



REPUBLIKA E KOSOVËS  
REPUBLIC OF KOSOVO  
REPUBLIKA KOSOVA

KOMUNA E PEJËS  
MUNICIPALITY OF PEJA  
OPŠTINA PEČ



**ZYRA E KRYETARIT  
MAYOR OFFICE  
URED PRECEDNIKA**

## **PUBLIC PRIVATE PARTNERSHIP**

### **Touristic Centre “BOREA” in Peja, REPUBLIC OF KOSOVO**

PPP Public Procurement no. **PPP -16-112-611**

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## **REQUEST FOR QUALIFICATION**

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December 15, 2016

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## SectionI: Invitation

The Municipality of Peja herewith officially requests the submission of statements of qualification for the purpose of selecting economic operators and consortiums of economic operators which have the required legal, technical and financial capacities to take part in the competitive tender procedure for the **BOREA** Project in Peja through a Public-Private-Partnership ('PPP').

The Public Private Partnership is foreseen to have the form of a concessionary contract which will be made between the Municipality of Peja as the Contracting Authority, and the Special Purpose Entity ("SPE"), which will be created by the Selected Bidder in accordance with the laws of the Kosovo Republic.

This Request for Qualification ("RFQ") is issued in accordance to Law No. 04/L-045, as part of the two-phased procurement procedure. The qualified bidders will subsequently be invited to submit their proposals for the concessionary contract, in accordance with the Request for Presentation of Proposals (RFP) of the tender.

The interested parties and potential Bidders are requested to present their qualifications as per the form and method determined with this document. The determination of the right and qualification of Potential Bidders will be made in accordance to the procedures and criteria determined in this document, following the verification by an independent selection commission.

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## **Section II: Introduction and general information**

### ***II.1. Legal information***

This tender dossier for the Request for Qualification (“RFQ”) is issued by the Municipality of Peja (‘Municipality’). In accordance with Law no. 04/L-045, and this RFQ represents the first part of the two-phased public procurement procedure for the Public-Private Partnership.

Neither the Municipality nor any of its agents, representatives, advisors or consultants, will not make or be considered to have made any statement or guarantee, expressed or understood, on the accuracy, reliability or fullness of the information provided herewith or any information provided in another manner, be it verbally or in writing, apart from the statements and guarantees expressed clearly in the approved tender documents or in the definitive contractual agreement made between the Municipality and the Selected Bidder. Neither the receipt of this RFQ or of any other information included or provided in this documentation, or subsequently communicated to any person verbally or in writing, in relation to the proposed project which involves the Municipality or its representatives, advisors or consultants will not constitute and cannot be interpreted to constitute the provision of financial, legal, technical or any other type of advice.

None of the information provided here constitutes an official offer to enter into a Public Private Partnership for the design, construction, financing, operation and transfer of the Structure, and this RFQ does not bind the Municipality or any other given entity to continue with the project in question.

This RFQ does not mean that it contains all the information that an interested party or Potential Bidder may need, or that it may want in order to make an investment decision. The Potential Bidders will need to carry out their own investigations and analyses in relation to the information provided in this RFQ.

All deadlines will be calculated in accordance with the specific provisions of Law No. 04/L-042.

### ***II.2 Contracting Authority***

For the purposes of this RFQ and the related tender procedures, the Contracting Authority is the Municipality in accordance to the authorisation determined in Law No. 04/L-045. The Municipal Procurement Office will act on behalf of the Municipality for the purpose of public tendering of this **draft-law (project)** in accordance to this above-mentioned law.

### ***II.3 Classification of the common procurement vocabulary***

Classification of the common procurement vocabulary (CPV): **93000000-8**

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## ***II.4 Two-phased procurement process***

In accordance with the Law 04/L-045, this RFQ is the first part of the two-phased procedure of public procurement for the Public-Private Partnership foreseen for the structure.

The purpose of this RFQ is to make the preselection of the economic operators or consortiums of economic operators which have the required legal, technical and financial capacity to take part in the competitive tender procedure for the design, construction, financing and operation of the structure.

All the qualified Potential Bidders will be invited to present their proposals for the Public Private Partnership, in accordance to the tender document, Request for Proposals (“RFP”).

## ***II.5 Precedents and legal authorisations***

The following precedents and legal authorisations have been issued before the initiation of this RFQ tender dossier:

- (i) In accordance to Law No. 03/L-040 on Local Self-government, Article 17, the Municipality has full and exclusive powers for provision and maintenance of utility and public services, as it pertains to local interests.
- (ii) In accordance to Law No. 04/L-045, Article 5, the Municipality is authorised to enter into agreements of the PPP type for the purposes of a Project.
- (iii) Pursuant to Decision No. PPP-13-16 of the 01.08.2016, the Municipality has authorised the Project through a Public Private Partnership.
- (iv) On the 04.08.2016, the PPP Committee has approved the project.

## ***II.6 Definitions***

Except if expressly defined differently, the following definitions are applicable for the whole tender dossier of the Request for Qualification:

- (i) “Branch” means the Economic Operator which directly or in an indirect manner controls, is controlled by, or is under the joint direct or indirect control of another Economic Operator;
- (ii) “Bidder” means the Qualified Bidder which submits a proposal in answer to an RFP;
- (iii) “Contract” means the written concession contract implemented by the Municipality of Peja and the Selected Bidder, as a result of the RFP;

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- (iv) “Contracting Authority” has its definition determined in section II. 2 of this document;
- (v) “Economic Operator” means every natural person or enterprise, including a partnership, legal person, company, association, joint venture, trust or another entity or organisation which is involved in economic or business activities;
- (vi) “Structure” or “Structures” means the whole infrastructure developed for the BOREA Project;
- (vii) “Unqualified response” or “Unqualified Bidder” means a Response or Potential Bidder that does not fulfil all the mandatory criteria determined in this RFQ, and hence does not have the right to take part in future tenders which are related to this Project;
- (viii) “Law no. 04/L-045” means the Law no. 04 /L-045 on Public Private Partnerships;
- (ix) “Law no. 04/L-042” means the Law no. 04 /L-042 on Public Procurement in the Republic of Kosovo;
- (x) “Municipality” means the Municipality of Peja;
- (xi) “Parent company” means the Economic Operator which directly or indirectly controls or exercises joint control on a Potential Bidder. For the purposes of this definition, “control” means the power to select the majority of the board of directors (or another similar constitutional body) or in another manner to head the management or policies of the Potential Bidder, directly or indirectly, or through the possession of voting guarantees as per the contract, or otherwise;
- (xii) “Project” or “PPP Project” means the provision of services described in Section III of this document;
- (xiii) “Future bidder” or “future Potential Bidder” means the Economic Operator or the consortium of Economic Operators which in a reasonable manner aims to respond to this RFQ, in order to become a Qualified Bidder and to present the proposal in response to the RFP;
- (xiv) “Public Private Partnership” or “PPP” – means any contractual or institutional cooperation between one or more Public Authorities and one or more Private Partners, based on which the private partner:
1. Provides a public service or public infrastructure on behalf of the Public Authority;
  2. Assumes responsibility for the financial, technical, construction and operational risks, including also risks of demand and/or availability, in relation to the provision of the public service or public infrastructure;
  3. Receives profits from the provision of public services or public infrastructure in the form of:



