

REGULATION

FOR THE SELECTION OF PARTNERSHIPS FOR THE DEVELOPMENT/ MANAGEMENT/ ADMINISTRATION AND USER SELECTION OF A TECHNOLOGICAL PARK/ECONOMIC ZONE BY ALBANIAN INVESTMENT CORPORATION, AS THE AUTHORIZED DEVELOPER

Based on Article 154, paragraph 1, point i) and Article 167, paragraph 1 of Law no. 9901, dated 14.04.2008, " On Entrepreneurs and Commercial Companies "; Article 2, paragraph 3, Article 5, paragraph 1 and paragraph 5, and Article 14, paragraph 1, point ç) of Law no. 71/2019, "On the Albanian Investment Corporation"; Article 8, point 3 of Law no. 58/2022, "On the Establishment, Organization, and Functioning of Technological and Scientific Parks"; Article 23/2, point 4 of Council of Ministers Decision no. 337, dated 31.05.2023, "On the determination of procedures and criteria for selecting the developer of technological and scientific parks" as amended; Article 4, paragraph 7 and Article 17, paragraph 1, points d) and o) of the Statute of the Corporation; Decision no. 1, dated 05.04.2024 of the Regulatory Committee of the Albanian Investment Corporation and Decision no. 1, dated 05.04.2024 of the Anti-Corruption Committee of the Albanian Investment Corporation, approved by Decision no. 5, dated 08.04.2024, of the Supervisory Council of the Albanian Investment Corporation.

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose and object

1. This regulation aims to determine the rules for the selection by the authorized developer, the Albanian Investment Corporation, of:
 - a. its partner, through the competitive procedure with negotiation, which will have the function of:
 - i. manager/administrator of the technological park/economic zone;
 - ii. intermediary for the selection of technology park users;



- b. the user of the technology park/economic zone, through the procedure defined in Article 5 of this Regulation.
2. The Corporation may utilize state property made available by the Council of Ministers, in accordance with the Decision regarding the establishment of the technological park/economic zone, for the purposes outlined in the development plan. This plan must be presented for evaluation to the relevant Ministry of Economy, which subsequently submits it for approval to the Council of Ministers.

Article 2

Principles

1. The procedures for the selection of the manager/administrator/user of the technological park or economic zone by the Authorized Developer, the Albanian Investment Corporation, are carried out on the basis the following principles:
 - a. equal treatment and non-discrimination of entities applying to participate in the procedure;
 - b. transparency throughout the evaluation, decision-making, and selection stages, as well as the selection of the private entity with which the contract shall be signed;
 - c. efficiency, effectiveness, and economy in property utilization, by ensuring that the defined objectives and priorities are achieved at the most favorable cost possible;
 - d. prevention and avoidance of conflict of interest at times and all stages of the procedure, as well as prevention of any activities that may compromise the integrity and operations of the Corporation.

Article 3

Scope of application

1. This regulation shall govern all procedures pertaining to the selection of partnerships in the development/management/administration/selection of users within a technological park/economic zone by the authorized developer, the Albanian Investment Corporation.

Article 4

Definitions

1. For purposes of this regulation, the following terms have the following meanings:
 - a. "Authorized Developer" is the Albanian Investment Corporation, which is authorized as the park developer by decision of the Council of Ministers.



- b. "Park Manager/Administrator" denotes a physical or legal person, private or public legal entity, as well as the higher education institution, whether domestic or foreign possessing the necessary expertise regarding the operation of the park and the identification of the park user, and also sets up and administers the Park's operation.
- c. "Park" is an area with defined borders wherein research and development facilities are integrated, and where entities are included which use advanced technologies in developing products or services, or which invest in turning technological inventions into final products, benefiting from the research infrastructure within the park, and is defined as a "free zone" according to the Customs Code.
- d. "User" is the physical or legal person, domestic or foreign, who carries out activities within the park.
- e. "Competitive procedure with negotiation" is a procedure used by the authorized developer for selecting partnerships in the development, management, administration, or selection of users within a technological park or economic zone. This procedure consists of two stages: the initial qualification stage and the second negotiation stage which is carried out based on the evaluation and negotiation of proposals and partnership terms.
- f. "The Regulatory Committee of the Albanian Investment Corporation" is an *ad hoc* committee of the Corporation, established by Decision No. 19/3 Prot., Ordinal No. 25, dated 20.12.2023, of the the Supervisory Council of the Albanian Investment Corporation.
- g. "The Anti-Corruption Committee of the Albanian Investment Corporation" is an ad hoc committee of the Corporation, established by Decision No. 19/3 Prot., Ordinal No. 25, dated 20.12.2023, of the Supervisory Council of the Albanian Investment Corporation.
- h. "Subject", physical or legal person, whether private or public, who may participate in the competition.
- i. "Candidates" are private or public legal persons, as well as academic education institutions, which submit proposals to the competition.
- j. "Applicant" refers to the entity engaging in the qualification stage of a competitive procedure by submitting its application to partake in said procedure.
- k. "Competition" denotes a competitive process wherein marrin pjesë, subjects/candidates/applicants submit proposals, which are subsequently reviewed, assessed, and evaluated to select the most favorable proposal for concluding the management administration contract.
- l. "Management/administration contract" is the special agreement between the winning candidate and the highest executive body of the Authorized Developer or the person authorized by him, in order to regulate the relations between the developer and the manager, according to the terms of the competitive procedure and negotiations between the parties.
- m. "Suspension" entails the interruption of the competitive procedure in accordance with the provisions outlined in this regulation.



- n. "In writing" refers to communication conducted in written form (*e.g., via mail, email, fax, etc*) along with evidence of receipt.
- o. "Day" refers to a calendar day, unless otherwise specified as a "working day".
- p. "RFIP" is the Request for Initial Proposals;
- q. "RFFP" is the Request for Final Proposals;
- r. "JV" is a joint - venture
- s. SPV" (*Special Purpose Vehicle*) is the legal entity established pursuant to the partnership agreement between the Corporation and the Winning Candidate for purposes of implementing the project.

Article 5 **Selection of users of a technological park**

1. The selection of users directly by the Corporation is made according to the rules and criteria defined in the Decision of the Council of Ministers, No. 418, dated 7.7.2023, "On the approval of procedures for user selection in technological and scientific parks".
2. In cases where the users are proposed by the partner selected as the manager/administrator of the park or other intermediaries designated by the Corporation, the proposers must submit the application for user status in accordance with the requirements set forth in Point 1 of this article.
3. Applications are reviewed by CPEZTP.
4. User status is granted to all applicants who meet the criteria defined under Point 1 of this article.
5. In case of a limited number of spaces available to users in the park, the Corporation reserve the right to establish additional criteria for the selection of users, based on the highest benefits for the Corporation, until the addition or the creation of availability of the necessary spaces.



CHAPTER II

ROLES AND RESPONSIBILITIES OF CORPORATION STRUCTURES FOR THE DEVELOPMENT OF THE COMPETITIVE PROCEDURE

Article 6

Corporation Supervisory Council

1. Pursuant to Article 14, paragraphs 3 and 4 of Law No. 71/2019, "On the Albanian Investment Corporation," and Article 17, clause 1, letters "n" and "o" of the Albanian Investment Corporation's Statute point 4, clause 23/2 of the Decision no. 337, dated 31.05.2023, of Council of Ministers, "For defining the procedures and the criteria for selection of the developer of science and technology parks", as amended, the Supervisory Board, upon recommendation from the Executive Director (ED), following approval from the joint meeting of the Regulatory Committee and the Anti-Corruption Committee, both established by Order of the ED as permanent bodies of the Corporation, is responsible for approving:
 - a. The Regulation for the selection of partnerships for the development/management/administration and the selection of users of a technological park/economic zone by the Albanian Investment Corporation, in its capacity as the authorized developer', drafted by the Committee for Partnerships in Economic Zones and Technological Parks (CPEZTP), as well as
 - b. the standard documentation for the negotiation competitive procedure aimed at selecting partnerships (local or foreign public/private partners) for the development, management, or facilitation of the selection of users of a technological park/economic zone.

Article 7

The Committee for Partnerships in Economic Zones and Technological Parks

1. The Committee for Partnerships in Economic Zones and Technological Parks (CPEZTP), established by Order of the Executive Director, consists of the Directors of the Divisions of the Corporation and operates under regulations approved during its inaugural meeting and makes decisions based on the majority vote of its members. CPEZTP drafts the Regulation for the selection of partnerships and the standard documentation for the competitive procedure. CPEZTP defines the rules for monitoring and overseeing the procedures by the special units of competition, as well as overseeing the implementation of management/administration contract by the implementation units. In addition to its tasks outlined in the Order for its founding, CPEZTP performs any other tasks assigned to it by the Executive Director.



Article 8

The Executive Director of the Corporation

1. The Head of the Corporation is the Executive Director, who, at the proposal of the Committee for Partnerships in Economic Zones and Technological Parks (CPEZTP):
 - a. decides on the publication of the announcement to commence the procedure for selecting the private partner/manager/administrator/intermediary for the selection of users of the technological park;
 - b. approves the composition of ad hoc units; and
 - c. approves the authorization for negotiation for the negotiating group of the partnership agreement / management/administration contract, which may include Corporation employees or external experts, domestic or foreign. The identification of expert candidates is done by the Administrative Division directly.
2. The Executive Director adheres to the legal requirements regarding the prevention of conflict of interest in accordance with the applicable legislation in the appointment of all employees involved in the competitive procedure. Each employee participating in the competitive procedure is required to sign a declaration declaring that they are not involved in the conditions of any conflict of interest, according to Annex 2 of this regulation.
3. In accordance with these rules, the Executive Director is prohibited from participating in a commission or engaging in the stage of selecting the winner for the position of manager/administrator/intermediary for the selection of users of the technological park.

Article 9

The Competitive Procedure Documents Drafting Unit

1. The Competitive Procedure Documents Drafting Unit (CPDDU), is responsible for the drafting of competitive procedure documents, in adherence to the provisions herein and the standard documents approved by the Supervisory Council.
2. Individuals tasked with the drafting of documents for the competitive procedure, as set forth in Point 1 of this Article, cannot be appointed as members of the Application Evaluation Unit (AEU).
3. The Competitive Procedure Documents Drafting Unit is headed by a chairperson and shall consist of no less than three (3) people, with at least one expert in the relevant field in its composition. The unit appoints a person who is responsible for providing clarifications for the candidates/applicants regarding the competition documents.



Article 10

The Application Evaluation Unit

1. The Application Evaluation Unit (AEU) shall be established pursuant to the Executive Director Order, serving as an *ad hoc* entity specifically tasked with the evaluation of applications and proposals, as well as negotiation. It shall comprise no fewer than 5 (five) members chosen from the Corporation's personnel or external experts, whether local or international. The identification of expert candidates is done by the Administrative Division directly.
2. Individuals serving on the Committee for Partnerships in Economic Zones and Technological Parks (CPEZTP) are ineligible for appointment as members of the Application Evaluation Unit (AEU).
3. Should any member of the AEU find themselves in conditions of a conflict of interest, as set forth in the relevant legislation on conflict of interest, they are obligated to promptly notify the Executive Director, who shall initiate their replacement.
4. One of the members of the AEU is appointed as chairperson. In all instances, the number of members must be an odd number.
5. AEU is responsible for reviewing and evaluating applications/proposals. During the assessment period, the IVA, has the right to verify the data presented in the application/proposal, as well as to request clarifications from the applicants/candidates. If clarifications are required for the competition documents, these are obtained from CPEZTP.

Article 11

Complaints Management Unit

1. The Executive Director, by special order, establishes a Complaints Review Unit (CRU) to review the complaints, composed of at least three members selected from the Corporation's employees or external experts, local or foreign. At least one member of the CRU for the review of the complaint must be an expert in the relevant field. The identification of expert candidates is done by the Administrative Division directly. Members of the CRU assigned to review the complaint must not have participated in the decision-making process being contested.



CHAPTER III

COMPETITIVE PROCEDURE WITH NEGOTIATION FOR THE SELECTION OF THE ADMINISTRATOR/MANAGER OF THE PARK

Article 12 **Competitive procedure with negotiation**

1. The Competitive selection procedure with negotiation is a two-stage process aimed at selecting the manager/administrator/intermediary of the park user by the authorized developer, the Albanian Investment Corporation.
2. Pursuant to Article 23/2 of the Decision of the Council of Ministers No. 337/2023, the Albanian Investment Corporation retains the authority to select park managers/administrators, who may be private or public legal entities, as well as institutions of higher education, whether domestic or foreign, through a competitive procedure with negotiation consisting of two stages: the qualification stage and the negotiation stage.
3. In collaboration with the manager/administrator, the authorized developer ensures adherence to the required conditions for the development and management of the park, where, in all cases, the authorized developer remains accountable for his obligations to the relevant institution and state authorities.
4. The minimum time limit for accepting applications for the initial qualification stage is 20 calendar days from the publication date of the announcement of the competitive procedure/invitation for expressions of interest. The Corporation may assign time limits longer than the minimums defined in this regulation when warranted by the project's complexity or requirements that candidates need to fulfill.
5. The announcement of the competitive procedure/invitation for expression of interest with negotiation is published on the Corporation's official website. The Corporation may decide to utilize other national and international means for notification/publication deemed necessary to increase participation in this procedure. Any subject that meets the acceptance criteria outlined in Article 17, point 9 of these regulations, and is not in conditions of conflict of interest, may submit an application in the first phase of qualification.



6. By decision of CPEZTP /ED, the Corporation may determine that the selection procedure foresees a limited number of candidates to be invited to participate in the procedure. In case this option is used, the Corporation must disclose this in the notice of the competitive procedure, where it must also specify the maximum number of candidates it intends to invite and, where applicable, the minimum number.
7. Following the closure of the initial qualification stage and at the end of complaint periods, the Corporation decides to start the selection procedure through negotiation among the Candidates who meet the qualification criteria, announcing the date and venue for the submission of the initial proposal, which serves as the basis for negotiations in the second stage of the selection procedure. The negotiation procedure continues even if there is only one qualified candidate.
8. The Corporation retains the authority to engage in individual negotiations with each qualified candidate until the winning candidate is determined. There exists no limitation on the number of consecutive negotiation stages, provided that the Corporation has published information or regularly notifies all Candidates regarding each negotiation stage.
9. Throughout the negotiation stage, the Corporation aims to clarify, specify, and adapt proposals in accordance with the Corporation's needs and requirements.
10. The Corporation refrains from disclosing proposed solutions or confidential information conveyed by a candidate participating in negotiations to other candidates without the explicit consent of the relevant candidate.
11. AEU/ the Negotiation Team evaluates the final proposals on a case-by-case basis, based on the respective selection criteria stipulated throughout the competitive procedure. The selection criterion for securing the partnership is the most favorable proposal.
12. AEU/ the Negotiation Team completes the negotiation process and notifies CPDDU and the Executive Director to announce the winning Candidate, who will subsequently sign the management/administration contract based on the final proposal.
13. Management/administration contract is signed by the Executive Director or an authorized representative, and notification thereof is conveyed to the Supervisory Council and the Advisory Board.



