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | **No** | **X** |

***Section 2* Object of the contract**

**2.1 Reference number of the procedure/lot :** Procurement Order no. 3, dated 29.01.2024, of the holder of the contracting authority - Ministry of Defense.

**2.2 Type of "Work Contracts"**

|  |  |
| --- | --- |
| **Realization of works** | Design and implementation of works |
| **X** |  |

**2.3 Contract based on the Framework Agreement**

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | **No** | **X** |

**2.4 Type of Framework Agreement**

With 1 economic operator

With some economic operators

All conditions are redefined Yes No \_ \_ \_ \_

In the Framework Agreement with 1 economic operator, when all conditions are defined, give the reasons for selecting this type of Framework Agreement

|  |
| --- |
|  |
|  |  |  |

**2.5 The number of economic operators with whom the Framework Agreement will be concluded: \_\_\_\_\_\_\_\_\_\_\_** ( *here the maximum number of economic operators with whom the Framework Agreement will be concluded must be determined* ).

|  |  |  |
| --- | --- | --- |
| **2.6** | The conditions that will apply in the case of reopening the competition and/or the possible use of electronic purchase. |  |

**2.7 Contracting Authority/Contracting Authorities which will conclude the framework agreement: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**2.8 Brief description of the contract**

1. Limit fund : 61,485,977 (sixty-one million four hundred and eighty-five thousand nine hundred and seventy-seven) ALL without VAT.
2. Source of Funding : The expenses for this procedure will be borne by the funds approved for the Ministry of Defense Apparatus, in the state budget for 2024 and the funds planned in the MTB for 2025.
3. Object of the contract : "Improvements in hardware, software and construction of server rooms, to increase the performance of MoD/AF systems for business continuity according to NATO standards, in the ICT Interconnection Center of ASNI", classified at the "Secret" level. **(The implementation of the contract includes: construction works, mechanical works, electrical works and equipment installation).**

**2.9 Duration of the contract or execution deadline:** Starting from the date of commencement of works with completion within 4(four) months.

**2.9.1 Duration of the Agreement frame**

|  |
| --- |
| Duration in month : *or* day : ( from signing the Agreement Framework *( no more than (5) years* ) |
| *OR*starting from / / (dd/mm/yyyy)Completed on / / (dd/mm/yyyy) |

**2.10 Location of the object of the contract :** Rruga e Dibra , Garnizoni Skënderbej, Tirana .

**2.11 Division into LOTS:**

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | **No** | **X** |

*If yes,*

**2.12 Brief description of lots**

(The object and the limited fund of the helots )

1 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

etc.

A Bidder may apply for [one lot], [several lots], [all lots]. A special offer is presented for each lot.

**2.13 Options:**

Number of possible renewals *(if any)* :

**2.14 Reduction of the number of eligible candidates *(if applicable):***

**2.14.1. A reduction in the number of eligible candidates to be invited will apply:**

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | **No** | **X** |

**2.14.2 If the criterion for reducing the number of candidates will be applied:**

i. Specify the number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ii. Specify the criteria and rules that will be applied to reduce the number of candidates:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**2.15 The variants will be accepted:**

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | **No** | **X** |

**2.15** .1 **Subcontracting will be accepted:**

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | **No** | **X** |

If subcontracting will be allowed, specify the percentage allowed for subcontracting: \_\_\_\_

The contracting authority will make direct payments to the subcontractor:

|  |  |  |  |
| --- | --- | --- | --- |
| Yes |  | No |  |

**Other notes**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**2.16. During the procurement process in the field of Information and Communication Technology (ICT), the standards prepared by the National Agency of Information Society were used: - Not applicable.**

**2.17. During the procurement process in the field of Information and Communication Technology (ICT), in the case where the standards are non-applicable, prior approval was obtained from the National Agency of the Information Society: - Not applicable.**

***Section 3*  Legal, economic, financial and technical information**

**3.1 Acceptance Criteria according to** **Appendix 15.**

Note: Referring to the provisions of the LPFDS and Article 28 of the Procurement Rules in the field of defense and security, approved by DCM no. 1170, dated 24.12.2020, after the closure of the pre-qualification phase and at the end of the complaint deadlines, the contracting authority will invite the selected/qualified candidates to familiarize themselves with the concrete tender documents, which also include the full acceptance criteria, according to the Appendix 15.

**3.2 Bid security** (applicable in the case of procurement procedures with a value higher than the upper monetary limit, **in the second phase** ).

The contracting authority/entity accepts the payment of value of the insurance of the offer by the bidder also in the form:

i. bank guarantee X

or

ii. from insurance companies licensed by the competent authorities X

***Section* 4 Procedure**

**4.1 Type of procedure:** Restricted Procedure, classified at the "Secret" level.

Reannounced procurement procedure

|  |  |  |  |
| --- | --- | --- | --- |
| **Yes** | **X** | No |  |

If it is a re-announced procedure, fill in the identification data of the canceled procedure:

a) Reference number (*no. date of the procurement order* ) of the canceled procurement procedure: Procurement Order no. 3, dated 29.01.2024, of the holder of the contracting authority - Ministry of Defense (published in bulletin no. 9, dated February 19, 2024, of the Public Procurement Agency).

b) Procurement object of the canceled procurement procedure: "Improvements in hardware, software and construction of server rooms, to increase the performance of MoD/AF systems for business continuity according to NATO standards, in the ICT Interconnection Center of ASNI", classified at the "Secret" level. (The implementation of the contract includes: construction works, mechanical works, electrical works and equipment installation).

c) Limit fund of the canceled procurement procedure: 61,485,977 (sixty-one million four hundred and eighty-five thousand nine hundred and seventy-seven) ALL without VAT.