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- Payment from the public authority, from the budget of the given public authority;
  - Fees and tariffs collected by the private partner from the users or clients of the public service or public infrastructure which is provided to them; or
  - A combination of payment and fees or tariffs mentioned above.
- (xv) “Qualified Bidder” means the potential Bidder which possesses the qualifications described in this RFQ;
- (xvi) “RFP” means the tender dossier of the Request for Proposals for the provision of services described in this document, which can be issued to all the qualified potential Bidders;
- (xvii) “RFQ” means the process described in this tender dossier for the Request for Qualification;
- (xviii) “Potential Bidder” means the Economic Operator which submits, or aims to submit a Response to this RFQ;
- (xix) “Selected Bidder” means the Qualified Potential Bidder which is a successful proposer in a RFP and which, through an SPE, signs a PPP Contract with the Contracting Authority;
- (xx) “Location” or “Locations” mean the location in the Municipality described in Section III and selected for the development and operation of the structure.
- (xxi) “SPE” means the Special Purpose Entity; and
- (xxii) “Duration” means the duration of the Project, as determined in Section III.2 of this document.

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## Section III: Project description

### *III.1 Project background and objectives*

The longstanding dream of Peja citizens to develop a powerful touristic centre for the Dukagjini region and the whole of Kosovo is very close to being fulfilled. Therefore, the priority of priorities for our government is this project. Noticing the large growth of tourism in this region (remembering that tourist overnight stays have trebled in the last 8 years), this project makes a good mark on the continued tourism development. Furthermore, after the completion of the masterplan, a huge interest in the new skiing centre has been shown. However, there needs to be particular attention paid to certain aspects noted in the recommendations. Competitive advantages need to be identified in order to combat the competition to this centre. A good opportunity would be to cooperate with the European schools of hospitality and tourism in order to bring knowledge and benefits at the local level.

The vision and objectives presented in the development strategy of Peja Municipality aim for the next three years for **BOREA** to restore its economic and social status and to ensure that Peja Municipality assumes a leading role in Kosovo, by developing local supporting policies for businesses, creation of new jobs, development of urban and rural infrastructure, improvement of public services, provision of equal opportunities in education, healthy and clean living for all citizens, are all elements that complement the objective of the BOREA Ski Centre.

### *III.2 Project description*

The Peja region is part of Kosovo and covers a large surface area for use in mountain activities, where the idea of developing a skiing leisure location **has been proposed**. This project was studied before in 1976 and then revised in 1985. However, it was abandoned for some years, but with the election of the new Mayor of Peja the idea of creating a mountain leisure location has been reintroduced again.

The principal idea of this project is to establish sustainable economic activities and to create jobs for the region both during winter and summer. The project has been called BOREA and aims to be tailored to the natural environment by providing access only through cable cars from the city of Peja.

#### **Construction will be done in two phases:**

- Construction of a station at 1,600 metres above sea level with residences, hotels.
- Construction of 3 cable-cars and ski-lifts which would bring visitors at 2,400 metres in order to enjoy the ski zone (black, red, green and blue tracks).
- The skiing capacities will accommodate about 8,000 people a day.

The initiation of works has been set to begin latest during 2017.

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### ***III.3 Conditions for the Selected Bidder***

#### **III.3.1 Special Purpose Entity (“SPE”)**

The Selected Bidder will be required to establish an independent legal person which is incorporated in accordance to the laws of Kosovo, before the PPP Contract enters into force. The legal person in question will have the sole purpose of fulfilling the obligation set by the PPP Contract.

#### **III.3.2 Controlling stake in the SPE**

*[Unless otherwise specified in the Contract, the Selected Bidder will be required to maintain the controlling stake in the SPE during the whole duration of the Contract. The controlling stake is considered to be at least fifty-one per cent (51%) of the shares with voting rights in the SPE.]*

In the case of consortium of bidders, the individual Economic Operators that constitute the Bidder will be required to maintain the controlling stake of the SPE in a proportional form, as determined in the Proposal and in the original documents of the SPE’s incorporation.

The transfer of shares to third parties from the controlling stake in the SPE has to be approved beforehand by the Municipality, as determined by the Contract.

## **Section IV: Tender Conditions**

### ***IV.1 Deadline for the submission of the Response***

Responses to this RFQ have to be received by the Contracting Authority in the address determined below by **14:00 (local time)**. Only the Responses submitted before this deadline will be accepted. Responses submitted after this deadline will be refused automatically.

### ***IV.2 Submission of Responses***

Responses to this RFQ shall be submitted to the Contracting Authority in the following address:

**Municipal Assembly of Peja  
Aleksandër Moisiu str.  
Procurement Office  
2<sup>nd</sup> Floor**

**[Elmane.Selimi@rks-gov.net](mailto:Elmane.Selimi@rks-gov.net)**

### ***IV.3 Inclosing in an envelope and marking of the Responses to the RFQ***

All the responses shall fulfil the following conditions:

- (i) All pages shall be **BOUND** and **NUMBERED**;
- (ii) All Responses shall be submitted in one (1) original and three (3) copies. The original Response shall be placed in a separate envelope marked as “**Original**”. The three (3) copies are signed in the same manner as the original and each is placed in a separate envelope marked as “**Copy**”. The Potential Bidder will write in a clear manner the **Procurement Number**, and in the front of each envelope there shall be the number and address of the Potential Bidder.
- (iii) The individual envelopes are then enclosed in a large envelope or packaging, which contains only the following information:

Address for Submission:	Municipal Assembly of Peja Aleksandër Moisiu str. Procurement Office 2nd Floor
Title of the PPP Procurement:	<b>Touristic Centre “BOREA”</b>
Procurement number:	<b>PPP -16-112-611</b>
Note:	<i>DO NOT OPEN BEFORE 14:30 <b>OF THE, PEJA</b></i>
Name of the potential bidder:	_____
In the event of a consortium. Mention all the members of the consortium:	_____ _____ _____

One of the copies of the Response will not be opened and will be kept by the Contracting Authority for the Procurement Review Body, as evidence in the event of doubts over the content of the Response.

### ***IV.4 Language and translations***

Potential bidders can prepare and submit their Response and any other documents in the Albanian, Serb or English language.

In the event of the Response being in the English language, the Potential Bidder will submit two (2) copies of the Response’s official translation in the Albanian or Serb language.

Marketing materials, brochures of the corporation and additional documentation are not required to be translated. However, the Contracting Authority reserves the right to request from the Potential Bidder to provide the additional translation when this is necessary.