CHAPTER IV
DOCUMENTS OF THE COMPETITIVE PROCEDURE WITH NEGOTIATION

SECTION I

STANDARD DOCUMENTS OF THE COMPETITIVE PROCEDURE WITH NEGOTIATION

Article 13

Approval and Use of Standard Documents of the Competitive Procedure with Negotiation

1. The Committee for Partnerships in Economic Zones and Technological Parks (CPEZTP) drafts the standard document of the competition to be used in the two-stage competitive procedure with negotiation, for the selection of the manager/administrator of the park. These documents are subject to approval by the Supervisory Council.
2. Upon approval by the Supervisory Council, the standard documentation for the two-stage competitive procedure with negotiation, which is a part of this procedure, is published on the official website of the Corporation.
3. The Corporation uses the standard documents for the competitive procedure with negotiation as stipulated in these regulations, providing them electronically and free of charge.
4. Through electronic means, the Corporation must provide unlimited, comprehensive, direct and free of charge access to the competition documents, starting from the date of publication of the competitive procedure announcement/invitation for expression of interest.
5. When, for objective and well-argued reasons, the Corporation is unable to provide unlimited, full and direct free access to certain competition documents, it must specify in the notification of the competition procedure/invitation for expression of interest that these documents will be made accessible through means other than electronic ones as well as a clear procedure for the ways candidates can be equipped with these documents.



Article 14

The Content of the Documents of the Competitive Procedure with Negotiation

1. The documents of the two-stage competitive procedure with negotiation for the selection of the park's manager/administrator by the Corporation must contain all the necessary information for preparing applications/proposals, as well as provide adequate information to ensure that the competition among Candidates in the competitive procedure with negotiation can take place under conditions of equality, impartiality, and objectivity.

2. The documents for the competition must contain, at a minimum, the following elements:
 - a. Announcement of the competitive procedure/invitation for expression of interest;
 - b. Instructions for candidates/applicants;
 - c. Qualification criteria and selection criteria;
 - d. Offer/proposal security;
 - e. Application/proposal form or letter;
 - f. Project description;
 - g. Request for proposal for qualified candidates in the second stage;
 - h. Preliminary winner announcement;
 - i. Contract/agreement security;
 - j. Winner notification/acceptance letter;
 - k. A clause stating that the Corporation may reject all proposals at any time preceding the announcement of the winning proposal;
 - l. Reference to the "Competitive Procedure Regulation" as the regulatory framework underpinning the Corporation's selection procedure for the park's manager/administrator, and on the basis of which the bidding documents were compiled.

SECTION II

GENERAL INFORMATION

Article 15

Preliminary Information Announcement

1. The Corporation may release a Preliminary Information Announcement, containing, at a minimum:
 - a. The name of the developer;



- b. Data enabling identification of the nature and object of the contract, that would enable parties to determine whether to submit expressions of interest for co-financing/co-developing in the investment project;
 - c. The approximate time limits regarding the competitive procedure;
 - d. Additional information considered useful by the Corporation.
2. The Preliminary Information Announcement is published at the official website of the Corporation, the Ministry of Economy, Culture, and Innovation, in the Public Notices Bulletin, as well as other national and international means of communication.

Article 16

Competitive Procedure Announcement/ Invitation for Expression of Interest

1. The announcement of the competitive procedure/invitation for expression of interest contains all the necessary information that enables candidates/applicants to decide whether to participate in the two-stage competitive procedure with negotiation.
3. The announcement of the competitive procedure/invitation for expression of interest must contain at least:
 - a. a description of the property and the investment project being developed on that property;
 - b. a description of the basic criteria that candidates must meet to be a partner, based on the specific requirements of the investment project;
 - c. a request to express interest in participating in the public competitive procedure;
 - d. details that can identify the nature and object of the contract, on the basis of which the parties can decide whether to submit an expression of interest for co-financing/co-development in the investment project;
 - e. applicant selection criteria;
 - f. the place and deadline within which candidates participating in the competitive procedure must submit the relevant documentation.
4. The information provided in the announcement of the competitive procedure/invitation for expression of interest should refer to the first qualification stage of the procedure.
5. In cases where the option to reduce the number of candidates is applied, this information must be made known in the announcement of the competitive procedure/invitation for expression of interest and in the request for proposal.



6. The announcement of the competitive procedure is published on the Corporation's official website. The Corporation may decide to utilize other national and international means for notification/publication deemed necessary to increase participation in this procedure.

Article 17

Instructions for Applicants/Candidates

1. The instructions must contain all the relevant information for the preparation of the application/proposal by the applicants/candidates, based on the standard competition documents.
2. The instructions must specify the language in which the application/proposal documents should be prepared, which, for international procedures, must be Albanian and English. The qualification document (for the first stage) should be published on the website of the Corporation to be obtained by the interested parties. Applications can be prepared and submitted in Albanian or English. The documents accompanying the application, if they are in languages other than Albanian and English, must be translated into one of these languages. Interested parties may obtain further information from the Corporation during working days, between 09:00 and 17:00 CET.
3. The guidelines must specify that if the Corporation decides to organize a site/facility visit, all Candidates interested in participating in the competition must have equal opportunities to participate.
4. The guidelines for candidates should define the procedure for requests for clarifications/modifications of the competitive procedure in accordance with this regulation.
5. Any changes to the competition documents must be communicated to every interested applicant/candidate through the issuance of an addendum, which must be published on the Corporation's official website.
6. The instructions should also provide information on the candidates who may participate and their form of union. A candidate can be physical or legal person, private or public, a higher education institution, or a consortium of such entities in the form of a joint venture or joint-venture agreement for this project, documented by a preliminary written agreement. The consortium will appoint a representative authorized to act on behalf of each and all members of the joint-venture during the qualification process, proposal submission (if applicable), and during the negotiations for the signing of the management/administration contract (if applicable).



7. A Candidate may apply for qualification and be qualified simultaneously as an individual, as part of a consortium, or as a subcontractor. In the second stage, the qualified Applicant cannot submit multiple proposals as an individual, as a member of a joint venture, or as a subcontractor. However, an entity can participate as a subcontractor in more than one proposal, but only in that capacity. Proposals in violation of this rule will be rejected.
8. A candidate and any subsidiary/affiliated entity (that directly or indirectly controls, is controlled by, or is under common control with that entity) may submit their application for qualification individually, as a joint venture, or as a subcontractor among them. However, if qualified, only one qualified applicant among them will be permitted to submit a proposal in the second stage of the competition. All proposals in violation of this rule will be rejected.
9. The guidelines must provide information on entities that are not eligible to participate in the competitive procedure as follows:
 - e. entities established and registered in a country for which, with an act of compliance with a decision of the Security Council of the United Nations taken according to Chapter VII of the Charter of the United Nations, by virtue of an official law or regulation, the Republic of Albania prohibits any importation of goods or outsourcing of works, goods or services from that country, or any payment to a person or subject registered in that country;
 - f. entities envisioned in points 1 and 2 of Article 3 of Law no. 10192, dated December 3, 2009, "On the prevention and fight against organized crime and trafficking through preventive measures against property," as amended;
 - g. entities under normative act No.1, dated January 31, 2020, of the Council of Ministers, "On preventive measures in the framework of strengthening the fight against terrorism, organized crime, serious crimes, and the consolidation of law and public safety".
10. The guidelines should provide information for applicants/candidates who should not have a conflict of interest. Applicants/Candidates will be considered to have a conflict of interest if they, or any of their affiliates, have participated as consultants in the preparation of the project or technical specifications that are the subject of the procedure. Applicants/Candidates may also be considered to have a conflict of interest if they have a close business or family relationship with any professional staff of the Corporation who is directly involved in the preparation of the Qualification Document, Request for Proposal, and/or the application/proposal evaluation process.
11. An applicant seeking clarification of the Qualification Document should contact the Corporation in writing at the address provided in the notice of the competitive procedure/invitation for Expression of Interest. The Corporation will respond in writing to any request for clarification provided that it is received no later than ten (10) days before the deadline for submission of applications. The Corporation will forward a copy of its response to all potential applicants who have obtained the Qualification Document directly



from the Corporation, including a description of the request but without identifying its source. The Corporation must also promptly publish the response on its website, as specified in the notice of the competitive procedure/invitation for expression of interest. If the Corporation deems it necessary to amend the Qualification Document as a result of a request for clarification, it will do so by following the procedure outlined in this regulation.

12. The Corporation, for any reason, either on its own initiative or upon request for clarification from an Applicant, may make changes to the Qualification Document by drafting an Addendum, which will be promptly published electronically on the official website of the Corporation, as specified in the Invitation for Expression of Interest. Applicants must regularly visit the Corporation's website to stay informed of these changes. Any issued Addendum will be part of the Qualification Document.
13. If the modification of the documents jeopardizes the timely preparation and submission of the application/proposal by the specified date, the Corporation may extend the deadline for submitting applications/proposals by up to seven (7) days.
14. The guidelines also provide information on the submission of complaints and the review procedure, which will be conducted according to the specifications in this regulation.

Article 18

Qualification Criteria

1. In the documents of the competitive procedure with negotiation, the Corporation defines the qualification criteria (administrative/legal/financial/technical), as well as the documentation that verifies the fulfillment of these criteria as follows:
 - a. is not in the process of bankruptcy and/or liquidation;
 - b. is not being criminally prosecuted and has not been convicted by a final court decision for offenses against property and in the economic sphere;
 - c. its capital and assets are not subject to compulsory execution procedures by the enforcement service;
 - d. has regularly fulfilled obligations related to the payment of taxes and duties;
 - e. has fulfilled the obligations for the payment of social security contributions.
 - f. does not fall within the conditions stipulated by Article 131 of Law No. 9920/2008 "On Tax Procedures in the Republic of Albania";
 - g. It is not subject to administrative measures;
 - h. has economic stability/financial capacity for financing the development/management of the park;
 - i. itself or through subcontractors brings experience in similar projects related to the development and/or management of a technology park;

2. The qualification criteria and the selection criteria according to the provisions of article 23/3,
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of DCM 337/2023, as amended, and this regulation, are mandatory to be met by every candidate participating in a competitive procedure with negotiation.

3. Entities that do not meet the provisions of Article 17, paragraph 9 of this Regulation, are not admitted in the competition.

Article 19

Basic Criteria, Selection Criteria and the most favorable proposal

1. Based on Article 23/3, clause 2 of Decree No. 337, dated 31.05.2023, "On the definition of procedures and selection criteria of the developer of technological and scientific parks", as amended, the Competitive Procedure Documents Drafting Unit (CPDDU) defines in the documents of the competitive procedure with negotiation the selection criteria according to the provisions of this article.
 2. The basic criteria for the selection may be one or several of the following criteria:
 - a. the minimum number of park users;
 - b. the presentation of a bank guarantee for the necessary financial capital to fulfill the commitments undertaken in this tender, which will be required in case the candidate is invited to submit the final proposal;
 - c. the inclusion of a higher education institution, local or foreign, accredited according to the relevant legislation of the country of origin;
 - d. every other criterion.
 3. Every qualified candidate will be invited to negotiations on the initial proposals, if their proposal meets the basic criteria.
 4. The selection criteria may be one or several of the following criteria:
 - a. the value of the investment;
 - b. the number of potential users and/or their capacities;
 - c. the actual net profit value that belongs to the Corporation for the entire period (20 years);
 - d. the percentage of shares offered to the Corporation in the SPV;
 - e. or any other criterion, according to the definition in the call/invitation.
 5. If more than one evaluation/selection criterion is used, a scoring system of the criteria will be used to rank the candidates. The Corporation will rank the proposals based on the evaluation results.
 6. The most favorably evaluated proposal is the candidate's proposal that meets the qualification criteria and is assessed:
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- a. as valid and responsive to the final proposal request requirements (FPRR);
- b. meets the basic evaluation criteria; and
- c. has submitted the best evaluated proposal, which is the proposal that has received the most points in the evaluation.

Article 20

Documentation evidencing compliance with the qualification criteria

1. To meet the criteria for qualification (first stage), applicants must submit the documents according to the provisions of this article.
 2. To meet the technical criteria, applicants must submit a self-declaration on the following:
 - a. Fulfillment of the criterion for similar works carried out and completed/experience in managing/operating technological parks either independently or in collaboration with relevant partners;
 - b. Provision of professional licenses related to the performance of works, according to the object of the contract;
 - c. Ensuring of educational and professional qualifications of the staff responsible for the management/direction of works;
 - d. Evidence of the average workforce of the applicant or their partners;
 - e. Equipping with tools, technical equipment, which can be made available to the candidate/bidder to fulfill the contract.
 - f. It does not fall under the conditions stipulated by Article 131 of Law No. 9920/2008 "On Tax Procedures in the Republic of Albania".
 - g. It is not subject to measures of an administrative nature.
 3. To meet the economic criteria, applicants must submit the following documents:
 - a. Certified copies of balance sheets for one or more years, presented by the relevant authorities and financial audit reports certified by a licensed auditing entity;
 - b. Copies of annual turnover statements.
 4. To meet the administrative-legal criteria, applicants must submit the following documents:
 - a. Certification that the entity is not in bankruptcy and/or liquidation process;
 - b. Proof that the subject is not being criminally prosecuted and has not been convicted by final court decision for offenses against property and in the economic sphere.
 - c. Historical extract of the legal entity, issued by the competent authority.
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5. Entities participating in the competition must submit documents in the format and in accordance with the standard set of competition documents, attached to this regulation. Foreign entities must submit documents in the form required by the current legislation for recognizing documentation issued in a foreign country. For documents not issued in the country of origin, the applicant must declare this fact, otherwise the documentation will not be recognized as having been submitted. In any case, the Corporation has the right to perform necessary verifications of the information declared by the applicant, as above, or to request clarifications and supporting documents from the applicant.

Article 21

Documentation evidencing compliance with the selection criteria

1. To meet the basic selection criteria, candidates must submit the following documents:
 - a. a preliminary agreement with proposed users specifying their commitment to apply as park users and to pay no less than a (___) percent of the revenues generated from their commercial activities in the park;
 - b. a declaration in the Proposal Letter that all proposed users meet the selection criteria;
 - c. a preliminary agreement with a higher education institution outlining its commitment to participate in the park's activities, including a concept idea for the institution's role in this framework.
 - d. documentation of the registration and accreditation of the higher education institution in the country of origin.

2. To meet the selection criteria, candidates must submit the following documents:
 - a. the Proposal Letter;
 - b. a detailed development plan for a minimum period of 20 years.

3. For the assessment of the selection criterion specified in Article 19, paragraph 4, point c), the Candidate shall calculate the present value of the net profit belonging to the Corporation, which shall be calculated according to the following formula:
 - a. The present value of the net profit belonging to the Corporation = $\text{Value } 1/(1+R)^1 + \text{Value } 2/(1+R)^2 + \text{Value } n/(1+R)^n$

Where:



Value 1 = Net profit for year 1 according to financial forecast x Corporation's percentage participation in the SPV.

Value 2 = Net profit for year 2 according to financial forecast x Corporation's percentage participation in the SPV.

Value n = Net profit for each subsequent year according to financial forecast x Corporation's percentage participation in the SPV.

R = discount rate

The discount rate to be used for the proposal evaluation process will be 10% per year. The discount rate is a key parameter in this analysis, particularly because it represents the opportunity cost of using resources over time and serves to compare projected revenues and costs (net cash flows) for different periods.