This procurement procedure is classified at the "Secret" level and will be developed based on:

* Law no. 36/2020 "On procurement in the field of defense and security";
* Law no. 10/2023 "On classified information";
* DCM no. 1170, dated 24.12.2020 "On the approval of procurement rules in the field of defense and security";
* DCM no. 542, dated 29.9.2021 "On the rules, procedures and requirements for the protection of classified information during procurement in the field of defense and security";

and includes two main phases:

**Phase 1** - **Prequalification and selection of candidates:**

The first phase (pre-qualification) concerns the selection of candidates, before the CA sends the invitation to bid. Pre-qualification of bidders is a different process from the bid evaluation procedure, which focuses on the price and criteria set out in the tender documents.

The pre-qualification process will focus on assessing the experience and ability of candidates to satisfactorily perform the specific contract. The main purpose of pre-qualification is to select those contractors/suppliers whose qualifications and experience minimize the risk of non-performance under the proposed project/contract.

The criteria for the selection of candidates in the First Phase are respectively as follows:

1. Interested candidates must be equipped with the Industrial Security Certificate (ISC), issued by AKSIK (NSA), which must be:
* Not lower than the "Secret" classification level;
* Valid in the moment of the procurement and the signature/conclusion of the classified contract;
* In accordance with the specific object of the classified procurement the.

About this, the bidders must present the Industrial Insurance Certificate, released by AKSIG (NSA), in the name of the bidders.

1. Participating economic operators must submit the declaration for submitting an independent offer, according to Appendix 4; the statement on the fulfillment of the general criteria, according to Appendix 13; the declaration on the conflict of interest, according to Appendix 10 and the declaration on guaranteeing the applicability of legal provisions in labor relations, according to appendix 14, of the tender documents published by APP, in the section Legislation/Procurement in the field of defense and security, section STD "Restricted\_Work\_Procedure".
2. Participating economic operators must self-declare that they have paid all the matured electricity obligations of the energy contracts that the economic operator that is registered in Albania has. This self-declaration is requested for the operators economic which operate in the territory of the Republic of Albania.
3. Participating economic operators must have the necessary licenses for the implementation of the contract, based on the format approved by 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" as amended.

The professional license of Economic Operators related to the execution of works subject to the contract must contain the following categories:

**For general construction works:**

* NP-3 A Reconstruction and maintenance of civil and industrial buildings, facade cladding.

**For special construction works:**

* NS-4 A Masonry refinishing and related works, refinishing with wood, plastic, metal and glass materials and refinishing of a technical construction nature.
* NS-12 A Technological, thermal and conditioning plants.
* NS-13 A Telephone and telecommunication plants and lines.
* NS-14 A Indoor electrical, telephone, radiotelephone, TV installations.

*For foreign operators, the professional license they have from their country of origin should be counted at the relevant institution, in addition to the professional licenses required for the execution of the contract.*

1. Participating economic operatorsmust submit copies of annual turnover statements issued by the tax administration for the last 3 (three) financial years (2021 - 2022 - 2023). The average turnover of the last three years should not be lower than 50% of the value of the limit fund object of procurement.
2. Participating economic operatorsmust present copies of the balance sheets of the financial years 2022 and 2023, submitted to the tax authorities and certified/confirmed by these authorities and accompanied by the Expertise Act of the Authorized Accounting Expert, in the case where they are in the conditions of the provisions of the law no. 10091 dated 5.3.2009 "On the legal audit, the organization of the profession of the registered accounting expert and the approved accountant", amended.
3. Participating economic operatorsmust have successful experience in previous contracts and for this they must present:
4. documentation for similar work about a single object with value no lower than 50% of value of the estimated contract that is procured and that is completed during the last three years;
5. documentation for similar work up in a limit, where total monetary value of the done jobs during the three last years is no lower than the double of the limit value of the procured contract.

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

* For contract realized with institutions State :
* contract;
* evaluation form;
* partial situations as well as tax invoices for each work situation (where the dates, value, time and nature of the work done are clearly stated);
* final situation;
* approval act.
* For contract realized with private entities :
* relevant contract;
* partial situations as well as tax invoices for each work situation (where the dates, value, time and nature of the work done are clearly stated);
* final situation;
* approval act.
1. Participating economic operators, for the realization of works object contract , must have the main personnel main, technical manager in the license of the company, as below :
* Construction engineer 1 (one)
* Electrical Engineer 1 (one)
* Electronic Engineer 1 (one)
* Mechanical Engineer 1 (one)

For this, economic operators must present:

* valid employment contract and university degree.