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## ***IV.5 Requests for clarification and additional information***

Future potential bidders that require additional information or who require clarifications in relation to this RFQ, should submit a written request for clarifications to the Contracting Authority. This request should be submitted to the Contracting Authority through e-mail, letter or fax in any of the addresses or numbers below:

**Municipal Assembly of Peja  
Aleksandër Moisiu str.  
Procurement Office  
2nd Floor**

**[Elmane.Selimi@rks-gov.net](mailto:Elmane.Selimi@rks-gov.net)**

The written request for additional clarification should be received by the Contracting Authority no later than **16:00 hours (local time) five days before the expiry of the deadline for the submission of responses to the RFQ**. Inquiries will be answered in writing, and such answers will be sent at the same time to all future Potential Bidders which are registered by the Contracting Authority.

Future Potential Bidders can submit questions only in writing, and any attempt to organise individual meetings with the Contracting Authority during the procurement period can result in the disqualification of the Potential Bidder from the pre-qualification procedure.

## ***IV.6 Bidding consortiums***

### **IV.6.1 The right to establish a Consortium**

For the purpose of this procurement and the implementation of any subsequent contractual agreement, an Economic Operator, together with other Economic Operators can establish a Bidding Consortium.

### **IV.6.2 Exclusivity**

An Economic Operator can only be part of only one Response. A member of a Bidding Consortium cannot take part in another Bidding Consortium, and a member of a Bidding Consortium cannot submit an individual Response as a separate Economic Operator. Violation of this rule will result in the immediate disqualification of the Bidding Consortium to which these individual members are part of, and of the Economic Operator(s) involved.

### **IV.6.3 Appointment of members**

In the event of a Response being submitted by a Consortium, the Consortium shall appoint one of its members as the Leader ("Lead Member"). The Lead Member acts as the contact person for the Consortium and is authorised by the other members of the Consortium to act on their behalf.

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#### **IV.6.4 Consortium Agreement**

In the event of a Bidding Consortium, the Potential Bidder shall submit an original signed legal document on the establishment of the Bidding Consortium (“Consortium Agreement”). This Consortium Agreement shall be notarised and signed by an authorised official of each member of the Consortium and will include, at least the following:

- (i) The identity of all the members of the Consortium and the foreseen role of each member in the event that the Consortium is awarded with the Contract;
- (ii) Appointment of the Lead Member of the Consortium;
- (iii) Authorisation of the Lead Member to act on behalf of the Consortium and on behalf of all the member of the Consortium on issues related to this public procurement;
- (iv) Confirmation of the commitment of each Consortium member;
- (v) A declaration that the members of the Consortium will be jointly and individually responsible towards the Contracting Authority in relation to the content of the ‘Consortium’s Response’; and
- (vi) Acknowledgment from all the members of the Consortium, that in the event of the Consortium becoming the Selected Bidder, the Consortium will be required to make the relation between the members official through the establishment of an independent legal entity which is incorporated as per the laws of Kosovo.

#### **IV.6.5 Responsibility of the members**

All the members of the Consortium are jointly and individually responsible towards the Contracting Authority in relation to the content of the Response of the group, and if the Contract is awarded to the Consortium in question, all the members will be jointly and individually responsible for the fulfilment of the Contract.

### ***IV.7 Conditions of the Response***

#### **IV.7.1 General**

The Potential Bidders should include the completed forms of the RFQ which are found in Annex 3 of this RFQ. The Response is comprised of the completed and signed Response form, together with the other required documents.

Each Potential Bidder prepares and submits a Response in original which is signed and initialled, and ensures the number of copies specified above. In the event of a mismatch between the copies and the original, the original will prevail.

The original and all the copies of the Response have to be printed or written with non-perishable ink. The authorised person or persons as legal representatives of the Potential Bidder will sign the given Response, by signing the original of the Submission Form; and by initialling all the pages of the original Response, apart from the unaltered printed literature.

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## **IV.7.2 Response form and content**

Responses should be prepared in a simple and concise manner, by providing a direct and accurate description of the given experience and qualifications of the Potential Bidder.

In order to ensure a just and fair review process, and to have the maximum degree of comparativeness, all submissions in response to this RFQ should be laid out in accordance with the standardised forms for the submission as presented in Annex 3 of this documentation. The submissions should include, at least:

- 1) Response submission form (Annex 3.A)
- 2) Description of the Potential Bidder's Organisation (Annex 3.B), including
  - a. Potential Bidder's Organisation (Form 3.B.1)
  - b. Basic information form (Form 3.B.2)
  - c. Consortium Agreement (Form 3.B.3)
  - d. Authorisation (Form 3.B.4)
- 3) Participation right as per the law (Annex 3.C)
- 4) Independence criteria (Annex 3.D)
  - a. Declaration under the oath on independence (Form 3.D.1)
- 5) Technical criteria (Annex 3.E)
- 1) Financial criteria (Annex 3.F).

Responses should be signed by the authorised representative of the Potential Bidder.

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## **Section V: Conditions of eligibility and minimal qualifications**

### ***V.1 Qualification of Potential Bidders***

Due to the technical, financial, managerial and operational complexity of the Project, each Potential Bidder which wants to become a Qualified Potential Bidder should have direct experience in the successful realisation of projects of a similar nature with the projects foreseen here.

Therefore, the Potential Bidder, who acts individually or as a Consortium, should fulfil certain legal, technical and financial criteria in order to be qualified to participate in the RFP. The Potential Bidder which fulfils the criteria determined herewith will be considered as a “Qualified Potential Bidder” and after the payment of given guarantees and tariffs will obtain the right to participate in the above mentioned tender procedure.

### ***V.2 Accreditation of Consortiums***

An Economic Operator in cooperation with one or more other Economic Operators can establish a Bidding Consortium. In the case of a Potential Bidder being a Consortium, that Consortium may be required to prove that it fulfils all the minimal criteria set herewith. The Contracting Authority will review the capacities of each member of the Consortium and will assess if their joint qualifications fulfil the minimal criteria set herewith.

### ***V.3 Accreditation of branch and parent companies***

Economic Operators, individually or in consortium, can be accredited with the experience of the branch and/or parent companies. In the case of an Economic Operator wanting to be accredited with the experience of the branch and/or parent company, the Economic Operator in question shall submit proof that demonstrates that the branch and/or parent Company is within the definition of the branch and/or parent company as determined in this document.

The Potential Bidder shall also present proof in order to demonstrate that the branch and/or parent Company, the experience of which is accredited, will provide support for the Potential Bidder in the realisation of this Contract, in the event that the Potential Bidder becomes the Selected Bidder.

### ***V.4 Conditions of eligibility***

A Potential Bidder shall prove that it fulfils the following minimal qualification criteria.

Through the act of submitting the Response, the Potential Bidders in a clear manner accept the possibility of criminal or civil penalties and punishment for submitting either intentionally or through negligence a document, declaration or formulation that contains any information which is materially false or fraudulent.



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The Potential Bidder should submit their credentials in accordance to the standardised forms presented in Annex 3 of this RFQ.

#### **V.4.1 Legal conditions**

Potential Bidders, or in the case of a Consortium each member of the Consortium, will have to demonstrate that they have fulfilled the conditions of eligibility as set in Article 65 of Law no. **04/L-042** on Public Procurement in the Republic of Kosovo, as revised and amended by Law no. 04/L-237, Law no. 05/L-068 and Law no. 05/L-092.