Article 22

Evaluation methodology of proposals

1. If several selection criteria are to be applied, the final proposals shall be evaluated and awarded the Evaluated Proposal Points according to the following methodology:
 - a. Each criterion (C_i) will be given a score (S_i), weighted by the weight of that criterion (X_i) according to the following formula:

$$S_i = \frac{C_i}{C_{high}} * X_i * 100$$

and $\sum_{i=1}^n X_i = 100$

- b. The maximum score for each criterion is 100. The maximum score will be given to the highest value for each criterion (C_{high}) of all evaluated proposals.
 - c. Each proposal will be given an Evaluated Proposal Score (P_i) using the following formula:



$$P_i \equiv \sum_{i=1}^n S_i$$

- d. The proposal from a qualified Candidate, with the highest Evaluated Proposal Score (P_i) among responsive proposals shall be the Most Favorable Proposal.
- e. In the event that two or more proposals will result with the same score, their order will be determined by drawing lots.

Article 23 **Offer/proposal security**

1. The security of the offer/proposal serves as a protective measure for the Corporation in cases of irresponsible proposals or unilateral withdrawal after their opening. The proposal security takes the form of a guarantee issued in any of the following formats at the Candidate's choice:
 - a. An unconditional guarantee issued by a bank or a non-banking financial institution (such as an insurance company);
 - b. An irrevocable letter of credit.
 2. The Corporation must specify in the competitive procedure documents the value of the offer/proposal security, which should be between 7 (seven) million to 15 (fifteen) million lekë. The offer/proposal security must be valid for 180 (one hundred and eighty) days from the deadline for submission of initial offers/proposals, but the competitive procedure documents may provide for a different validity period, based on the possible duration of the procedure.
 3. The issuer of the offer/proposal security must:
 - a. Not set any conditions for payment;
 - b. Pay the amount within 15 (fifteen) days of receiving a written request from the Corporation.
 4. The offer/proposal security of the winning candidate, when required, will be returned to the requester after submitting the contract/agreement guarantee to the Corporation.
 5. Before the expiration of the proposals' validity period, the Corporation may ask candidates to extend the validity period of the offer/proposal security for a specified term, but no more than the duration of the initial term. In this case:
-



- a. The candidate may refuse the request without losing the offer/proposal security, and the validity of his offer/proposal ends with the expiration of the initial validity period;
 - b. When the candidate accepts the extension of the validity period, the offer/proposal security is also extended, or a new offer/proposal security is provided, covering the extended validity period.
6. The candidate who does not extend the offer/proposal security period or does not provide a new offer/proposal security is deemed to have refused the request for extension of the offer/proposal validity period.
7. The offer/proposal security of the Candidates will be returned as soon as possible after the successful Candidate has signed the contract/agreement and provided the contract/agreement guarantee.
8. The offer/proposal security may be forfeited:
- a. If a Candidate withdraws his proposal before the expiry date of the proposal validity specified by the Candidate in the Proposal Letter or the revised date given by the Candidate; or
 - b. If the successful Candidate fails to: i. sign the contract; or ii. provide a contract/agreement guarantee.

Article 24

Application/Proposal Form/Letter

1. The Application/Proposal Form/Letter is filled out by the applicants/candidates and accompanies their application/proposal. It contains the applicant/candidate's confirmation of the following:
 - a. The declaration that they meet all the qualification criteria for which a self-declaration is required;
 - b. The declaration that they have reviewed and accepted the contents of the competitive procedure documents;
 - c. The authorization for the Corporation to verify the information and documents attached with the offer/proposal;
 - d. The commitment to execute the contract/agreement without any reservation or limitation, in accordance with the project, technical specifications or terms of reference, and with the value declared in the proposal.



Article 25
Project Description

1. In the competition documents, the Corporation provides information about the project to inform the applicants/candidates about the object of the competition.
2. At the Corporation's discretion, the information may include: the project's purpose, legal framework, property information, project description, terms of reference, and other project requirements.

Article 26
Notification of disqualification of applicants

1. This notification contains the reasons why an applicant does not meet the formal application requirements (first stage) and cannot qualify to proceed to the second stage in the competitive procedure with negotiation.
2. The notification is made to the applicants in written form sent to the email address provided in their application.

Article 27
Request for initial proposal

1. After closing the first stage of qualification and concluding the appeal periods, the Corporation sends the Request for Initial Proposal (RFIP) to the qualified candidates, which serves as the basis for subsequent negotiations.
2. The minimum time frame for receiving initial proposals from qualified candidates is 10 (ten) days from the date the RFIP is sent to them.
3. The RFIP contains all the necessary information to enable the qualified candidates to submit their proposals.
4. The RFIP includes at least the following information:



- a. a reference to the published notice of the competitive procedure;
 - b. the selection criteria;
 - c. the place, date, and time for submission and opening of the proposals;
 - d. the language/languages of the proposals and documents;
 - e. additional information that the Corporation deems necessary;
 - f. Proposal Security.
5. The candidate must review all instructions, forms, terms, and requirements specified in the RFIP and submit their proposal with all the information and documentation required by the RFIP.
 6. If a candidate requests clarification on the RFIP, they must contact the Corporation in writing at the email address provided in the RFIP Notice. The Corporation will respond to every request for clarification, provided that this request is received within 5 days before the deadline for submitting proposals. The Corporation will forward copies of its response to all candidates who have received the RFIP, including a description of the request but without identifying its source. If the Corporation deems it necessary to amend the RFIP as a result of a request for clarification, it will do so by issuing an Annex to the RFIP.
 7. Any Annex issued will be part of the RFIP and will be communicated in writing to all those who have received the RFIP from the Corporation.
 8. To provide Candidates with reasonable time to consider an Annex in preparing their proposals, the Corporation may extend the submission deadline at its discretion.
 9. The candidate will bear all the costs associated with preparing and submitting their proposal, and the Corporation will not be responsible for these costs under any circumstances. The winning candidate may also cover the costs of specialized consulting services, which are deemed necessary by the Corporation.



Article 28
Request for final proposal

1. After concluding negotiations on the initial proposals, the Corporation invites candidates to submit their final proposals through a Request for Final Proposals (RFFP). Final proposals are not negotiated.
2. Based on the negotiations conducted with the Candidates, the Corporation may change the project requirements in the RFFP (except for the basic and selection criteria, which cannot be changed). All changes are included in the RFFP sent to the Candidates. Depending on the changes, the Corporation will allow sufficient time for the Candidates to modify, finalize, approve, and submit their final proposals.

CHAPTER V

DEVELOPMENT OF THE COMPETITIVE PROCEDURE WITH DYNAMIC
NEGOTIATION FOR THE SELECTION OF THE PARK MANAGER/ADMINISTRATOR
BY THE AUTHORIZED DEVELOPER

Article 29
Order of the competitive procedure

1. Before the start of the competitive procedure with negotiation, the Executive Director of the Corporation issues an order for the establishment of the Competitive Procedure Documents Drafting Unit (CPDDU), the Application Evaluation Unit (AEU) for assessing the applications/proposals and approves their composition.
2. The order specifies the object of the competitive procedure, as well as the type of the two-stage negotiation procedure.
3. The Executive Director takes steps to prevent any conflict of interest from employees engaged in the competitive procedure.

Article 30
Drafting and Publication of the Documents for the Competitive Procedure with Negotiation

1. The CPDDU, based on these rules, the standard competition documents approved by the Supervisory Council of the Corporation, and the specific project information/data prepares the competitive procedure document for the specific project.
 2. The competitive procedure documents, after being discussed and approved by the CPZET and
-



the Anti-Corruption Committee. After approval, the documents are published on the Corporation's website where the announcement of the competitive procedure/invitation for expression of interest is also published. The Corporation may decide to utilize other national and international means for notification/publication deemed necessary to increase participation in this procedure. The time, date and address for submission of applications/proposals and their opening must be stated clearly in the notification.

3. Members of the CPDDU may participate in the opening and evaluation stages to provide clarifications upon request; however, they will not have voting privileges and are obliged to uphold the confidentiality of the contents of the applications/proposals. They may provide their opinions only when requested as well as perform only assistance functions, such as: record-keeping, organizing, and storing of documents, etc.
4. For preparing the documents, the CPDDU receives project information from the respective structure of the Corporation.
5. The CPDDU keeps minutes for preparing and approval of the competitive procedure documents. The final set of competition documents is signed on every page by the members of the CPDDU.

Article 31

Submission of applications and proposals

1. The minimum time limit for the submission of expressions of interest is 20 (twenty) days from the date of the competitive procedure announcement/invitation for expression of interest (first stage) is announced. In the first stage of qualification, the documentation should only contain the qualification documents, as outlined in the competitive procedure documents.
2. Applicants may submit their applications electronically via email or physically by hand or by mail. Applications will be accepted by the Corporation no later than the deadline specified in the Invitation for Expression of Interest.
3. Any application submitted after the specified deadline will not be considered and will be returned to the applicant.
4. Only candidates who have qualified in the first stage and have been invited by the Corporation may submit an initial offer, which serves as the basis for subsequent negotiations. The minimum time limit for the acceptance of initial proposals from qualified candidates is 10 (ten) days from the date the request for the submission of initial proposals was sent to them.



5. Applicants/Candidates must review all instructions, forms, terms, and requirements in the Qualification Document/RFIP and will submit their application/proposal with all the information and documentation required in these documents.
6. The rules for the submission and delivery of applications/proposals are presented in the standard tender documents.

Article 32

Opening, review, and evaluation of applications and proposals

1. The Application Evaluation Unit (AEU) opens all applications on the date, place, and time specified in the invitation for expression of interest, after the final deadline for submission of applications. Applicants may attend the opening of applications.
2. If any member of the AEU is in a conflict of interest, as defined by the applicable legislation on conflict of interest, they must immediately notify the Executive Director, who will order their replacement.
3. The AEU reads the name and address of the applicant who has submitted the qualification documents electronically and/or in an envelope. Subsequently, the list of legal, administrative, and qualifying documents submitted by the candidate is read aloud.
4. Applications received after the deadline for submission will be rejected.
5. The AEU evaluates the applications within 10 (ten) calendar days from the date of application opening. During the evaluation period, the AEU has the right to perform verifications related to the data presented in the application and to request clarifications from the applicants. In special cases, upon a reasoned request of the AEU, the Executive Director may extend the evaluation process beyond this period for a maximum of 15 (fifteen) additional days.
6. Every step of the procedure must be recorded and reflected in the minutes, which must be signed by all members of the AEU. If the AEU members have differing opinions, a vote is taken, and this must be documented.
7. The documents accompanying the application are not returned to the applicants but remain part of the procedure file.
8. At the end of the evaluation, the AEU prepares a summary report on the development of the first stage of the procedure and compiles a list of applicants who meet the qualification criteria. The AEU decision is valid for a term of up to 9 (nine) months from the day of notifying the applicants about the results of this stage.



9. The list of qualified candidates is notified in writing electronically or in hard copy to the competing applicants, who have the right to file an appeal with the Corporation against the AEU decision within 5 (five) days from the date of notification.
10. Upon the conclusion of the appeal period or when the Appeals Review Unit (ARU) finds no irregularities in the contested competitive procedure, the Corporation initiates the selection stage through negotiation among candidates who meet the criteria, announcing the day and place for the submission of the initial proposal, which serves as the basis for negotiations in the second stage of the selection procedure.
11. The minimum time limit for the acceptance of initial proposals from qualified candidates is 10 (ten) days from the date the RFIP was sent to them.
12. The basic criteria and the selection criteria for declaring the winning candidate are not subject to negotiation. Proposals will be opened publicly, and this process will be documented in the minutes.
13. Candidates whose proposals are opened, or their present representatives, will be asked to sign the minutes of the proposal opening. The absence of the Candidate's signature on the minutes will not invalidate the content and effect of the minutes. A copy of the minutes will be distributed to all candidates.
14. The negotiation procedure continues even if there is only one qualified candidate.
15. As part of fulfilling the negotiation obligations, members of the AEU /Negotiation Team are provided with the conclusions of the necessary legal, financial, technical, and environmental expertises, both local and foreign, or any other required expertise.
16. The AEU/Negotiation Team negotiates with the qualified candidates, reviewing the initial proposals and all subsequent proposals they submit, aiming to improve their content, except for the final proposals. As needed, the negotiation processes, which start with a new request for proposals, constitute successive stages of the procedure, aiming to reduce the number of proposals to be negotiated by applying the evaluation criteria for awarding the contract, specified in the invitation for expression of interest, the request for proposal, or another competition document.
17. The AEU/Negotiation Team ensures equal treatment for all candidates during negotiation and does not disclose information in a discriminatory manner, which could favor some of them. The AEU /Negotiation Team informs in writing all candidates whose proposals advance to the next stage of any change in the terms of the request for proposal. Following these changes, the Corporation provides a period of no less than 5 (five) days for candidates to modify and resubmit their revised proposals.



18. The AEU/Negotiation Team does not share confidential information communicated by a candidate participating in the negotiations with other participants without the latter's consent.
19. The AEU/Negotiation Team evaluates the final proposals based on the relevant selection criteria announced throughout the competition procedure.
20. If two or more proposals have the same price or score, the winner will be determined by a draw. Candidates will be notified of the date and time of the draw. Non-participation of candidates in the draw process does not constitute a reason for disqualification.
21. The Negotiation Team concludes the negotiation process and informs the CPDDU to carry out the preliminary notification of the winner.

Article 33 **Announcement of the Winner**

1. After completing the evaluation process of the final proposals and the expiration of the appeal periods, the AEU/Negotiation Team drafts the final evaluation/negotiation report and, by a decision, it notifies the CPDDU and the Executive Director to announce the winning candidate who will enter into the agreement/contract based on the final proposal.
2. The Corporation will notify the successful candidate in writing that their proposal has been accepted. The notification of the winner for the successful candidate is made by sending the "Acceptance Letter."
3. Within ten (10) days of sending the Acceptance Letter, the Corporation will publish the Announcement of the Winner, which will contain at least the following information:
 - a. The name and address of the Corporation;
 - b. The name of the agreement to be awarded, and the method of selection used;
 - c. The names of all Candidates who submitted proposals;
 - d. The names of the Candidates whose proposals were rejected;
 - e. The name of the successful Candidate and a summary of the subject of the agreement.
4. The Notification of the Winner will be published on the website of the Corporation and in the Public Notices Bulletin.



CHAPTER VI

ADMINISTRATIVE APPEAL

Article 34

Submission of complaints

1. Any candidate who has or has had an interest in the competitive procedure and has been harmed or is at risk of being harmed by the actions or inactions of the Corporation, which they claim are in violation of this regulation, has the right to file a written complaint with the Corporation.
2. The complaint must include the name and address of the complainant, the reference to the specific procedure, the legal basis, the description of the alleged violation, and the corresponding documentation supporting their claim. These elements are necessary for the consideration of the complaint.
3. In the case of complaints about the documents of the competitive procedure with negotiation, candidates may file complaints with the Corporation within 5 (five) days from the publication of the notice of the competitive procedure with negotiation/invitation for expression of interest/request for proposals.
4. In the case of complaints about the decision of qualification/selection of applicants/candidates, the applicants/candidates may file complaints with the Corporation within 5 (five) days of receiving the notification of this decision.