The technical managers must be employed according to the criteria of DCM no. 42 dated 16.01.2008, amended, as regards prohibitions on double employment.

In any case, the Contracting Authority has the right to verify the declaration of the EO, in order to fulfill this criterion.

1. In function of the drafting of the offer and in the conditions when this process requires access to classified information administered by the Contracting Authority, economic operators must prove that they have personnel that meet the conditions defined for the recognition, storage, administration and transfer of classified information.

For this, bidders must submit:

* Documents/certificates issued by AKSIK (NSA) or CSI issued in the name of the tenderer, where the staff equipped with CSP is identified as follows:
* The company administrator;
* Construction engineer;
* Electrical engineering;
* Electronic engineering;
* Mechanical engineering;
* Construction technician;
* 1 (one) electrician;
* 1 (one) Technician/specialist in electronic engineering and/or information and communication technology and
* 1 (one) installer and repairer of air conditioners and cooling-heating systems.

The employees as above, have been requested in function of the preparation of the offer and the implementation of the contract as they will have access to the classified information related to the implementation projects,preventive works, sketches, plans, data and technical specifications, etc.

In the event that during the implementation of the contract, the winning EO will need to engage other employees, it has the obligation that access to classified information is made in accordance with the rules defined in DCM no. 542, dated 29.09.2021 "On the rules, procedures and requirements for the protection of classified information during procurement in the field of defense and security".

1. Economic operators must prove that they develop their activity in in the field object of procurement in compliance with management standards quality, information safety, to health and safety in working and the standards of management of the environment. About this must present the following certificates :
2. Certificate **ISO 9001:2015** OR equivalent on " Quality *Management Quality* ", issued by official institutions accredited for this purpose;
3. Certificate **ISO 27001:2022** OR equivalent on " Information *Security Management* ", issued by official institutions accredited for this purpose;
4. **ISO 45001-2018** certificate OR equivalent on *" Health and Safety at Work Management System* ", issued by official institutions accredited for this purpose;
5. Certificate **ISO 14001:2015** OR equivalenton "*Environment Management Systems* ", issued by official institutions accredited for this purpose.

Certificates as above must be presented as originals or notarized copies, issued by a body accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

Certifications must be the available in development time of the tender.

In the event of a merger of economic operators, each member of the group must present the Certificate ISO according to the items of work that it will undertake to realize according to the agreement act

Economic operators to qualify in the first stage of the procedure, must submit documentation in compliance with the established requirements as above, in a closed envelope, not transparent, signed and sealed. Contracting Authority, will examine the submitted documents from the economic operators and will evaluate whether this documentation completes the requirements of notice of the contract .

**All documents required for the first stage of the procurement procedure, must be originals or notarized copies thereof. Cases of non-submission of a document, or of false and incorrect documents, are considered conditions for disqualification .**

The participation request form must be completed according to the format of the tender documents published by APP in the section Legislation / Procurement in the field of defense and security.([https://www.app.gov.al/legjislationi/procurimet-ne-fushen-e-mbrotjes-dhe-te-sigurise/dst/](https://www.app.gov.al/legjislacioni/prokurimet-ne-fushen-e-mbrojtjes-dhe-te-sigurise/dst/) ).

**Phase 2 - Invitation to Bid and evaluation:** The Contracting Authority will send an invitation to bid to Candidates who have met the requirements for pre-qualification, inviting them to submit bids according to the stipulations in the TD and the specifications set out in the invitation to bid. Bids will be reviewed and evaluated by the Contracting Authority to determine the winning bid.

**4.2 Winner selection criteria :**

**A) the lowest X price**

*OR*

B) the most economically advantageous offer

related to importance: Price **point**

etc. **point**

The Contracting Authority must specify the points for each evaluation criteria established.

**4.3 Deadline for submitting requests for participation:**
**Date:** **25 /07/2024 (** *dd/mm/yyyy)* **Time : 10:00**

Place: Ministry of Defense, address Rruga e Dibra, Tirana.

**4.4 Offer validity period: 150** *(expressed in days)*

**4.5**  **Language(s) for drafting offers or requests for participation:**

|  |  |  |  |
| --- | --- | --- | --- |
| Albanian | **X** | English | **X** |
| Other | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

***Section 5* Additional information**

**5.1 Paid documents** *(in cases where it is evaluated by the contracting authority)* :

|  |  |  |  |
| --- | --- | --- | --- |
| Po |  | **not** | **X** |

*If yes*

|  |  |  |  |
| --- | --- | --- | --- |
| coins | **\_\_\_\_\_\_\_\_\_** | PRICE | **\_\_\_\_\_\_\_** |

This price covers the actual costs of copying and distributing the TD to Economic Operators. Interested Economic Operators have the right to check DT before their purchase.

**5.2 Additional information (place, office, ways to withdraw tender documents)**

Referring to the provisions of the LPFDS and Article 28 of the Procurement Rules in the field of defense and security, approved by DCM no. 1170, dated 24.12.2020, the tender documents will be made available to the selected candidates in order to draft and submit offers for the second stage of the procedure.