The fulfilment of legal conditions is demonstrated through a declaration given under oath which is submitted by each Potential Bidder, or in the case of a Consortium, by each member of the Consortium, which certifies the fulfilment of eligibility conditions in accordance with the following criteria:

V.4.1.1 An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator, or any employee, executive, manager or director thereof:

- a) participated in the preparation of the concerned contract notice or tender dossier, or any part thereof, being used by the concerned contracting authority; or
- b) received assistance in preparation of its tender or requests to participate from a person or enterprise that participated in the preparation of the concerned contract notice or tender dossier, or any part thereof of the latter.

V.4.1.2 An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator, or any executive, manager or director thereof, has, in the past ten years:

- a) been determined by a court of competent jurisdiction to have committed a criminal or civil offence involving corrupt practices, money laundering, bribery, kickbacks or activities similar to those described in paragraph 1 of Article 130 of the Law on Public Procurement;
- b) been declared ineligible, where the contracting authority finds this to constitute grave professional misconduct;
- c) been determined by a court of competent jurisdiction to have committed a serious offence by participating in the activities of a criminal organization, defined as a structured association established over a period of time and operating in a concerted manner to achieve financial gain through activities that are considered criminal or otherwise illegal where they take place; or
- d) been determined by a court of competent jurisdiction to have committed an act of fraud or an act equivalent to fraud;

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- e) been determined to have engaged in unprofessional conduct by a court of competent jurisdiction, administrative agency or organization responsible for enforcing standards of professional conduct; or
  - f) been determined by a court of competent jurisdiction to have made serious misrepresentations to any public authority in Kosovo or elsewhere.

V.4.1.3 An Economic Operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such and Economic Operator:

- a) in the past two (2) years, has been pronounced to be bankrupt or insolvent by a court of competent jurisdiction, or is currently the subject of proceedings: (i) for bankruptcy, (ii) for an order liquidation of assets or compulsory winding up of activities or administration by the court; or (iii) of any other similar proceedings under the Laws of Kosovo or any other jurisdiction;
- b) is being liquidated or administered, by a court of competent jurisdiction;
- c) currently has in place an agreement or arrangement with its creditors providing for extended or reduced terms of payment if such terms were agreed to by such creditors because the Economic Operator had previously been unable to satisfy its obligations as they became due;
- d) is in a situation similar to the situation described in item a, b or c above, arising from a similar procedure under the laws of its place of establishment or of the place where it conducts business;
- e) is currently the subject of a judicial or administrative order suspending or reducing payments by or to this Economic Operator and resulting in the total or partial loss of the Economic Operator's right to administer and/or dispose of its property;
- f) is currently the subject of legal or administrative proceedings that may result in a judicial or administrative order suspending or reducing payments by or to this Economic Operator if such proceedings result in the Economic Operator being pronounced bankrupt or insolvent;
- g) in the past three years, has been adjudicated by a court of competent jurisdiction to have seriously breached a contract with any public entity, public authority or public enterprise in Kosovo or elsewhere;
- h) is currently late in the payment of any social security contributions in Kosovo or in the Economic Operator's country of establishment, and is late for more than thirty (30) days in the payment of the sum owned to public service operators in Kosovo for the supply of water, electric power, gas or heating;
- i) is late currently late in the payment of taxes in Kosovo or in the Economic Operator's country of establishment;
- j) has not yet complied with an order issued by the PPRC or a review panel;  
or

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- k) has a place of business in Kosovo but does not have a current and valid certificate of registration issued by the Register of Trade Associations and Trade Names in Kosovo.

V.4.1.4 An Economic Operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such and Economic Operator, or an executive, manager or director therefore has been found guilty through an adjudication of a competent court for fraud or falsification of materials of information or documentation.

#### **V.4.2 Independence criteria**

In order to ensure that the Structure is operated freely, without being subject of a budgetary process or government/municipal budgetary limitations, the potential Bidder and individual members of the Bidding Consortium, need to prove that they are a corporative entity, financially independent from any budgetary organisation or a government decision-making process.

In order to prove this, the potential Bidder and each individual member of the consortium has to submit a declaration given under oath which confirms that they are a corporative entity which is accountable to itself, the budget of which is completely independent from the government budget.

#### **V.4.3 Minimum technical qualifications**

The assessment of technical abilities will determine if the Potential Bidder appropriately fulfils the conditions of the Project in relation to the following areas:

- Project design, construction and financing of the hospitality and tourism infrastructure buildings and structures, and
- Operation and maintenance of the hospitality and tourism infrastructure buildings and structures.

With the aim of assessing whether the Potential Bidder fulfils the minimum technical criteria required for this Project, the Potential Bidder is required to submit the following proof:

##### **V.4.3.1 Minimum experience in project design, construction and financing of infrastructure projects**

In order to ensure that the Potential Bidder has the required experience for the successful realisation of this Project, the Potential Bidder shall prove that it, or at least one of the members of its consortium, has constructed or financed the successful construction of at least two (2) similar infrastructure buildings and structures during the 5 previous years, where each of these infrastructures has had a value not less than 20 million Euro. Such

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similar infrastructure buildings and structures can include, but are not limited to, only those in Kosovo.

#### **V.4.3.2 Minimum experience in operation and maintenance of infrastructure projects**

The Potential Bidder shall submit proof of their capability to operate and maintain infrastructure buildings and structures which are of a similar nature and scope with that specified in this document. More accurately, to ensure that the Potential Bidder possesses the required minimal experience, the Potential Bidder shall prove that it has at least 10 years of experience in the management of hospitality and tourism infrastructure projects.

#### **V.4.4 Minimum financial qualifications**

During the assessment of the financial capabilities it will be decided whether the submission related to the RFQ fulfils the financial requirements of the Project. The Potential Bidder, or members of the Consortium as a whole, should demonstrate that they have:

- 3 years of profit making activities documented through financial statements verified by a certified auditor;
- Annual income/revenues of 10 million Euro or more during the last 5 years.

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## **Section VI: Evaluation and qualification of the Potential Bidders**

### ***VI.1 Opening of qualifications***

The public opening of all the properly submitted responses, received within the submission deadline, will be done at **14:00 hours (local time) of the first Day following the expiry of the deadline for the RFQ** in the Municipal Procurement office in the II Floor, in Peja. In order to ensure transparency, all the Potential Bidders are invited to take part in the meeting for the opening of Responses.

During the meeting for the opening of responses, the Contracting Authority will open all the Responses received in a proper manner and will announce them publicly: (i) name of the Potential Bidder and (ii) composition of the Consortium (if applicable). The information summarised above is recorded in the minutes of the meeting which are signed by the authorised Procurement Officer. Copies of the minutes in question will be made available to all the registered bidders.