Article 35

Review of the complaint

1. For the review of complaints, the Corporation follows the steps specified in this article.
2. Upon receipt of the written complaint, the Executive Director issues an order to suspend the competitive procedure and directs the CPDDU and the AEU to suspend the process until a final decision is made.
3. If the complaint is related to the documents of the competitive procedure, the Executive Director may assign the review of the complaint to the AEU.
4. The CPDDU collects and makes available to the CPU all necessary information for the examination of the complaint.



5. The decision regarding the complaint must be made within 10 (ten) days from its receipt.
6. If additional information is requested from the complainant, the aforementioned time limit is paused and restarts once the Corporation provides this information.
7. Upon completing the review of the complaint related to the competitive procedure documents, the CPU issues a reasoned decision on the rejection or acceptance of the complaint. In the case of acceptance, the CPU proposes to the CPDDU/CPEZTP the revision/amendment of the documents.
8. If there have been irregularities in the evaluation of the applications, the CPU proposes to the AEU the re-evaluation of the submitted applications or the annulment of the conducted procedure and the initiation of a new procedure, if deemed necessary.
9. When the CPU assesses that there have been no irregularities in the competitive procedure, it proposes to the AEU: the continuation of the competitive procedure.
10. In any case, the Corporation informs the complainant of the decision that has been made on the case, within the next working day from the issuing of the decision, accompanied by explanations and relevant documentation. In every case, the Corporation's decision is communicated in writing to the complainant at the email address specified by them.

Article 36

Cancellation of the competitive procedure

1. The Corporation cancels the competitive procedure in cases where:
 - a. No proposal meeting the Corporation's criteria has been submitted in the competitive procedures;
 - b. It is determined that the competition documents contain errors or deficiencies that prevent the continuation of the procedure, such as:
 - i. Issues identified during on-site verification of the park area, which is to be the subject of the competitive procedure, requiring the amendment of the Council of Ministers' decision regarding the park's designation for accuracy;
 - ii. During the competitive procedure, claims based on legal documentation regarding land ownership may be presented by interested parties, which obstruct the continuation of the procedure;
 - iii. The area declared as a park is required to be used wholly or partly for another project of national importance related to public interests.
 - c. Due to unforeseen and objective circumstances, the competitive procedure cannot be carried out.
-



2. The Corporation bears no liability towards candidates who have submitted proposals for the decision of cancellation.
3. The Corporation communicates the decision and the reasons for not continuing the competitive procedure to all candidates no later than 3 (three) days from the decision date.
4. The Corporation publishes the cancellation decision on its website only after the appeal deadlines have passed. The corporation may choose to use other means of notification that are considered necessary.

Article 37

Appeal in court

1. Against the decision of the Corporation, within 30 (thirty) days from becoming informed, the appellant has the right to file a lawsuit for the review of the administrative dispute in the competent court. The review of this appeal in court does not suspend the continuation of the procedures.

Article 38

Management/Administration Contract

1. After selecting the most favorable proposal, the AEU/Negotiation team will negotiate the partnership agreement with the winning candidate. The terms of the agreement will be based on the winning proposal.
2. The management/administration contract is signed by the Executive Director or their authorized representative and is notified to the Supervisory Council and the Advisory Board.
3. Within a reasonable deadline or as specified in the act of opening the park/economic zone, the Albanian Investment Corporation shall present to the responsible ministry for the economy the detailed development plan, which includes the elements anticipated in clauses “a”, “b”, “c”, “ç”, “d” of Article 3, section 4, of Council of Ministers' Decree No. 337, dated 31.5.2023, "On the determination of procedures and criteria for the selection of developers of technological and scientific parks", as amended, as well as financial capacities, accompanied by the draft agreement outlining the mutual commitments of the parties, in accordance with Article 8, section 2, of Law No. 58/2022.
4. The management/administration contract will become effective only after the Corporation has received all approvals for the project's effectiveness, which include the project's approval by the Corporate Supervisory Council and the approval by the Council of Ministers of the draft



agreement between the Corporation and the Minister responsible for the economy as provided by Article 23/1, point 3, of Decision No. 337, dated May 31, 2023, of the Council of Ministers, "On the determination of the procedures and criteria for the selection of the developer of technological and scientific parks," as amended.

Article 39
Security of the Agreement

1. The winning candidate in the competition to enter into the agreement with the Corporation, as well as to guarantee the fulfillment of their contractual obligations, is required to meet the condition of securing the contract in the form of a bank guarantee/or insurance company guarantee. The contract security condition shall be 10 percent of the total contract/agreement price.

Article 40
Rejection of All Proposals

1. The Corporation may reject all applications/proposals at any time before the announcement of the winning candidate if it is specified so in the competition documents. The Corporation must communicate this rejection to every candidate without being obliged to justify it. Based on the above paragraph, the Corporation will have no liability towards the candidates. If the decision to reject all proposals is made before the deadline for their submission, they must be returned unopened to the candidates that submitted them.

Article 41
Confidentiality in Document Processing

1. After the opening of the proposals, information related to their examination, clarification, and evaluation, and the recommendations for the winning proposal are confidential and should not be made known to the candidates or other persons not officially involved in this process until the agreement is concluded.

Article 42
Standard Documents of the Competitive Procedure

1. Part of this regulation are the standard documents of the competitive procedure with negotiation, which are attached in Annex 1 to it. Standard documents consist of:
-



- a. Invitation for Expression of Interest
 - b. Qualification Document
 - c. Notification of Request for Initial Proposals
 - d. Request for Initial Proposals
2. The Final Request for Proposals document is based on the standard documents of Stage 2: Notification of Request for Initial Proposals and Request for Initial Proposals, excluding the negotiation section.

Article 43
Final Provision

This regulation was approved by the decision of the Supervisory Council and comes into force immediately.

ANNEXES

ANNEX No.1 - STANDARD DOCUMENTS OF THE COMPETITIVE PROCEDURE

ANNEX No.2 - CONFLICT OF INTEREST DECLARATION FORMS



Annex No.1

Standard Competition Documents

Competitive Procedure with Negotiation

Phase I

(For use before sending the Request for Proposal)

8 April 2024

CONTENTS OF THE PACKAGE OF QUALIFICATION DOCUMENTS

1. INVITATION FOR EXPRESSIONS OF INTEREST

2. QUALIFICATION DOCUMENT

2.1 PART I - QUALIFICATION PROCEDURE

2.1.1 SECTION 1 - Instructions to Applicants

2.1.2 SECTION 2 - Qualification Terms and Criteria

2.1.3 SECTION 3 - Application Forms

2.2 PART II - PROJECT DESCRIPTION

2.2.1 SECTION 4 - Description of the Project

Invitation for Expression of Interest

Authorized developer : Albanian Investment Corporation

Project Name: _____

Agreement Title: _____

1. The Albanian Investment Corporation, here "Corporation", is a new joint - stock commercial company, with 100% state capital, whose sole shareholder is the Ministry of Economy, Culture and Innovation of the Republic of Albania.
2. The Corporation has been designated as the developer _____ (*provides the legal basis for the project and the property data*).
3. Corporation for the development of the project _____ intends to select a partner to conclude a partnership agreement for _____ (*gives the purpose of the agreement*).
4. Corporation model for the project _____ (*gives a description of the project*).
5. The competition for the selection of the partner will be carried out through the competitive procedure with negotiation, with two stages, namely the qualification stage and the negotiation stage, as specified in the "Regulation for the Competition Procedure", published on the official website of the Corporation [*publication link*]. The procedure is open to all individuals or legal entities, private or public, as well as institutions of higher education who, throughout the procedure phases, must meet the qualification criteria, basic criteria and selection criteria.
6. This Invitation for Expression of Interest opens the first phase of the competition for partner selection. Qualified candidates are those applicants who meet the qualification criteria defined in the "Qualification Document", prepared in Albanian and English, and published on the Corporation's website [*publication link*].
7. The second phase of partner selection opens in May 2024, on a date to be notified to qualified candidates, who must submit the initial proposal containing commitments to simultaneously fulfill the basic criteria, as listed below:
 - a. (*enter basic criteria*)

-
8. Initial proposals that meet the basic criteria are invited for negotiations. After the conclusion of negotiations, candidates are invited to submit final proposals, which are evaluated based on the selection criterion, which is:
 - a. (*enter selection criteria*)
 9. Those interested can obtain further information from the Corporation, at the address below [*insert address at the end of the document*] during working days, between 09:00 and 17:00 CET.
 10. Applications may be prepared and submitted in Albanian or English. Supporting application documents, if they are in languages other than Albanian and English, must be translated into one of these languages.
 11. Applications must be submitted electronically via email, hand-delivered, or by mail, to the following address, by [insert time] on [insert date]. Applications received after this deadline will be rejected. Opening of applications will be immediately after the deadline for their submission to the following address.

[Insert office name]

[Insert officer's name and title]

[Insert postal address and/or street address, zip code, city and state]

Phone: + 355

Email:

Website address: www. <https://aiCorporation.al>

Qualification Document

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PART 1 – Qualification Procedure

Section I - Instructions to Applicants

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Section I - Instructions to Applicants

A. General

1. Scope and Authorized Developer

- 1.1 The Corporation has been designated as the developer of _____ .
- 1.2 Corporation for the development of the project _____ intends to select a partner to enter into a partnership agreement to insure _____ .
- 1.3 The Corporation publishes this Qualification Document to prospective Applicants interested in submitting qualification applications and submitting proposals for the Project described in Section IV (Project Description).
- 1.4 The address of the Corporation is specified in the Invitation for Expression of Interest.

2 . Entities that can participate

- 2.1 An Applicant can be a natural or legal person, private or public entity, as well as higher education institutions or a combination of such entities in the form of a joint venture or joint venture (JV), under an agreement for this project or aiming to enter into such an agreement documented by a prior written agreement. The association of companies will appoint a representative, who will have the authority to perform all actions for and on behalf of each and all members of the association, during the qualification process, the proposal (if applicable) and during the negotiations for the contract (if applicable).
- 2.2 An entity may apply for qualification and qualify simultaneously individually, as part of a joint venture or as a subcontractor. In the second phase, the qualified Applicant cannot submit several proposals, as an individual entity, as a member of a joint venture or as a subcontractor. However, an entity may participate as a subcontractor in more than one proposal, but only in that capacity. Proposals submitted in violation of this rule will be rejected.
- 2.3 An entity and any subsidiary/entity related to it (which directly or indirectly controls, is controlled or is under common control with that entity) may submit their request for qualification individually, as a joint venture or as a subcontractor between them. However, if qualified, only one qualified applicant among them will be allowed to submit a proposal in the second stage of the competition. All proposals submitted in violation of this rule will be rejected.

- 2.4 An entity cannot participate in this procedure if the Applicant is:
- a. established and registered in a country for which, by an act of compliance with a decision of the Security Council of the United Nations taken under Chapter VII of the Charter of the United Nations, by virtue of an official law or regulation, the Republic of Albania prohibits any importation of goods or outsourcing of works, goods or services from that country, or any payment to a person or entity registered in that country;
 - b. subject provided for in points 1 and 2, of article 3, of law no. 10192, dated 3.12.2009, "On preventing and combating organized crime and trafficking through preventive measures against wealth", as amended, as well as
 - c. subject to normative act no. 1, dated 31.1.2020, of the Council of Ministers, "On preventive measures within the framework of strengthening the fight against terrorism, organized crime, serious crimes and the consolidation of public order and security".
- 2.5 Applicants must not have a conflict of interest. Applicants will be considered to have a conflict of interest if they, or any of their affiliates, have participated as a consultant in the preparation of the project or technical specifications that are the subject of this qualification. Additionally, applicants may be considered to have a conflict of interest if they have a close business or family relationship with a professional staff member of the Corporation who is directly involved in the preparation of the Qualification Document, the Request for Proposal, and/or the proposal evaluation process for this Contract.

B. Qualification Document

3. Completeness of Qualification Document

- 3.1 The Corporation accepts no responsibility for the completeness of the Qualification Document unless the document is downloaded directly from the Corporation's website. This also includes responses to requests for clarification, or additions/changes to the Qualification Document.
- 3.2 The applicant must review all instructions, forms and conditions in the Qualification Document and submit with their

application all information or documentation as required by the Qualification Document.

4 . Clarification of the Qualification Document

- 4.1 An applicant seeking clarification of the Qualification Document should contact the Corporation in writing at the address as follow:

Contact person: _____

Email: _____

- 4.2 The Corporation will respond in writing to any request for clarification provided that such request is received no later than **ten (10) days** prior to the deadline for submission of applications. The Corporation will promptly publish its response on its website provided in the Invitation for Expression of Interest, including a description of the request but without identifying its source. If the Corporation deems it necessary to amend the Qualification Document as a result of a request for clarification, it will do so following the procedure set out in these guidelines.

5 . Changes to the - Qualification Document

- 5.1 The Corporation, for any reason, on its own initiative or upon request for clarification from an Applicant, the Corporation may make changes to the Qualification Document by issuing an Addendum, which will be published immediately electronically on the official website of the Corporation, specified in the Invitation for Expressions of Interest. Applicants should visit the Company's website regularly to be informed of these changes (if any). Any Addendum issued shall be part of the Qualification Document.
- 5.2 In order to give Applicants reasonable time to consider the requirements given in the Addendum in preparing their applications, the Corporation may extend the deadline for submission of applications up to **7 (seven) days**.

C. Preparation of Applications

6. Cost of applications

- 6.1 The Applicant shall bear all expenses related to the preparation and submission of his application. In no event shall the Corporation be responsible or liable for such costs, regardless of the conduct or outcome of the qualification process.

7. Application language

- 7.1 The application, as well as all correspondence and documents exchanged by the Applicant and the Corporation, relating to the qualification, will be prepared either in Albanian or

English. The supporting documents that are part of the application may be in another language, provided that they are accompanied by an official translation either in Albanian or English. In this case, for the purpose of interpretation of the application, the translation will prevail.

8. The documents contained in the application

8.1 The application shall contain the following:

- a. Letter of Application;
- b. Power of attorney or written authorization authorizing the signatory of the application to engage the Applicant, when the latter is not the legal representative of the Applicant;
- c. Application's Forms and required documents proving the Applicant's qualifications; and
- d. any other documents required as specified in these instructions.

9. Application letter

9.1 To submit the application, the Applicant must complete an Application Letter as provided in Section III (Application Forms). This Letter must be completed without any change in its format.

10. Documents proving the applicant's qualifications

10.1 In order to demonstrate that his qualifications meet the eligibility criteria in accordance with Section II, Qualification Criteria, the Applicant shall provide the required information on the relevant information forms included in Section III (Application Forms).

10.2 Wherever an application form requires an Applicant to declare a monetary amount, Applicants must indicate the equivalent in EURO using the exchange rate defined below:

- a. for annual financial data - Bank of Albania exchange rate on the last day of the relevant calendar year (with which the amounts for that year will be converted);
- b. for the contract amounts - the exchange rate of the Bank of Albania on the date of conclusion of the contract.

Any error in using the above exchange rates in the application may be corrected by the Corporation.

11. Signing of the application

11.1 The application shall be typed or written in indelible ink and shall be signed by a person authorized to sign on behalf of the Applicant.

11.2 In case the Applicant is an association of entities, the application is signed by an authorized representative on behalf of the association of entities, so that it is legally binding on all

members, as evidenced by a signed authorization/power of attorney executed by their representatives legally authorized.

- 11.3 Applicants participating in the competition must submit documents in formats and in compliance with Albanian legislation. Foreign applicants must present the documents in the form required by the current legislation for the recognition of documentation issued in a foreign country (provided with an apostille stamp from the country of origin). For documents not issued in the country of origin, the applicant must self-declare this fact, otherwise the documentation will be considered not submitted. In any case, the responsible institution has the right to perform the necessary checks on the authenticity of the information declared by the applicant, as above, or to request clarifications and supporting documents from the Applicant.

D. Submission of Applications

12. Preparation and notation of applications

- 12.1 When applications are sent by mail or to the Corporation's address, in PDF form, the Applicant must put the application in a sealed and clearly legible marked envelope that will:
- (a) bear the name and address of the Applicant;
 - (b) be sent to the Corporation, in the manner specified in these instructions; and
 - (c) bear the name of the project specified in the Invitation for Expression of Interest.
- 12.2 The Corporation will not accept any responsibility for the non-acceptance of any envelope not delivered as required in clause 12.1.
- 12.3 For applications submitted by email, the Applicant will send the application, in PDF format, to the email address specified by the Corporation in the Invitation for Expression of Interest. The text of the email will be include:
- a. the name and address of the applicant; and
 - b. the name of the project specified in the Invitation for Expression of Interest.

13. Deadline for submission of applications

- 13.1 Applicants can submit their applications electronically by email, by hand or by mail. Applications will be accepted by the Corporation not later than the deadline defined in the Invitation for Expression of Interest.

14. Late Applications

- 14.1 Applications received after the deadline for submission of

applications will be rejected.

15. Opening of applications

- 15.1 The Corporation will open all applications at the date, time and place specified in the Invitation for Expression of Interest. Late applications will be handled in accordance with clause 14.1.
- 15.2 The Corporation will prepare a record of the opening of applications including, at a minimum, the names of the Applicants. A copy of the minutes will be distributed to all applicants.

E. Procedure for Evaluation of Applications

16. Confidentiality

- 16.1 Information about applications, their evaluation and qualification results will not be disclosed to Applicants or any other person not officially interested in the qualification process until all Applicants have been notified of the qualification results.

17. Clarification of applications

- 17.1 The Corporation may ask the Applicants for clarifications of their applications, which must be submitted within a reasonable time period. Any request for clarification from the Corporation and all clarifications provided by the Applicants will be in writing.
- 17.2 If an Applicant does not provide the requested clarifications and/or documents by the date and time specified in the Corporation's request for clarification, his application will be evaluated based on the information and documents available at the time the application is evaluated.

18. Validity of applications

- 18.1 The Corporation may reject any application that does not meet the requirements of the Qualification Document. In case the information provided by the Applicant is incomplete or requires clarification as defined in these instructions and the Applicant fails to provide satisfactory clarifications and/or the missing information, his application may be rejected.

19. Subcontractors

- 19.1 The Corporation may allow the Applicant to propose subcontractors for some parts of the project. Applicants planning to use such subcontractors must specify, in the Application Letter, the activity(ies) or parts of the project proposed to be subcontracted together with the particulars of the proposed subcontractors, including their qualification and experience.

- 20. Evaluation of applications**
- 20.1 The Corporation will use only the methods, criteria and requirements set forth in Section II, Qualification Criteria, to assess the qualifications of Applicants. The Corporation reserves the right to accept minor deviations, if they do not materially affect an Applicant's technical ability and financial resources to meet the project goal.
- 20.2 Subcontractors proposed by the Applicant must be fully qualified to carry out their parts of the project.
- 20.3 In the evaluation of an application, only the qualifications of the Applicant will be considered, except in cases where the Corporation determines in Section II - Conditions and Qualification Criteria, that the Applicant may meet specific criteria in collaboration with its partners/subcontractors.
- 21. Right of Corporation to accept or reject applications**
- 21.1 The Corporation reserves the right to accept or reject any application, cancel the qualification process and reject all applications at any time, without incurring any liability to the Applicants.
- 22. Qualification of applicants**
- 22.1 All Applicants whose applications substantially meet or exceed the specified qualification requirements will be qualified by the Corporation.
- 22.2 An Applicant may be "conditionally qualified", that is, qualified on the condition that the Applicant submits or corrects certain non-material documents or deficiencies that satisfy the Corporation requirements.
- 22.3 Applicants who are conditionally qualified will be informed of the conditions which must be met in a manner acceptable to the Corporation before or at the time of submission of their proposals.
- 23. Notice of Qualification**
- 23.1 The Corporation will notify all Applicants in writing via e - mail of the names of Applicants who are qualified or conditionally qualified. Also, those Applicants who have been disqualified will be informed separately about the results of the procedure and the reasons for the disqualification.
- 24. Request for Proposal**
- 24.1 Immediately after the notification of the qualification results, and the passing of the appeal deadlines or after the satisfactory addressing of any appeal that was presented within the appeal period. The Corporation will invite all Applicants who have qualified or conditionally qualified to submit proposals.
- 24.2 Candidates may be required to provide a Proposal Security acceptable to the Corporation in the form and amount specified

in the Request for Proposal.

24.4 Prior to entering into the management contract, the Corporation will verify that any proposed subcontractor does not meet the requirements and, if that is the case, will request the Candidate to propose another subcontractor.

25. Changes in the legal structure of the Applicants

25.1 Any change in the legal structure of an Applicant after it has been qualified and invited to submit a proposal (including, in the case of an association of entities, any change in the legal structure or form of any member, including any change in any subcontractor, qualifications and which are deemed to qualify the Applicant) shall be subject to the written approval of the Corporation prior to the deadline for submission of proposals. Such approval will be denied if, as a result of the change, the Applicant no longer substantially meets the eligibility criteria set forth in Section II (Eligibility Criteria).

25.2 Any such amendment shall be submitted to the Corporation no later than fourteen (14) days after the date of receipt of the Request for Proposal by the Corporation.

26. Procedure for Complaint

26.1 If an Applicant wishes to make a complaint regarding the competition, the Applicant shall submit his complaint by email, to the address:

Attention : *[name of person receiving complaints]*

Email address : *[insert email address]*

26.2 At this stage, a competition related complaint can be made for one of the following reasons:

1. the terms of the Qualification Document; and
2. the Corporation decision to disqualify an Applicant.

26.3 The standstill period, in relation to the decision of the Corporation to disqualify an Applicant, begins on the day of notification of the applicants for the qualification results and will be five (5) days.

26.4 The standstill period, in relation to the terms of the Qualification Document, begins on the day of publication of the Invitation for Expression of Interest and will be five (5) days.

26.5 When only one application is submitted, the standstill period will not apply.

26.6 The Corporation will consider complaints based on the complaint procedure defined in the Competition Procedure Regulation, published on its website.

Section II - Qualification Terms and Criteria

This section contains all the methods, criteria and requirements that the Corporation will use to evaluate Applications. Information to be provided regarding each request and definitions of relevant terms are included in the relevant application forms in Section III.

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		Requirements for Applicants					Forms to be presented
No.	Qualification criteria	Single Entity	Joint Venture (existed or intended)			Nën-kontraktor	
			All members combined	Each Member	One Member		
1. Administrative and Legal Criteria							
1.1	Information on the Applicant	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Forms 1.1 and 1.2
1.2	The applicant is not in the process of bankruptcy and/or liquidation	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Forms 1.1 and 1.2
1.3	The applicant has not been convicted by final court decision for offenses against property, in the economic sphere and in the professional activity	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Forms 1.1 and 1.2
1.4	The Applicant's capital and assets are not subject to mandatory execution procedures by the enforcement service	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Application Letter
1.5	The applicant has regularly fulfilled the obligations related to the payment of taxes and duties	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Application Letter
1.6	The applicant has fulfilled the obligations for the payment of social security contributions	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Application Letter
1.7	The applicant does not fall within the conditions stipulated by Article 131 of Law No. 9920/2008 "On Tax Procedures in the Republic of Albania"	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Application Letter
1.8	The applicant is not subject to administrative measures	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Application Letter
1.9	The applicant is not under criminal investigation decision for offenses against property, in the economic sphere and in the professional activity	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Application Letter
2. Financial Criteria							
2.1	The applicant has economic and financial stability, demonstrated through the asset /liability ratio, where short-term assets exceed short-term liabilities during the last ...(..)..... years.	Must meet the requirement	Must meet the requirement	Must meet the requirement	N/A	N/A	Form 2.1

		Requirements for Applicants					Forms to be presented
No.	Qualification criteria	Single Entity	Joint Venture (existed or intended)			Nën-kontraktor	
			All members combined	Each Member	One Member		
2.2	The applicant has the financial capacity to finance the development / management of the park in the amount of no less than __ (___) ___ Euros. The applicant shall list the proposed sources of project funding.	Must meet the requirement	Must meet the requirement	N/A	Must meet the requirement	N/A	Form 2.2
3. Technical Criteria							
3.1	The applicant, himself or through subcontractors, provides experience in similar projects related to the development and / or management of a technological park	Must meet the requirement	Must meet the requirement	N/A	Must meet the requirement	Must meet the requirement	Form 3.1 Application Letter
3.2	The Applicant, either by themselves or through their subcontractors, ensures the professional licenses related to the execution of the works that will be outlined in the development plan	Must meet the requirement	Must meet the requirement	N/A	Must meet the requirement	Must meet the requirement	Application Letter
3.3	The Applicant, either by themselves or through their subcontractors, secures the educational and professional qualifications of the responsible staff in relation to the implementation of the development plan.	Must meet the requirement	Must meet the requirement	N/A	Must meet the requirement	Must meet the requirement	Application Letter
3.4	The Applicant, either by themselves or through their subcontractors, ensures the average workforce in relation to the implementation of the development plan.	Must meet the requirement	Must meet the requirement	N/A	Must meet the requirement	Must meet the requirement	Application Letter
3.5	The Applicant, either by themselves or through their subcontractors, secures equipment, tools, and technical devices to carry out the works that will be outlined in the development plan.	Must meet the requirement	Must meet the requirement	N/A	Must meet the requirement	Must meet the requirement	Application Letter
3.6	It proposes the inclusion of a higher education institution, domestic or foreign, accredited according to the relevant legislation of the country of origin.	Must meet the requirement	Must meet the requirement	N/A	N/A	N/A	Application Letter

Section III - Application Forms

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Form 3.1 Similar Experience	29

Application Letter

Date: *[insert day, month and year]*
Project Name: *[insert name]*
Contract's Title: *[insert title]*

To: Albanian Investment Corporation

We, the undersigned, apply to qualify for the contract referred to above and declare that:

- a. **Reservations:** We have reviewed and have no reservations about the Invitation for Expressions of Interest, including the Addendum (s) issued to Applicants: [insert number and date of issue of each addendum];
- b. **Conflict of interest:** We have no conflict of interest in accordance with clause 2.5 of the Instructions to Applicants;
- c. **Eligibility:** We (and our subcontractors) meet the eligibility requirements in accordance with clause 2.4 of the Instructions to Applicants;
- d. **Application validity:** We (and our subcontractors) meet the administrative, legal and technical criteria, in accordance with clauses 1.4, 1.5, 1.6, 1.7, 1.8, 3.1, 3.2, 3.3, 3.4 and 3.5 of Section II - Qualification Terms and Criteria;
- e. **Commitments:** We commit to include an accredited institution of higher education in the park's development plan;
- f. **Subcontractors:** We, in accordance with points 19.1 and 20.2 of the Instructions to Applicants, plan to subcontract the following activities and/or certain aspects of the commitments related to this Project:

[Insert the main activities that the Applicant intends to subcontract together with full information on the subcontractors, their qualification and experience]
- g. **Disclaimer:** We understand that you, without any obligation to the Applicants, may cancel the qualification process at any time and that you are under no obligation to accept any application that you may receive or invite qualified Applicants to propose for the object of this qualification process, in accordance with point 21.1 of the Instructions to Applicants.

-
- h. **Truthfulness and accuracy of information:** All information, statements and descriptions contained in the Application are in all respects true, correct and complete to the best of our knowledge. We authorize the Corporation to verify the information and documents attached to the application.

Signature _____ *[insert signature(s) of an authorized representative(s) of the applicant]*

Name [insert full name of person signing the Application]

In the capacity of _____
[indicate the quality of the person signing the Application]

Authorized to sign the Application for and on behalf of:

[insert Applicant's full name]

Address _____
[insert street number/town or city/country address]

Date _____ *[insert number of date, month, year]*

[For a Joint-Venture, only the authorized representative must sign, in this case the authorization to sign on behalf of all members of the Joint-Venture shall be attached to the Application Letter]

Form 1.1

Legal - Administrative Criteria of the Applicant

Date: *[insert day, month, year]*

Project Name: *[insert number and title]*

Page *[insert page number]* of *[insert total number]*

Name of Applicant <i>[insert full name]</i>
Information of the authorized representative of the Applicant Name: <i>[insert full name]</i> Address: <i>[insert street/number/city or town/state]</i> Phone numbers: <i>[insert phone numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are the following documents: <ul style="list-style-type: none">- Historical extract of the Applicant 's registration, issued by the competent authority.- Certification that the Applicant is not in the process of bankruptcy and/or liquidation.- Certification that the Applicant has not been convicted by final court decision for offenses against property, in the economic sphere and in the professional activity.- Certification for the ultimate beneficiaries of the Applicant (beneficial owner).

Signed *[insert signature(s) of an authorized representative(s) of the applicant]*

Form 1.2

Legal - Administrative Criteria of Applicant Members

[The following form is in addition to Form 1.1., and will be completed to provide information about each member of the joint venture (if the applicant is a joint venture)]

Name of Applicant: *[insert full name]*
 Date: *[insert day, month, year]*
 Name of Applicant's Member: *[insert full name]*
 Project Name: *[insert number and title]*

Page *[insert page number]* of *[insert total number]*

Name of Applicant: <i>[insert full name]</i>
Name of the member in the applicant's joint venture (JV): <i>[insert full name of Applicant's JV Member]</i>
Information of the authorized representative of the member of the applicant's JV Name: <i>[insert full name]</i> Address: <i>[insert street/number/city or town/state]</i> Phone numbers: <i>[insert phone numbers, including country and city codes]</i> E-mail address: <i>[indicate e-mail address]</i>
1. Attached are the following documents: <ul style="list-style-type: none"> - Historical extract of the member in the applicant's association of companies, issued by the competent authority. - Certification that the member in the merger of the Applicant's companies is not in the process of bankruptcy and/or liquidation. - Certification that the member in the joint venture has not been convicted by final court decision for offenses against property, in the economic sphere and in the professional activity. - JV agreement or Letter of intent to form a JV. - Certification for the ultimate beneficiaries of the Applicant (beneficial owner) of each member of the joint venture.