### ***VI.2 Evaluation of Responses***

The evaluation of responses will commence immediately after the Opening of Qualifications mentioned above. The Contracting Authority, which acts through a duly appointed Selection Commission, will review all the Responses properly submitted to this RFQ, and will assess and identify the Qualified Potential Bidders as per the qualification criteria determined herewith.

The Selection Commission will review the responses on a basis of them passing/not passing by taking into consideration all the mandatory criteria determined in this RFQ. Responses that do not fulfil all the mandatory criteria will be considered as “inappropriate” and will be refused without being further considered. A Response that fulfils all the mandatory criteria will be considered as a “Qualified Potential Bidder”.

### ***VI.3 Additional clarifications and information***

In order to facilitate the examination and evaluation of Responses, the Contracting Authority can request from individual Potential Bidders to provide clarifications in relation to their response or certain aspects thereof. All the requests for clarification will have to be sent in writing to the Potential Bidders. Each time such a request is made, the Potential Bidder will provide the required information within the deadline specified by the Contracting Authority.

### ***VI.4 Notifications***

Potential bidders that do not fulfil all the mandatory criteria will be notified by the Contracting Authority of non-fulfilment of conditions.

The Contracting Authority will publicly announce all the Qualified Potential Bidders in one or more domestic newspapers.

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### ***VI.5 Invitation for submission of Proposals***

After providing the required guarantees and fees, all the Potential Bidders qualified in a proper manner will be invited to respond to a RFP for the project, if this is announced.

### ***VI.6 Limited duration***

The qualification status which is accorded to a Potential Bidder as part of this process cannot be applied in any case for tenders issued **90 days after qualification**. The pre-qualification status of a Qualified Potential Bidder can be revoked at any time by the Contracting Authority, if a Qualified Potential Bidder fails to fulfil the eligibility criteria determined by this document at the time of the RFP being announced, at the time of proposals being submitted, or at the time of the Contract being initiated.

### ***VI.7 Receipt of Responses***

This RFQ is not an agreement for the purchase of good or services, or entry into any form of Public Private Partnership. The Contracting Authority is not obliged to enter into Contract with any of the Qualified Potential Bidders.

### ***VI.8 Complaints and appeals***

The rights and procedures are determined in the given provisions for complaints and appeals in the Law No. **04/L-042** for Public Procurement in the Republic of Kosovo, as revised and amended by the Law No. 04/L-237, Law No. 05/L-068 and Law No. 05/L-092.

### ***VI.9 Expected time schedule***

Even though not mandatory, the following table of deadlines represents the tentative schedule for the RFQ, RFP and Contract. The deadlines and sequence of events that result from this RFQ can be altered and will finally be determined by the Contracting Authority.

#### **EXPECTED PROCUREMENT TIME SCHEDULE**

Announcement of the Request for Qualifications  
Submission of Qualifications  
Selection of Qualified Potential Bidders  
Announcement of the RFP and Contract  
Deadline for submission of Proposals  
Negotiations and awarding of the Contract

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## Section VII: Attached Documents

The annexes specified bellow are attached to this RFQ and are an integral part of this dossier:

<b>Annex No.</b>	<b>Content</b>	<b>RFQ Reference</b>
<b>Annex 1</b>	Announcement of the RFQ	
<b>Annex 2</b>	Request for preservation of confidentiality	
<b>Annex 3</b>	Standard submission forms Annex 3.A – Response submission form Annex 3.B - Potential Bidder’s Organisation Annex 3.C - Legal criteria Annex 3.D – Independence criteria Annex 3.E – Technical criteria Annex 3.F – Financial criteria	
<b>Annex 4</b>	Request for further information	
<b>Annex 5</b>	Checklist of documents for submission	

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**Annex 1. Announcement of the Request for Qualification**

Notification date of the PPRC:

XX

	<b>Media:</b>	<b>Date:</b>
<b>Publication of the RFQ notice (short version):</b>	XX	XX.XX.2016

Announcement of the RFQ:



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## **Annex 2. Request for preservation of confidentiality**

To: **Municipality of Peja**

RE: **Bidders**

INASMUCH AS *[write the name of the Potential Bidder]* (hereinafter "Potential Bidder"), attempting to prove the fulfilment of the minimum qualifications set by this RFQ for Procurement **PPP-16-112-611**, has provided this information which it requires to remain privileged and confidential:

*Identification of information and specific documents which the Potential Bidder has requested to remain confidential:*

AND INASMUCH AS the above-mentioned information has been stated that (i) they do not belong to the public domain, and (ii) are protected from their publication either intentionally or through negligence of the economic operator;

AND INASMUCH AS public access to the above-mentioned information would result in material damages to the legitimate commercial interests of the Potential Bidder for these following reasons:

*Statement of the nature of such material damages and reasons why such damages would be caused:*

THEREFORE, I, the undersigned as the legal representative of the Potential Bidder officially request from the Contracting Authority to classify and preserve the above-mentioned information as confidential.

<b>Identification of the Economic Operator</b>	
<b>Name of the company</b>	
<b>Full address</b>	
<b>Represented by:</b>	
<b>Name</b>	
<b>Position</b>	
<b>Signature</b>	
<b>Date</b>	

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## ***Annex 3. Standard submission forms***

The following pages contain the standard submission forms of the Response.

Annex 3.A	Response submission form
Annex 3.B	Potential Bidder's Organisation
Form 3.B.1	Potential Bidder's Organisation
Form 3.B.2	Basic information form
Form 3.B.3	Consortium Agreement
Form 3.B.4	Authorisation
Annex 3.C	Legal criteria
Annex 3.D	Independence criteria
Form 3.D.1	Proof of independence
Annex 3.E	Technical criteria
Form 3.E.2	Minimum Experience in Operation and Maintenance of Infrastructure
Form 3.E.3	Minimum Experience in Project Design-Construction-Financing of Infrastructure
Annex 3.F	Financial criteria

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## Annex 3.A Response submission form

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[Place, Date]

To: Municipality of Peja

**REFERENCE:XXX**

Dear Sir,

In accordance to the Request for Qualification of the **02.12.2016**, [Name of the Potential Bidder/Lead Member] presents its Qualifications in line with the conditions and deadlines set with this RFQ, the provisions of which we accept in their entirety, without reservations or limitations.

[Name of the Potential Bidder/Lead Member] herewith applies to become a Qualified Potential Bidder in order to subsequently participate in the Public-Private Partnership tender in Peja.

We are submitting our Qualifications along with: [Provide the list of names and full address for each of the members of the Consortium]. As members of the consortium, we confirm that all the members will be jointly and individually responsible in accordance to the law for the implementation of any future contract, which the lead member is authorised to make, and to receive instructions for and on behalf of each member, and that all members in this joint enterprise/Consortium are obliged to remain part of this joint enterprise/Consortium throughout the period of the contract validity, unless it is specified differently. Furthermore, we confirm that we have appointed [enter the name and full address of the Lead Member] as the Lead Member of our Consortium.<sup>1</sup>

[Name of the Potential Bidder/Lead Member] declares and guarantees that all the information and statements made in this Response are full and accurate in all aspects, and accepts that inaccurate or misleading information that has been given in this Response may result in a disqualification.

[Name of the Potential Bidder/Lead Member] confirms the following:

- i. Agrees to respect the criteria of pre-qualification and all other rules, laws and regulations which regulate this public procurement;
- ii. Agrees that the Contracting Authority reserves the right to annul this procurement, or to declare it null or otherwise void for any given reason, and that such an action does not grant the Potential Bidder any right to appeal against the Contracting Authority, Kosovo Government, or any of its agents, representatives, advisors or consultants;
- iii. Accepts the right of the Contracting Authority to: (i) request additional information from the Potential Bidder; (ii) to clarify or alter the conditions and deadlines set in the RFQ; and (iii) to clarify the duration or to alter the expected schedule for the evaluation of Qualifications and any other following tender; and
- iv. Accepts the exclusive applicability of laws of the Republic of Kosovo in this qualification and procurement process.

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<sup>1</sup>[To be deleted if a such a union is not foreseen.]

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[Name of the Potential Bidder/Lead Member] herewith appoints \_\_\_\_\_ as its representative who will receive notices in relation to pre-qualification and any following tender in this address, email, telephone and fax number:

[Address, email, telephone and fax of the representative.]

Sincerely,

Signature of the authorised [full and initialled]: \_\_\_\_\_

Name and Title of the Signing Party: \_\_\_\_\_

Name of the Potential Bidder / Lead Member: \_\_\_\_\_

Address: \_\_\_\_\_

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## Annex 3.B Potential Bidder's Organisation

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### Form 3.B.1 – Potential Bidder's Organisation

*[Provide a short background description (two pages) of the Potential Bidder's Organisation. In the case of a Consortium, identify the role foreseen for each member of the consortium, and in particular identify the Lead Member. Also, similar to the case of a consortium, please present the organisational structure which represents the general structure of the Consortium, by indicating the percentage of the stake for each member, if this is known.]*

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### **Form 3.B.2 – Basic information form**

#### **Information on the Potential Bidder (or the Lead Member, if applicable)**

- (i) Name:
- (ii) Type: (Corporation, Partnership, etc.)
- (iii) Nationality:
- (iv) Address of the main office:
- (v) Telephone number:
- (vi) Fax number:
- (vii) E-mail address:
- (viii) Main business objective(s):
- (ix) List of shareholders that possess at least 5% of share (if applicable):

#### **Information on the other members of the Consortium: (fill in the details for all the members)**

- (i) Name:
- (ii) Type: (Corporation, Partnership, etc.)
- (iii) Nationality:
- (iv) Address of the main office:
- (v) Name of the primary contact person:
- (vi) Title of the primary contact person:
- (vii) Telephone number:
- (viii) Fax number:
- (ix) E-mail address:
- (x) Main business objective(s):
- (xi) List of shareholders that possess at least 5% of share (if applicable):

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### Form 3.B.3 – Consortium Agreement

*[In the event that the Potential Bidder is a Consortium, the Potential Bidder is required to present an original signed and legally binding document, which establishes the Consortium (“Consortium Agreement”). This Consortium Agreement has to be signed by an authorised official of each member of the Consortium and must include at least the following:*

- (i) Identity of all the members of the Consortium and their foreseen role in the event that the Consortium is awarded with the Contract;*
- (ii) Appointment of the Lead Member of the Consortium;*
- (iii) Authorisation of the Lead Member of the Consortium to act on behalf of the Consortium and on behalf of all the members of the Consortium on issues that have to do with public procurement;*
- (iv) Confirmation from each member on their commitment to the Consortium;*
- (v) A declaration that members of the Consortium are jointly and individually responsible towards the Contracting Authority for the content of the Response of the Consortium; and*
- (vi) Acknowledgment from all the members of the Consortium that in the event of this Consortium becoming the Selected Bidder, the Consortium will be asked to formalise legally the relations between the members through the establishment of an independent legal entity, incorporated as per the Laws of Kosovo.]*

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**Form 3.B.4 – Authorisation**

***[Unless otherwise specified in the Consortium Agreement, the Authorisation shall be signed by two authorised representatives of the Potential Bidder, or in the case of a Consortium, by two authorised representatives of the Consortium]***

<b>A</b>	Date:	[DATE OF REALISATION]
<b>B</b>	Potential Bidder:	[NAME OF THE POTENTIAL BIDDER]
<b>C</b>	Representative:	[NAME OF THE AUTHORISED REPRESENTATIVE]

The undersigned, as members of [Name of the Potential Bidder], herewith appoint [name of the authorised representative] of [address and legal title], as an authorised Representative for all issues related to or stemming from Procurement No. [...].

The Authorised Representative mentioned above has full powers and authorisation to act on behalf of the [Name of the Potential Bidder] and on behalf of the undersigned, on all issues which are related to the above mentioned public procurement. These powers and authorisations enable the Authorised representative to manage and finalise all issues and to exercise all the rights and legal powers which are related to this procurement process, including all the rights and powers, which the undersigned can attain in the future in relation to the Public-Private Procurement in Peja. The powers of the Authorised Representative will include, but will not be limited to, the power to prepare, sign and submit documents to the Contracting Authority, or to any other government agency on issues related to this procurement process.

This authorisation will enter into force immediately and cannot be revoked before notifying the Contracting Authority in writing.

BY ATTESTING TO THIS, [Name of the Potential Bidder or Member of the Consortium] gives this Authorisation, stamped (as required) on the above-mentioned date

[SEAL]

**SIGNATURE:**

\_\_\_\_\_

**NAME AND SURNAME IN PRINTED LETTERS:**

\_\_\_\_\_

**TITLE**

\_\_\_\_\_

**SIGNATURE:**

\_\_\_\_\_

**NAME AND SURNAME IN PRINTED LETTERS:**

\_\_\_\_\_

**TITLE**

\_\_\_\_\_



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### Annex 3.C Fulfilment of legal conditions

***[Shall be completed and signed by the Potential Bidder or in case of Consortium, by each member of the Consortium.]***

[Place, Date]

**REFERENCE:**Peja

I the undersigned, representing [*Name of the Potential Bidder, or in the case of a Consortium, name of the Consortium member*] declare under oath that [*Name of the Potential Bidder, or in the case of a Consortium, name of the Consortium member*] fulfils the legal conditions to participate in the public procurement, as determined by Article 65 of the Law. 04/L-042 and Article 27 of the Law no. 04/L-045.

I certify and attest that I have read the provisions of the above-mentioned laws and confirm that this Economic Operator is not in any of the situations specified, which would exclude it from the possibility of participating in the above-mentioned procurement procedure.

I also certify and acknowledge that neither [*Name of the Potential Bidder, or in the case of a Consortium, name of the Consortium member*], nor any owner, director, staff or its representative, has influences and has attempted to influence the decisions or actions of the Contracting Authority, or any of its representatives, consultants or advisors, which would affect or has links to this procurement activity.