Signed *[insert signature(s) of an authorized representative(s) of the applicant]*

Form 2.1

Economic and Financial Stability

[The following table shall be completed for the applicant and for each member of a joint venture]

Name of Applicant: *[insert full name]*
 Date: *[insert day, month, year]*
 Name of the member of the JV: *[insert full name]*
 Project Name: *[insert name]*

Page *[insert page number]* of pages *[insert total number]*

1. Financial data

The type of financial information in (currency)	Historical information for <i>previous years</i> _ <i>[insert number]</i> , <i>[insert word]</i> (amount in EURO, exchange rate*)		
	Year 1	Year 2	Year 3
Statement of Financial Position (Information from the Balance Sheet)			
Total assets			
Total liabilities			
Total capital/Net worth			
Current assets			
Current liabilities			
Working capital			
Information from the Income Statement			
Total revenue			
Earnings before taxes			
Cash flow information			
Cash flows from operating activities			

* Refer to clause 10.2 of Instructions to Applicants

2. Financial documents

The applicant and its partners shall provide copies of financial statements for three (3) years in accordance with Section II, Qualification Terms and Criteria, in sub - factor 3.1. The financial statements must:

- (a) reflect the financial situation of the applicant or members in the JV, and not a related entity (such as the parent company or group member).
- (b) be independently audited or certified (if required).
- (c) be complete, including all notes to the financial statements.
- (d) corresponds to accounting periods already completed and audited.

Attached are copies of the financial statements¹ for three (3) the years required above; and in accordance with the requirements.

Signed *[insert signature(s) of an authorized representative(s) of the applicant]*

¹If the most recent set of financial statements is for a period earlier than 12 months from the date of Application, the reason for this must be justified.

Form 2.2 Financial Capacity

[The following table shall be completed for the applicant and for each member of a joint venture]

Name of Applicant: *[insert full name]*
 Date: *[insert day, month, year]*
 Name of the member of the joint venture: *[insert full name]*
 Project Name: *[insert name]*

Page *[insert page number]* of pages *[insert total number]*

[The following table shall be completed for the applicant and all the combined members in the case of a joint venture]

Specify financial sources to meet cash flow requirements for project future commitments.

No.	Source of funding	AMOUNT (equivalent to EUR)
1		
2		
3		

1. Supporting documents

If appropriate provide supporting documents for the financial resources such as financial statements, credit lines, letters of interest for project financing from third parties, etc.

Signed *[insert signature(s) of an authorized representative(s) of the applicant]*

Form 3.1 Similar Experience

[The table below will be completed for the applicant and for each sub-contractor/member of the joint venture]

Name of Applicant: *[insert full name]*
 Date: *[insert day, month, year]*
 Name of joint venture member: *[insert full name]*
 Project Name: *[insert name]*

Page *[insert page number]* of pages *[insert total number]*

[Identify contracts /agreements that demonstrate similar work/service over the past five (5) years of the applicant or subcontractors/members of the JV. List the contracts chronologically, according to their start (start) dates.]

Starting year	Completion year	Identification of the contract/project	The role of the applicant/ subcontractors/ members of the JV
<i>[indicate the year]</i>	<i>[indicate the year]</i>	Contract/Project name: <i>[insert full name]</i> Brief description of activities similar to those of the project carried out by the Applicant/member of the JV/subcontractor: _____ Value of activities: <i>[insert the amount in currency, mention the currency used, the exchange rate and the equivalent in EURO *]</i> Name of Employer / Partner: _____ Address: <i>[indicate street/number/city or city/country]</i>	<i>[insert "Main Contractor" or "Partner" or "Subcontractor" or "Managing Contractor"]</i>

* Refer to the Instructions to Applicants, clause 10.2, for the date and source of the exchange rate.

PART 2 – Project Description

Section IV - Description of the Project

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1. Purpose of the Project and Legal Framework

2. Terms of Reference

3. Information on the Property

Standard Competition Documents

Competitive Procedure with Negotiation Phase II

(For use after Phase I of Qualification)

April 2024

CONTENTS OF THE PHASE II DOCUMENT PACKAGE

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2. REQUEST FOR INITIAL PROPOSALS

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2.2 PART II - PROJECT DESCRIPTION AND REQUIREMENTS

2.2.1 SECTION 4 - Project description and requirements

2.3 PART III - TERMS AND FORMS OF CONTRACT

2.3.1 SECTION 5 - Terms of Contract

2.3.2 SECTION 6 - Contract Forms

Notice of Request for Initial Proposals

Authorized developer: Albanian Investment Corporation

Project Name: _____

Contract title: _____

Issued on: [insert date RFIP was issued]

To: _____ [Candidate 's name and address]

1. The Albanian Investment Corporation, here "the Corporation", is a new joint - stock commercial company, with 100% state capital, whose sole shareholder is the Ministry of Economy, Culture and Innovation of the Republic of Albania.
2. The Corporation has been designated as a developer _____ (provide the legal basis of the project and property data)
3. The Corporation, intends to select a partner to enter a management/administration contract to ensure _____ (give contract purpose) for the development of the project _____.
4. The Corporation model for the project _____ (provide a description of the project).
5. The competition for the selection of the partner will be carried out through the competitive procedure with negotiation, with two stages, namely the qualification stage and the negotiation stage, as specified in the specific regulation, published on the official website of the Corporation, [insert publication date].
6. This notification opens the second stage of the procedure and is addressed to all the following qualified candidates:
[Insert names of qualified candidates]
7. The Request for Initial Proposals (RFIP), in Albanian and English, will be sent via email to all qualified candidates, to their address stated in their application at the qualification stage.
8. The proposal will consist of the required information, as detailed in the RFIP document.

-
9. The basic criteria and the selection criteria are published in the Invitation for Expression of Interest for this contract.
 10. The proposal must be submitted in a sealed envelope to: *[postal address]* on or before *[insert time and date]*. Late proposals will be rejected. The proposal will be publicly opened in the presence of the authorized representatives of the Candidates and anyone who wishes to attend at the address: *[postal address and office where the proposals will be opened]* on *[insert time and date]*.
 11. All proposals must be accompanied by a Proposal Assurance, in the amount of _____ proposed by the Candidate, in Euros.
 12. Please confirm receipt of this notice in writing immediately, either by post or electronically. If you are not interested in submitting a proposal, we would appreciate being notified in writing as soon as possible.
 13. The address mentioned above, including the address for requesting clarifications, is:

Albanian Investment Corporation

Contact person: *[Insert officer name and title]*

Address: "Ibrahim Rrugova" Street, Sky Tower, K.7, Tirana, Albania

Tel: *[Insert phone number, country and city codes]*

E-mail: *[Insert email address]*

Web page: <https://Aicorporation.al/>

Request for Initial Proposals

Authorized developer : **Albanian Investment Corporation**

Project Name: _____

Contract title: _____

Issued on: *[insert date RFIP issued to candidates]*

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PART 1 - COMPETITION PROCEDURE

SECTION I - INSTRUCTIONS FOR CANDIDATES

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SECTION I - INSTRUCTIONS TO CANDIDATES

A. GENERAL

1. **Object of the proposal**
 - 1.1 The Albanian Investment Corporation, herein the "Corporation", has prepared this Request for Initial Proposals (RFIP) for the Project, as specified in **Section IV**, Project Description and Requirements.
 - 1.2 The RFIP is sent to Candidates who have passed the qualification phase (Phase I) for this project and have been invited by the Corporation to participate in the negotiation phase (Phase II).
 - 1.3 Wherever used in the RFIP, the following terms have the following meanings:
 - (a) the term "**in writing**" means communication in written form (ex. by post, e-mail, fax, etc.) with acknowledgment of receipt;
 - (b) if the context requires, "**singular**" means "**plural**" and vice versa;
 - (c) "**Day**" means a calendar day, unless otherwise specified as a "**working day**";
 - (d) "**RFIP**" is the Request for Initial Proposals;
 - (e) "**KPPP**" is the Request for Final Proposals;
 - (f) "**JV**" it is a union of entities;
 - (g) "**SPV**" (special-purpose vehicle) is the legal entity created on the basis of the joint management/administration contract between the Corporation and the winning candidate in order to realize the project.
2. **Conflict of interest**
 - 2.1 Candidates must have no conflict of interest. Any Candidate found to have a conflict of interest will be disqualified. A Candidate may be considered to have a conflict of interest for the purpose of this competition process, if the Candidate:
 - (a) directly or indirectly controls, is controlled by or is under common control with another Candidate; or
 - (b) receives or has received any direct or indirect subsidy from another Candidate; or
 - (c) has the same legal representative as another Candidate; or

-
- (d) has a relationship with another Candidate, directly or through common third parties, that places him in a position to influence another Candidate's proposal, or to influence the Corporation's decisions regarding this competition process; or
 - (e) one of its subsidiaries participates as a consultant in the preparation of the Corporation's requirements for the Project that are the subject of the proposal; or
 - (f) has a close business or family relationship with a professional staff of the Corporation who: (i) is directly or indirectly involved in the preparation of the RFIP, or project requirements, and/or the proposal evaluation process.
- 2.2 An entity that is a Candidate (either individually or as a member of a JV) shall not participate in more than one proposal, including participation as a subcontractor in other proposals. Such participation will result in the disqualification of all proposals in which the Candidate is involved. An entity that is not an individual Candidate or a JV member in one proposal may participate as a subcontractor in more than one proposal.
- 2.3 An entity cannot participate in this procedure if the Candidate is:
- a. established and registered in a country for which, by an act of compliance with a decision of the Security Council of the United Nations taken under Chapter VII of the Charter of the United Nations, by virtue of an official law or regulation, the Republic of Albania prohibits any importation of goods or outsourcing of works, goods or services from that country, or any payment to a person or entity registered in that country;
 - b. subject provided for in points 1 and 2, of article 3, of law no. 10192, dated 3.12.2009, "On preventing and combating organized crime and trafficking through preventive measures against wealth", as amended, as well as
 - c. subject to normative act no. 1, dated 31.1.2020, of the Council of Ministers, "On preventive measures within the framework of strengthening the fight against terrorism, organized crime, serious crimes and the consolidation of public order and security".

3. Joint Venture

- 3.1 In the event that a Candidate participates as a joint venture of companies (JV), the JV will appoint a representative, who will have the authority to perform all actions for and on behalf of any

and all members of JV during the process of negotiation of the proposal and the contract, if the case.

B. REQUEST FOR INITIAL PROPOSALS (RFIP)

- 4. Content of RFIP**

 - 4.1 The Candidate must review all RFIP instructions, forms, terms and requirements and submit his proposal with all information and documentation as required by RFIP.

- 5. Clarification of RFIP, Inspection of property**

 - 5.1 A Candidate seeking clarification on the RFIP shall contact the Corporation in writing at its email address, given in **the RFIP Notice**. The Corporation will respond to any request for clarification, provided that such request is received within **5 days** prior to the deadline for submission of proposals. The Corporation will forward copies of its response to all Candidates who have received the RFIP, including a description of the request, but without identifying its source. If the Corporation deems it necessary to amend the RFIP as a result of a request for clarification, it will do so following the procedure given in these instructions.
 - 5.2 The Candidate must visit and evaluate the property and its surroundings and obtain at his own responsibility and expense all information that may be necessary for the preparation of the proposal and signing the contract.
 - 5.3 The Candidate, and any of its personnel or agents, will be granted permission by the Corporation to enter its property for the purpose of such visit, but only on the express condition that the Candidate, its personnel and agents, will release and indemnify the Corporation against any liability in respect of death or personal injury, loss or damage to property, and any other loss, damage, costs and expenses incurred as a result of the inspection.

- 6. Amendment of RFIP**

 - 6.1 At any time before the deadline for submission of proposals, the Corporation may amend the RFIP by issuing Addendum.
 - 6.2 Any Addendum issued shall form part of the RFIP and shall be communicated in writing to all those who have received the RFIP from the Corporation.
 - 6.3 In order to give Candidates reasonable time to consider an Addendum in preparing their proposals, the Corporation may, at its discretion, extend the deadline for submission of proposals.

- 7. The cost of the proposal**

 - 7.1 The Candidate shall bear all costs associated with the preparation and submission of his proposal, and the Corporation shall in no event be liable for such costs.

8. **The language of the proposal** 8.1 The proposal prepared by the Candidate and all correspondence and documents related to the proposal exchanged between the Candidate and the Corporation shall be written in Albanian or English. Any document provided by the Candidate as part of his proposal may be in another language, as long as this document is accompanied by a translation of the relevant parts in one of the languages of the proposal, Albanian or English. In this case, for the purposes of interpreting the proposal, the translation will take precedence.

C. PREPARATION OF PROPOSALS

9. **The documents that make up the proposal** 9.1 The proposal shall be submitted in a sealed envelope marked "Proposal - Original".
- 9.2 The proposal submitted by the Candidate shall contain the following:
- (a) Letter of Proposal - prepared in accordance with point 10 of these instructions;
 - (b) Detailed Development/Park Management Plan - prepared in accordance with Section III, Contents of the Initial Proposal;
 - (c) Proposal Security - prepared in accordance with point 12 of these instructions;
 - (d) Power of attorney or written authorization authorizing the signatory of the proposal to engage the Candidate, in the case where the latter is not the legal representative of the Candidate;
 - (e) documentary evidence that the Candidate continues to be qualified to enter into this contract. if his proposal is accepted (if required **in the RFIP Notice**);
 - (f) in the case of a proposal submitted by a JV, the JV's contract or letter of intent to enter into a JV, including the parts of the project to be executed by the respective partners; and
 - (g) Other: any other document required in RFIP.
10. **Letter of Proposal** 10.1 The Candidate shall complete the Letter of Proposal using the appropriate form provided in **Section III**, Instruction for the Preparation of the Initial Proposal. The Letter of Proposal form must be completed without any changes to the text and will not be accepted with changes. All blank spaces must be filled in with the required information.
11. **Documents proving the** 11.1 In accordance with **Section II**, Selection Criteria, in order to determine that the Candidate continues to meet the qualification

**Candidate's
qualification**

criteria applied at the time of the Qualification Phase, the Candidate must provide updated information on any evaluated aspect that has changed since that time.

Any change in the structure or registration of a Candidate after it has been initially selected and invited to submit a proposal (including, in the case of a JV, any change in the structure or form of any member and any change in the form of any subcontractor) will be subject to the written approval of the Corporation prior to the proposal submission deadline. Such approval will be refused if, as a result of the change, the Candidate no longer substantially meets the qualification criteria set out in the Qualification Document.

Any such change must be submitted to the Corporation no later than fourteen (14) days after the Notification of RFIP.

**12. Provision of
the proposal**

12.1 The Candidate shall provide as part of his proposal, a Proposal Security, as specified **in the RFIP Notice**, in the amount and currency specified **in the RFIP Notice**.

12.2 The Proposal Security shall be a security in any of the following forms at the Candidate's option:

- a. an unconditional guarantee issued by a bank or a non-bank financial institution (such as an insurance company);
- b. an irrevocable letter of credit.

If an unconditional guarantee is issued by a non-banking financial institution located outside Albania, the issuing non-banking financial institution must have a correspondent financial institution in Albania to make it enforceable, unless the Corporation has agreed in writing, prior to submission of the proposal, that a correspondent financial institution is not required.

12.3 In the case of a bank guarantee, the Proposal Security shall be submitted either using the Proposal Security Form included in Section III, Instruction for the Preparation of the Initial Proposal or in another substantially similar format approved by the Corporation prior to proposal submission. In any case, the form must include the Candidate's full name. The Proposal Security will be valid for twenty-eight (28) days after the proposal expiration date, or after any revised date if requested.