I acknowledge the possibility of criminal and civil punishment, fines and damages, if this economic operator, whether intentionally or through negligence, submits a document, statement or formulation that contains information that is materially false or fraudulent.

I acknowledge the right of the Contracting Authority to conduct independent investigation on the adherence by our side of the given provisions on the right to participation as specified in the above-mentioned laws, and agree to present forthwith additional information and evidence, if such a thing is required.

Name of the Economic Operator: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Represented by:

Name: \_\_\_\_\_

Position \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

SEAL

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**Legal conditions for qualification:**

**A. According to Article 65 of the Kosovo Law no. 04/L-042:**

1. An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator, or any employee, executive, manager or director thereof:

1.1. participated in the preparation of the concerned contract notice or tender dossier, or any part thereof, being used by the concerned contracting authority; or

1.2. received assistance in preparation of its tender or requests to participate from a person or enterprise who or that participated in the preparation of the concerned contract notice or tender dossier, or any part thereof.

2. Notwithstanding the foregoing, a contracting authority shall afford an economic operator who is ineligible under paragraph 1 of this Article an opportunity to demonstrate to the contracting authority that such economic operator has not gained a competitive advantage from such participation or assistance. If the economic operator can convincingly demonstrate this to the contracting authority, such economic operator shall not be ineligible under paragraph 1 of this Article. Any decision of the contracting authority on such a matter shall be appealable to the PRB by the economic operator or any other interested party.

3. An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator, or any executive, manager or director thereof, has, in the past ten (10) years:

3.1. been determined by a court of competent jurisdiction to have committed a criminal or civil offence involving corrupt practices, money laundering, bribery, kickbacks or activities described, or similar to those described, in paragraph 1 of Article 129.1 of this law under the laws or regulations applicable in Kosovo or any country, or under international treaties or conventions;

3.2. been declared ineligible, for reason specified above by a bank, institution or organisation which secures funding for general development, public investment or reconstruction;

3.3. been determined by a court of competent jurisdiction to have committed a serious offence by participating in the activities of a criminal organization, defined as a structured association established over a period of time and operating in a concerted manner to achieve financial gain through activities that are criminal or otherwise illegal where they take place; or

3.4. been determined by a court of competent jurisdiction to have committed an act of fraud or an act equivalent to fraud;

3.5. been determined to have engaged in unprofessional conduct by a court of competent jurisdiction, administrative agency or organization responsible for enforcing standards of professional conduct; or

3.6. been determined by a court of competent jurisdiction to have made serious misrepresentations to any public authority in Kosovo or elsewhere.

4. An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator:

4.1. has, in the past two (2) years, been adjudged to be bankrupt or insolvent by a court of competent jurisdiction, or is currently the subject of proceedings: (i) for a declaration of bankruptcy, (ii) for an order for compulsory winding up or administration by the court; or (iii) of any other similar proceedings under the law of Kosovo or any other jurisdiction;

4.2. is being wound up or administered, or its affairs are being wound up or administered, by a court of competent jurisdiction;

4.3. currently has in place an agreement or arrangement with its creditors providing for extended or reduced terms of payment if such terms were agreed to by such creditors because the economic operator had previously been unable to satisfy its obligations as they came due;

4.4. is in any situation analogous to sub-paragraphs 4.1, 4.2 or 4.3 of this paragraph arising from a similar procedure under the laws of its place of establishment or of a place where it conducts business;

4.5. is currently the subject of a judicial or administrative order suspending or reducing payments by or to such economic operator and resulting in the total or partial loss of the economic operator's right to administer and/or dispose of its property;

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- 4.6. is currently the subject of legal or administrative proceedings that may result in a judicial or administrative order suspending or reducing payments by or to such economic operator if such proceedings may also result in the economic operator being adjudged bankrupt or insolvent;
  - 4.7. has, in the past three (3) years, been adjudged by a court of competent jurisdiction to have seriously breached a contract with any public entity, public authority or public enterprise in Kosovo or elsewhere;
  - 4.8. is currently late in the payment of any social security or tax contributions in Kosovo or the economic operator's country of establishment, except where such debt is deemed to be insignificant in Kosovo;
  - 4.9. is more than ninety (90) days' late in the payment of any wages owed to employees or in the payment of any amount owed to a public service operator in Kosovo;
  - 4.10. has not yet complied with an order issued by a court of Kosovo, the PRB or a review panel; or
  - 4.11. has a place of business in Kosovo but does not have a current and valid certificate of registration issued by the public authority responsible for registering trade associations in in Kosovo.

5. The time periods specified in this Article shall relate to the period immediately preceding the date of publication of the contract notice or, in the case of negotiated procedures without a contract notice, the communication of the invitation to participate or tender.

**B. Criteria for pre-selection as per Article 27 of the Kosovo Law No.04/L-045:**

27. In order to be pre-selected, interested Bidders must meet the eligibility criteria set forth in the Law on Public Procurement and meet the criteria on professional, economic and financial eligibility, and technical and professional capacities as specified in the request for qualification.

**C. Unlawful influence (Article 130 of the Law no. 04/L-042):**

1. Without prejudice and subject to the relevant criminal and other applicable law, it shall be a violation of the present law punishable and enforceable in accordance with the relevant applicable law for any persons:

- 1.1. to provide, offer, solicit or accept or express or indicate a readiness to provide, offer, solicit or accept anything of value (including, but not limited to, money, an offer of employment, tangible or intangible property, a favour or service) for the direct or indirect benefit or enrichment of an employee, former employee, official or former official of a contracting authority, or any person or enterprise related to or associated with such an employee, former employee, official or former official wholly or partly for the purpose of influencing or attempting to influence a decision or action affecting or connected with the initiation, conduct or outcome of a procurement activity or review;
- 1.2. to take any actions, or to express or indicate a readiness to take any of action, for the purpose of intimidating, coercing, harming or causing harm (physically, financially, or otherwise) to any person or enterprise, wholly or partly for the purpose of influencing, attempting to influence, or retaliating for a decision or action related to the initiation, implementation or outcome of a procurement activity or review;
- 1.3. to solicit or enter into any agreement, arrangement or understanding with any other person or enterprise, if such agreement, arrangement or understanding has the purpose or effect of preventing, restricting or distorting competition for any public contract; or
- 1.4. to facilitate or encourage any person or enterprise to engage in any conduct specified in item "1.1.," "1.2." or "1.3." above.

2. Sub-paragraph 1.3 of paragraph 1 of this Article shall not apply to the negotiation or execution of a formal written agreement by a group of economic operators if such agreement concerns the establishment of the group and as such to make a tender.

3. Any civil servant or employee or official of a contracting authority who becomes aware, by any means, of an offence described in paragraph 1 of this Article or an event that could be expected to involve such an offence shall immediately notify the Ministry of Internal Affairs thereof.

4. Upon learning of such an offence or event, the Ministry of Internal Affairs shall immediately conduct a preliminary investigation into the matter and, and if there are sufficient grounds to conclude that such an offence may have occurred, the Ministry shall formally refer the matter to the competent law enforcement

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authority for further investigation in accordance with the applicable law and immediately take whatever other lawful measures the Ministry deems necessary and appropriate to remedy the situation.

5. Any person or enterprise who or that knowingly or recklessly provides, or causes or encourages another person or enterprise to provide, materially false or misleading information, testimony or evidence to the Ministry of Internal Affairs or the office of the public prosecutor alleging or tending to prove or disprove the occurrence of an offence specified in paragraph 1 of this Article shall be subject to prosecution under the criminal laws of Kosovo for such action and shall also be liable for any financial or other damage to third persons or enterprises caused thereby.

6. Where an offence specified in paragraph 1 of this Article is alleged to have been committed by or on behalf of an enterprise, the natural person or persons actually involved in the events giving rise to such offense shall also be criminally liable therefore. Furthermore, any director or senior executive officer of such enterprise who knew or – in the exercise of reasonable managerial diligence – should have known of the events giving rise to such offense shall also be criminally liable therefore. Where the offence is an offence specified in paragraph 5 of this Article, such persons, directors and officers shall, together with the enterprise, be jointly and severally liable for any financial or other damage to third persons or enterprises caused thereby.

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## Annex 3.D Independence criteria

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### Form 3.D.1 – Declaration under oath on independence

**REFERENCE:**

I, the undersigned, representing [*Name of the Potential Bidder,*] declare under oath that [*Name of the Potential Bidder*] fulfils the independence criteria, which are specified under section V.4.2 of the RFQ.

Furthermore, I certify the fact that neither [*Name of the Potential Bidder*], nor any member of the Bidding Consortium is controlled by any budgetary organisation of the Government.

Name of the Potential Bidder: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Represented by:

Name: \_\_\_\_\_

Position \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

SEAL

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## Annex 3.E Technical Criteria

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### 3.E.1 – Minimum experience in operation and maintenance of infrastructure projects

*[By using the following form, provide information for each work, for which the Potential Bidder has been contracted legally, either individually or as one of the larger companies within a Consortium, for the provision of similar services with the Project foreseen herewith. Do not exceed more than 20 pages.]*

<b>Name of the Project:</b>	<b>Type of Infrastructure:</b>
<b>Country:</b> <b>Location within the country:</b>	<b>Dates and duration of the contract:</b>
<b>Name of the Contracting Authority:</b>	<b>Scope of Services:</b>
<b>Contact information of the reference person:</b> Name: Address:  Telephone: E-mail: Web-page:	<b>Approximate value of contracted services (in Euro, current):</b>
<b>Contractual Agreement:</b>	<b>Names of associated enterprises or partners, if any:</b>
<b>Project description in narrative form:</b>	

Name of the Potential Bidder: \_\_\_\_\_

### 3.E.2 – Minimum experience in project design, construction and financing of infrastructure buildings and structures

*[By using the following form, provide information for each work, for which the Potential Bidder has been contracted legally, either individually or as one of the larger companies within a Consortium, for accomplishing project design-construction-financing of infrastructure projects with a value of construction no less than Peja Euro. To include only those projects initiated within Peja previous years. Do not exceed more than 5 pages.]*

<b>Name of Works:</b>	<b>Name of the Economic Operator:</b>
<b>Country:</b> <b>Location within the country:</b>	<b>Overall Value of the Construction (in Euro, current):</b>
<b>Name of the Client:</b>	<b>Date of project initiation (month/year):</b> <b>Date of project completion (month/year):</b>
<b>Address of the Client:</b>	<b>Collected Finances (Debt and equity):</b>
<b>Names of the consultants involved, if any:</b>	<b>Responsibilities of the Economic Operator in the Project Design-Construction-Financing of the Project:</b>
<b>Description of the project in a narrative form:</b>	
<b>Description of actual services provided by the Potential Bidder (or in case of a consortium, by the individual members of the consortium):</b>	

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## Annex 3.F Financial forms

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### Form 3.F – Confirmation of financial criteria

*[The Potential Bidder is required to submit audited financial statements from a certified auditor for the Potential Bidder, or in case of a Consortium, for each individual member of the Consortium for each of the last 4 fiscal years. In addition to this, the following format shall be used, and the Potential Bidder shall confirm the fulfilment of the minimum financial criteria which are required for participation. Potential Bidders shall attach corroborating information which are required by the RFQ, including also the credit history issued by the Central Bank of Kosovo, or the ranking of investments/loans.]*

Name of the Potential Bidder:	
Annual revenues:	2011: € _____ 2010: € _____ 2009: € _____ 2008: € _____
Profit before interest, tax, devaluation and depreciation:	2011: € _____ 2010: € _____ 2009: € _____ 2008: € _____
Annual revenue/net profit	2011: € _____ 2010: € _____ 2009: € _____ 2008: € _____
Asset total	2011: € _____ 2010: € _____ 2009: € _____ 2008: € _____



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Gross debt	2011: € _____ 2010: € _____ 2009: € _____ 2008: € _____
Net of assets/shareholder funds	2011: € _____ 2010: € _____ 2009: € _____ 2008: € _____
Company Auditor	

Name of the Potential Bidder: \_\_\_\_\_

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**Annex 4. Request for additional information**

Date

To: Municipality of Peja

In accordance with Procurement Number **Peja**, and as legal representative of [name of the Potential Bidder] (hereinafter "Potential Bidder"), I request clarifications as follows:

*Specify the additional information or clarifications being required, including reference to the section(s) of the RFQ:*

Sincerely,

<b>Name of the Potential Bidder</b>	
<b>Address:</b>	
<b>Name:</b>	
<b>Position:</b>	
<b>Signature:</b>	
<b>Date:</b>	
<b>Seal:</b>	

## **Annex 5. Checklist**

***The Potential Bidder needs to make sure that all items and documents mentioned are appropriately completed and signed, and are included in each copy of their Response.***

In order to be valid, it is mandatory that the Response adheres to the conditions set by Law, and to contain all the information required by this RFQ.

Potential bidders shall act in accordance with Section IV of this RFQ dossier and Responses should be enclosed in an envelope which is marked as specified in Section IV.3:

### **Required documents:**

QUALIFICATION CRITERIA	REFERENCE IN THE RFQ
<b>Legal and qualification criteria</b>	
Letter of submission	Annex 3.A
Consortium agreement	IV.6 / Form 3.B
Authorisation	Form 3.B.4
Accreditation of member and parent companies	V.2
Fulfilment of legal conditions	V.4.1 / Form 3.C
<b>V.4.2 Independence criteria</b>	
Declaration under oath on independence	V.4.2 / Form 3.D.1
<b>V.4.3 Technical criteria</b>	
Operation and Maintenance of Infrastructure	V.4.3.2 / Form 3.E.1
Project Design, Construction and Financing of Infrastructure	V.4.3.1 / Form 3.E.2
<b>V.4.4 Financial criteria</b>	
Confirmation of financial criteria	V.4.4 / Form 3.F

This Response shall include all the other information required by law, or required by this tender dossier.

*All pages should be numbered and sorted appropriately.*