12.4 Any proposal not accompanied by a Proposal Security will be rejected by the Corporation as non responsive.

12.5 The Candidates' Proposal Security will be returned to them as soon as possible after the successful Candidate has signed the Contract and given the Contract Guarantee.

-
- 12.6 The Proposal Security can be confiscated:
- (a) if a Candidate withdraws its proposal before the proposal expiry date specified by the Candidate in the Proposal Letter or the revised date provided by the Candidate; or
 - (b) if the successful Candidate fails to:
 - (i) sign the contract; or
 - (ii) to submit an Contract Guarantee.
- 12.7 The Proposal Security of a JV will be in the name of the JV submitting the proposal. If the JV is not legally formed at the time of submission of proposals, the Proposal Security will be in the names of all prospective members as mentioned in the letter of intent to form the JV.
- 13. Validity period of initial proposals**
- 13.1 Proposals will remain valid for a period of **six (6) months** or any revised date if amended by the Corporation. A proposal that is not valid until this date or any date revised by the Corporation, shall be rejected by the Corporation as non responsive.
- 13.2 In exceptional circumstances, prior to the expiry date of the proposal, the Corporation may require Candidates to extend the validity date to a specified date. Requests and responses are made in writing. The Candidate may reject the request without risking forfeiture of the Proposal Security. A Candidate who agrees to the request will not be allowed to modify his proposal, but will be required to ensure that the Proposal Security is extended to the revised proposal expiration date.
- 14. Format and Signature of Proposals**
- 14.1 The proposal consisting of the documents listed in these instructions, shall be written in indelible ink and shall be signed by one or more persons authorized to sign on behalf of the Candidate. Authorization or Power of Attorney to sign the proposal must be in writing and included in the proposal. The name and position held by each person signing the authorization must be written below the signature. All pages of the proposal where notes or changes have been made shall be signed by the person signing the proposal.
- 14.2 In case the Candidate is a JV, the proposal shall be signed by an authorized representative of the JV on behalf of the JV and in order to be legally binding on all members as evidenced by a signed authorization/power of attorney by their legal representatives.
- 14.3 The Proposal shall not contain any underlining, erasures or writings, except for the correction of errors made by the Candidate, in which case such corrections shall be signed by the person or persons signing the proposal.

D. SUBMISSION OF INITIAL PROPOSALS

- 15. Submission, Sealing and Signing of Initial Proposals**
- 15.1 For the submission of initial proposals, the Candidate will follow the procedures below:
- (a) prepare the proposal in written format;
 - (b) prepare an electronic copy of the proposal in CD/USB read-only format;
 - (c) insert both the written proposal and the electronic copy in CD/USB format into the same sealed envelope, clearly marked "Proposal," and submit this sealed envelope.
- 15.2 The sealed envelope must:
- (a) to keep the name and address of the Candidate;
 - (b) to address the Corporation, at the address given **in the RFIP Notice**; and
 - (c) bear the name of the project, as specified **in the RFIP Notice** and the statement "Do Not Open Before [*time and date*]", to be completed with the time and date specified **in the RFIP Notice**.
- 15.3 If the envelope is not sealed and labeled as required in these instructions, The Corporation will not assume any responsibility for non-submission or untimely opening of the proposal.
- 16. Deadline for submission of proposals**
- 16.1 Proposals must be received by the Corporation at the specified address and no later than the time and date specified **in the RFIP Notice**.
- 16.2 The Corporation may, at its discretion, extend the deadline for submission of the proposal by issuing an Addendum.
- 17. Delayed proposals**
- 17.1 The Corporation will not consider any proposal submitted after the deadline for submission of proposals. Any proposal received by the Corporation after the proposal submission deadline will be declared late, rejected and returned unopened to the Candidate.

E. OPENING OF INITIAL PROPOSALS

- 18. Public opening of proposals**
- 18.1 Proposals will be publicly opened by the Corporation in the presence of Candidates, or their designated representatives, and anyone else who chooses to attend. The opening date is determined in **the RFIP Notice**. The Corporation shall read the names of each Candidate, the presence or absence of Proposal Security, if required, and such other details as the Corporation may deem appropriate.

18.2 The Corporation will prepare the minutes of the opening of the proposals which will include, at a minimum, the name of the Candidates whose proposal has been opened.

18.3 Candidates whose proposals have been opened, or their representatives present, will be required to sign the minutes of the opening of proposals. The absence of the Candidate's signature on the minutes will not invalidate the content and effect of the minutes. A copy of the minutes will be distributed to all Candidates.

F. NEGOTIATIONS – GENERAL PROVISIONS

19. Confidentiality 19.1 Information regarding the negotiations, evaluation of proposals and recommendation on signing of the contract will not be disclosed to Candidates or other persons not directly interested in the competition process, until the Notification of Intention to Award is given to all Candidates.

20. Refreshment of Candidate Qualification 20.1 The Corporation will determine based on updated documents submitted in accordance with these guidelines and **Section II - Evaluation Criteria**, that the Candidate continues to be qualified to satisfactorily fulfill the contract.

20.2 Only proposals from Candidates who continue to be qualified to satisfactorily fulfill the requirements are substantially responsive to RFIP.

G. NEGOTIATIONS ON INITIAL PROPOSALS

21. Negotiations 21.1 Before inviting the Candidates to negotiations, the Corporation will assess whether the initial proposals of the Candidates meet the basic criteria specified in **the Invitation for Expression of Interest** and **the RFIP Notice**.

21.2 Only Candidates whose proposals meet the basic criteria will be invited to participate in the negotiations. Negotiations on initial proposals may be conducted in several sessions.

21.3 The Corporation negotiates, on an individual basis, with all Candidates invited to participate, for various aspects of the proposal, such as: project requirements, financial aspects, risk transfer, obligations of the parties, financial security (guarantees), etc.

21.4 An agenda of negotiation topics will be circulated in advance by the Corporation prior to each negotiation session, to ensure that

all Candidates are clear about the purpose of the negotiation and have sufficient time to prepare.

21.5 The number of negotiation sessions will depend on the number and complexity of the topics requiring negotiation and the progress made towards meeting the objectives. Negotiation will be used to focus on key technical, financial, operational or commercial issues.

22. The negotiation process

22.1 Initial proposals will be negotiated with the aim of improving their content.

22.2 The review of Candidate proposals will be progressive, starting with general requirements and gradually, through negotiation, building more detailed proposals.

22.3 The Corporation will use the negotiation process to indicate to Candidates as early as possible any elements of their proposals that in the Corporation's assessment could be improved (except for non-negotiable basic requirements), encouraging Candidates to refine their proposals appropriately.

22.4 The Corporation will not use discussions during the negotiation as a means of telling the Candidates how they will be evaluated specifically in the evaluation process.

22.5 Each Candidate's confidential information will not be released to other Candidates by the Corporation without the Candidate's specific approval of said information.

22.6 Basic criteria and selection criteria are not subject to negotiation.

22.7 During negotiations, the Corporation will ensure equal treatment and will not provide information in a discriminatory manner, which may give some Candidates an advantage over others.

22.8 Negotiations can address any aspect of the proposal as long as they do not change the specified function of the project.

H. CLOSING OF NEGOTIATIONS ON INITIAL PROPOSALS

23. Closing of negotiations on initial proposals

23.1 The Corporation concludes the negotiation phase when it determines that it will receive proposals that meet its needs or when there are no further issues to negotiate. All Candidates will be kept informed of any material matters relating to their proposals.

23.2 The Corporation will inform all Candidates to officially close the negotiation phase and invite final proposals, based on the Request for Final Proposals (RFPP).

23.3 Closing this phase does not necessarily mean that the Candidates' proposal meets the Corporation's requirements.

24. The right of the Corporation to accept or reject any proposal

24.1 The Corporation reserves the right to accept or reject any proposal, cancel the selection process and reject all proposals at any time, without incurring any liability to Candidates.

I. REQUEST FOR FINAL PROPOSALS

25. Request for Final Proposals

25.1 After closing the negotiations on the initial proposals, the Corporation invites the Candidates to submit the final proposals. Final proposals are not negotiated.

25.2 Based on the negotiations with the Candidates, the Corporation may change the project requirements in the RFIP (except the basic and selection criteria which cannot be changed). All changes are included in the KPPP sent to Candidates. Subject to changes, the Corporation will allow sufficient time for Candidates to modify, finalize, approve and submit their final proposals.

25.3 Corporation invites Candidates by sending KPPP to eligible Candidates.

25.4 The procedure and rules for the submission and content of final proposals are detailed in the KPPP.

J. EVALUATION OF FINAL PROPOSALS

26. Responsiveness of the proposals

26.1 The Corporation will determine whether proposals submitted by Candidates are complete and duly signed.

26.2 The Corporation will determine the responsiveness of the proposals based on their content. A responsive proposal is a proposal that meets the requirements of the KPPP without material deviations, reservations or omissions. Material deviation, reserve or deficiency are as follows:

- a. "Deviation" is a deviation from the requirements specified in the KPPP;

-
- b. "Reserve" is the imposition of restrictive conditions or the complete rejection of the requirements specified in the KPPP; and
 - c. "Absence" is the failure to send part or all of the information and documentation required to KPPP.
- 26.3 After receiving the final proposals, Candidates may only be asked for clarifications on the final proposals as long as the general principles of equal treatment, non-discrimination and transparency are respected.
- 27. Value of proposals** 27.1 Only responsive proposals will be evaluated by the Corporation according to the criteria set forth in **Section II**, Selection Criteria. The Corporation will rank the proposals based on the estimated score of the proposal.
- 28. The most advantageous proposal** 28.1 The most advantageous evaluated proposal is the Candidate's proposal that meets the qualification criteria and has been evaluated:
- (a) that it is responsive and meets the requirements of KPPP;
 - (b) meets the basic evaluation criteria; and
 - (c) is the best evaluated proposal, i.e. the proposal that has presented the highest value ranked in the evaluation.
- 29. Notification of Intention to Award** 29.1 The Corporation will send each Candidate the Notification of Intention to Award to the successful Candidate. The Notification of Intention to Award shall contain, at a minimum, the following information:
- (a) the name and address of the Candidate who submitted the successful proposal;
 - (b) the names of all Candidates who have submitted proposals;
 - (c) a statement of the reason(s) that the proposal (of the unsuccessful Candidate to whom the notice is addressed) was unsuccessful;
 - (d) end date of the appeal period; and
 - (e) instructions on how to request information or file a complaint during the standstill period.
- 30. Standstill period** 30.1 The standstill period begins on the day after the date on which the Corporation sends each Candidate the Notification of Intention to Award. The standstill period will be **five (5) days**, unless extended in accordance with these instructions. When only one proposal is submitted, the standstill period will not apply.

M. MANAGEMENT/ADMINISTRATION CONTRACT

- 31. Terms of signing the Contract**
- 31.1 Once the best proposal has been identified, the Corporation may negotiate with the successful Candidate on any aspect of the contract as long as they do not materially change or modify essential aspects of the proposal.
- 31.2 The Corporation will enter into a contract with the qualified Candidate, whose proposal is determined to be the most advantageous evaluated proposal.
- 32. Notification of Award**
- 32.1 Prior to the proposal expiration date and after the standstill period has ended, and after satisfactorily addressing any complaint submitted within the standstill period, the Corporation will notify the successful Candidate in writing that their proposal has been accepted, by sending the "Letter of acceptance".
- 32.2 Within ten (10) days of sending the Letter of Acceptance, the Corporation will publish the Notification of Award, which will contain, at a minimum, the following information:
- (a) the name and address of the Corporation;
 - (b) the title of the contract and the method of selection used;
 - (c) the names of all Candidates who have submitted proposals;
 - (d) the name of the Candidates whose proposals were rejected;
 - (e) the name of the successful Candidate and a summary of the scope of the contract.
- 32.3 The Notification of Award will be published on the website of the Corporation.
- 32.4 Until a formal contract is prepared and executed, the Letter of Acceptance will constitute a binding contract for the parties.
- 33. Contract Guarantee**
- 33.1 Within ten (10) days of receiving the Letter of Acceptance from the Corporation, the successful Candidate will provide the Contract Guarantee, using the Contract Guarantee Form included in Section VI - "Contract Forms".
- 33.2 The Contract Guarantee is in the amount of 10% of the value of the proposed investment, in Euros/Albanian Lek, for the period of realization of the investment.
- 33.3 The Contract Guarantee shall be a guarantee in the form of an unconditional guarantee issued by a bank or a non-banking financial institution (such as an insurance company).
- 33.4 If an unconditional guarantee is issued by a non-banking financial institution located outside Albania, the issuing non-banking

financial institution must have a correspondent financial institution in Albania to make it enforceable, unless the Corporation has agreed in writing, prior to submission of the proposal, that a correspondent financial institution is not required. The Contract Guarantee can be issued in the form of a bank guarantee or by an insurance company.

33.5 Failure by the successful Candidate to submit the Contract Guarantee will constitute sufficient grounds for the annulment of the award and forfeiture of the Proposal Security. In this case, the Corporation may sign the contract with the Candidate with the next most advantageous proposal.

34. Signing and effectiveness of Contract

34.1 Within ten (10) days from the date of receipt of the Letter of Acceptance from the Corporation, the successful Candidate must submit the Contract Guarantee.

34.2 Upon receipt of the Contract Guarantee, the Corporation and the successful Candidate will sign the management/administration contract, based on his proposal and negotiations according to point 31.1 of these instructions.

34.3 The contract will become effective only after the Corporation has received all approvals for the effectiveness of the project, which include: approval in the Supervisory Council of the Corporation of the project and the approval by the Council of Ministers, as provided in Article 23/1, section 3, of the Council of Ministers' Decree No. 337, dated 31.5.2023, "On the determination of procedures and criteria for the selection of developers of technological and scientific parks", as amended.

35. Complaints about the competition

35.1 If a Candidate wishes to make a complaint regarding to the competition, the Candidate shall submit his complaint by email to:

Attention : *[name of person receiving complaints]*

Email address : *[insert email address]*

35.2 At this stage, a competition-related complaint can only be made for opposing the decision for awarding the contract and must meet the following conditions:

- a. the appellant must be an 'interested party' who has submitted a proposal to this competition, and is the recipient of a Notification of Intention to Award;
- b. the complaint can only challenge the decision on awarding the contract;
- c. the complaint must be submitted within five (5) days from the date of receipt of the Notification of Intention to Award;

- d. the complaint must contain all the information required by the Regulation of the Competition Procedure for cases of filing complaints.

35.3 The Corporation will review complaints based on the complaint procedure set forth in the Regulation of the Competition Procedure, published on its website.

SECTION II. SELECTION CRITERIA

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A. Update of first stage qualification information

Upon qualification, candidates invited to submit initial proposals must provide supporting documents for all criteria they self-declared as fulfilling in the qualification phase.

Candidates who are 'conditionally qualified' must submit, before or simultaneously with their proposal, the required documentation to the Corporation that verifies the fulfillment of the qualification condition, in a separate envelope from the proposal envelope. Before the negotiation phase begins, the Corporation will review all envelopes submitted by the 'conditionally qualified' Candidates to assess whether the conditions have been met and to determine the final qualification status of the Candidates. At the conclusion of the evaluation process, the Corporation will prepare the final list of qualified Candidates and notify all Candidates accordingly.

In cases where the Candidates have been qualified before a period of **three (3) months** from the date of opening of the proposals, the Corporation will ask the Candidates and any of their subcontractors to certify that they continue to meet the criteria used at the time of the qualification phase.

B. Evaluation of the Proposals

1. Basic criteria

Each qualified Candidate will be invited to negotiate on the initial proposals, if his proposal will meet the following basic criteria:

- a.;
- b.;
- c.

2. Selection criteria

One or more from the following criteria will be used to evaluate the final proposals:

	Selection criteria	The specific weight of each criterion
a.		
b.		

c.		
d.		

3. Documentation justifying the basic and selection criteria

For the evaluation of the basic and selection criteria, the Corporation will require the following documentation:

4. Evaluation methodology

THE EVALUATION METHODOLOGY WILL BE DETERMINED BASED ON THE SELECTION CRITERIA THAT WILL BE USED FOR THE RESPECTIVE PROJECT.

SECTION III - INSTRUCTIONS FOR THE PREPARATION OF THE INITIAL PROPOSAL

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Content of the Proposal

Letter of Proposal

Date of submission of this proposal: _____

Project Name: _____

Contract title: _____

To: Albanian Investment Corporation, with address at "Ibrahim
Rrugova" Street, Sky Tower, K. 7, Tirana, Albania

Dear Sir or Madam:

We, the undersigned Candidate, present here our proposal.

After reviewing the Initial Request for Proposals (RIFP) document, including each of its Addendum, we, the undersigned, offer to implement the Project _____, in full accordance with the RIFP document, and any of its Addendum.

We undertake, if our proposal is accepted, to commence the Project and to complete it within the relevant deadlines set out in our proposal.

We certify that we :

- a. we fulfill the participation requirements and have no conflict of interest in accordance with point 2 of the instructions for candidates;
- b. our proposed users meet the selection requirements set forth in Section IV - Project Description and Requirements.

After reviewing the RIFP document and its Addendum, we, the undersigned, offer to participate in the realization of the project _____, through entering into an contract for creating a partnership for the _____, in full accordance with the RIFP document, and any addendum, for the following contract's terms:

- a. : [*value in numbers and words*] ;

If our proposal is accepted, we undertake to provide a Contract Guarantee in the form, amounts and within the terms specified in the RIFP document.

We agree to adhere to this proposal, which, in accordance with the provisions in **the instructions for candidates**, consists of this letter and the attached parts, until the date of [*insert the day, month and year in accordance with clause 13.1*], and shall remain binding on us and may be accepted by you at any time on or before that date.

Until the formal and final contract between us is prepared and executed, this proposal, together with your written acceptance contained in your Letter of Acceptance, will constitute a binding contract between us.

Name of the Candidate : * [*insert full name*]

Name of the person duly authorized to sign the proposal on behalf of the Candidate :
** [*insert full name of person duly authorized to sign proposal*]

Title of the person signing the proposal : [*insert full title of the person signing the proposal*]

Signature of the person named above : [*insert signature of the person whose name and capacity are shown above*]

Date of signature [*insert date of signature*] **the day of** [*insert month*], [*insert year*]

*: In the case of a proposal submitted by a JV, specify the name of the JV that is presented as a Candidate.

** : The person signing the proposal must have the power of attorney given by the Candidate. The power of attorney will be attached to the Letter of the Proposal.

PROTECTION(S):

Detailed Development/Park Management Plan

Qualification Forms

Form 1

Candidate Information Sheet

Date: _____

Project Name : _____

Page _____ of _____ Pages

1. Legal Name of the Candidate:
1.1. In the case of JV, the legal name of each party:
2. Place and date of registration of the Candidate:
3. Legal Address of the Candidate at the Place of Registration:
4. Candidate 's Authorized Representative Name: Address: Phone numbers: Email address:
5. Attached are the copies of the original documents or notarized photocopy of : <ul style="list-style-type: none"> ✓ Act of incorporation (or equivalent incorporation documents), and/or documents of registration of the legal entity ✓ Documents submitted during the qualification phase, if 3 months have passed since the announcement of the qualification results

Form 1. 1

JV Partners Information Sheet

Date: _____

Project Name : _____

Page _____ of _____ Pages

1. Candidate 's Legal Name :
2. Legal name of the Partner in JV:
3. Place and date of registration of the Partner in the JV:
4. Legal Address of the JV Partner at the Place of Registration:
5. Information of the Partner's Authorized Representative in JV Name: Address: Phone numbers: Email address:
6. Attached are copies of original documents or notarized photocopies of : <input checked="" type="checkbox"/> Deed of incorporation (or equivalent incorporation documents), and/or registration documents of the legal entity <input checked="" type="checkbox"/> Letter of intent to create JV contract or JV contract <input checked="" type="checkbox"/> Documents submitted during the qualification phase, if 3 months have passed since the announcement of the qualification results

Proposal Security

Beneficiary: _____

Request for initial proposal no: _____

Date: _____

Proposal Security no.: _____

Guarantor: _____

We have been informed that _____ (hereinafter referred to as the "Candidate") has submitted or will submit to the Beneficiary its proposal (hereinafter the "proposal") for the implementation of _____ according to the Request for Initial Proposal no. _____ ("RFIP").

Additionally, we understand that, under the Beneficiary's terms, the proposal must be supported by a proposal guarantee.

At the request of the Candidate, we, as the Guarantor, undertake to pay the Beneficiary irrevocably any amount or amounts not exceeding the total amount of _____ (_____) within 15 (fifteen) days after receipt from us of a written request of the Beneficiary, supported by the statement of the Beneficiary, either in the request itself or in a separate signed document that accompanies or identifies the request, stating that the Candidate:

- (a) has withdrawn its proposal prior to the proposal expiration date set forth in the Candidate's Letter of Proposal, or any extension thereof provided by the Candidate; or
- (b) having been notified of the acceptance of its proposal by the Beneficiary before the date of expiry of the validity of the proposal or any extension thereof provided by the Candidate, (i) has failed to enter into contract, or (ii) has failed to give the Contract Guarantee, in accordance with the Instructions for Candidates ("UFC") of the Beneficiary's RFIP document.

This proposal guarantee will expire: (a) if the Candidate is the successful, after receipt from the Candidate of copies of the contract signed by the Candidate and the Contract Guarantee issued to the Beneficiary in connection with this contract; or (b) if the Candidate is not the successful Candidate, after (i) we have received a copy of the notification to the Candidate of the results of the competition process; or (ii) twenty-eight days after the proposal's expiration date.

Accordingly, any claim for payment under this guarantee must be received by us at the office indicated above on or before that date.

This guarantee is subject to the Uniform Rules for Demand Guarantees (URDG) Revision 2010, Publication No. 758 of the ICC.

[signatures]

PART 2 – PROJECT DESCRIPTIONS AND REQUIREMENTS

SECTION IV. PROJECT DESCRIPTION AND REQUIREMENTS

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PROJECT SCOPE AND LEGAL FRAMEWORK

Terms of Reference

Property information

PART 3 – CONTRACT CONDITIONS AND FORMS

SECTION V - CONTRACT

After selecting the most favorable proposal, the Corporation will negotiate the management/administration contract with the winning Candidate. The terms of the contract will be based on the winning proposal.

The management/administration contract will become effective only after the Corporation receives all the approvals for the effectiveness of the project, which include the approvals from the Supervisory Council of the Corporation, the Ministry responsible for the economy and the Council of Ministers.

SECTION VI – CONTRACT FORMS

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Notification of Intention to Award

[This Notification of Intention to Award will be sent to each Candidate who has submitted a proposal, unless the Candidate has previously received notice of exclusion from the process at an intermediate stage of the competition process.]

[Send this Notice to the Candidate's Authorized Representatives named on the Candidate Information Form]

For the attention of the Candidate's Authorized Representative

Name: *[insert name of authorized representative]*

Address: *[insert address of authorized representative]*

Telephone numbers: *[insert authorized representative telephone numbers]*

Email address: *[insert email address of authorized representative]*

[IMPORTANT: enter the date this Notice has been circulated to all participating Candidates. The notice must be sent to all the Candidates simultaneously. This means on the same date and as close to the same time as possible.]

DATE OF TRANSMISSION : This Notice is sent by: *[email]* on *[date]* (local time)

Notification of Intention to Award

Corporation : *[insert name of Corporation]*

Project Name: *[insert project name]*

Contract Title : *[insert name of contract]*

This Notification of Intention to Award (Notice) informs you of our decision to enter into the above contract. The transmission of this Notice begins the Standstill Period. During the standstill period you can:

- a) request information regarding the evaluation of your proposal and/or
- b) to file a complaint regarding the decision on awarding the contract.

1. The successful candidate

Name:	<i>[insert name of successful Candidate]</i>
Address:	<i>[insert address of successful Candidate]</i>
Scoring:	<i>[mark the points]</i>

2. Other Candidates *[INSTRUCTIONS: enter the names of all Candidates who have submitted a proposal, the proposals as read and evaluated.*

Name of the Candidate	Proposal scores
<i>[insert name]</i>	<i>[insert scores]</i>
<i>[insert name]</i>	<i>[insert scores]</i>
<i>[insert name]</i>	<i>[insert scores]</i>
<i>[insert name]</i>	<i>[insert scores]</i>
<i>[insert name]</i>	<i>[insert scores]</i>

3. The reason/s why your proposal was unsuccessful e *[Delete if proposal shows reason]*

4. How to make a complaint

DEADLINE: The deadline for submitting a competition complaint challenging the decision to award the contract is midnight, [insert date] (local time).

Provide the name of the contract, the name of the Candidate, contact details; and address the competition complaint as follows:

Attention : *[insert person's full name, if applicable]*

Title/Position : *[insert title/position]*

Corporation : *[insert name of Corporation]*

Email address : *[insert email address]*

At this point in the competition process, you can file a competition complaint challenging the award decision. You do not need to have requested or received information before making this complaint. Your complaint must be submitted and received by us before the end of the standstill period.

Further information :

For more information, see the Corporation regulation for competitive procedures. You should read these provisions before preparing and submitting your complaint.

In summary, there are four essential requirements:

1. You must be an 'interested party'. In this case, this means that you are a Candidate who has submitted a proposal in this competition and are the recipient of a Notification of Intention to Award of the contract.
2. The appeal can only challenge the decision on awarding the contract.
3. You must file the complaint within the above-mentioned deadline.
4. You must include, in your complaint, all the information required by the Corporate Regulation of Competition Procedures.

5. The standstill period

DEADLINE: The standstill period will end at midnight on *[insert date]* (local time).

The standstill lasts **five (5) days** after the date of transmission of this Notification of Intention to Award for the conclusion of the contract. The standstill period may be extended. If this happens, we will notify you of the extension.

If you have any questions about this Notice, please do not hesitate to contact us.

On behalf of the Corporation:

Signature: _____

Name: _____

Title/position: _____

Phone: _____

Email: _____

Letter of Acceptance

[Corporate letter]

[date]

To: *[name and address of successful candidate]*

This letter is to inform you that your proposal dated *[date]* for signing a management/administration contract for the _____, for your proposal as follows:

1. : [value *in numbers and words*];

is accepted by the Corporation.

You are required to provide (i) the Contract Guarantee within 10 days in accordance with the Instructions to Applicants, using, for this purpose, the Contract Guarantee Form, included in Section VI, Contract Forms, of the Request for Final Proposals.

Until the formal and final contract between us is prepared and executed, this letter, together with your final proposal, will constitute a binding contract between us.

Authorized signature: _____

Name and title of Signatory: _____

Corporate Name : _____

Contract Guarantee

[Form of Contract Guarantee]

Beneficiary: _____ *[insert name and address of Corporation]*

Date: _____ *[Insert release date]*

CONTRACT GUARANTEE No.: _____ *[Insert guarantee reference number]*

Guarantor: *[Insert name and address of place of issue, unless indicated on letterhead]*

We have been informed that _____ (in the following text "Candidate") has concluded the contract _____ date _____ with the Beneficiary, for the execution of _____ (in the following text "Contract").

In addition, we understand that, under the terms of the Contract, a performance guarantee is required.

At the request of the Candidate, we as Guarantor, hereby irrevocably undertake to pay the Beneficiary any sum or sums not exceeding in the aggregate an amount of _____ (.),¹ such amount is payable, upon receipt by us of the Beneficiary's written request supported by the Beneficiary's statement, either in the request itself or in a separate signed document accompanying the request or identifying the request, stating that the Candidate is in violation of his obligations under the contract without having to prove or show the reasons for your demand or the sum specified therein.

This guarantee shall expire, no later than the Day of, 2...², and any demand for payment under it must be received by us at this office indicated above on or before that date.

¹ *The guarantor shall enter an amount representing the percentage of the amount received of the accepted clothing specified in the letter of acceptance, less provisional amounts, if any, and expressed either in the currency(s) of the clothing received or in a freely convertible currency acceptable to the Beneficiary.*

² *Enter the date twenty-eight days after the expected end date. The Corporation should take into account that in case of an extension of this date for the termination of the contract, the Corporation will have to request an extension of this guarantee from the Guarantor. Such request must be in writing and must be made before the expiration date specified in the warranty. In preparing this guarantee, the Corporation may consider adding the following text to the form, at the end of the penultimate paragraph: "Guarantor agrees to a one-time extension of this guarantee for a period not exceeding [six months] [one year], in response to **Upon the Beneficiary 's** written request for such an extension, this request shall be submitted to the Guarantor before the expiration of the guarantee."*

This guarantee is subject to the Uniform Rules on Demand Guarantees (URDG) 2010 Revision, ICC Publication No. 758, except that the supporting statement under Article 15(a) is hereby excluded.

[signature(s)]

Note: All text in italics (including footnotes) is for use in the preparation of this form and will be deleted from the final text .

ANNEX No. 2

DECLARATION FORM

Declarant: Mr./Mrs. _____

Position: _____

Place of Work: Albanian Investment Corporation

Based in point 2, article 8 of the Regulation "On the selection of partnerships for the development/management/administration and the selection of users of a technology park/economic zone by the Albanian Investment Corporation, in the capacity of the authorized developer";

I the signatory _____

(name, paternity, last name)

Candidate per member in:

- The Committee for Partnerships in Economic Zones and Technological Parks
- The unit of Drafting of Competitive Procedure Documents
- Application/Proposal Evaluation Unit
- Complaints Handling Unit

Today on ____/____/202__ under my full responsibility, declare that _____ in the conditions of the conflict of interest provided for in Article 21 of Law no. 9367, dated 07.04.2005, "For the prevention of the conflict of interest in the exercise of public functions", as amended.

This statement was drawn up with the data on the day of the statement.

Dated __/__/202__

The signatory _____

DECLARATION FORM

Declarant: Mr./Mrs. _____

Position: _____

Work job: _____

Based on point 2, article 8 of the Regulation "On the selection of partnerships for the development/management/administration and the selection of users of a technology park/economic zone by the Albanian Investment Corporation, in the capacity of the authorized developer";

I the signatory _____

(name, paternity, last name)

Member of the Application/Proposal Evaluation Unit/Negotiating Team, appointed by the order of the Executive Director of the Corporation, in the competition procedure with object: " _____", announced by the Albanian Investment Corporation, in the role of the authorized developer, today on ___/___/202___, under my full responsibility, declare that _____ in conditions of conflict of interest, with participating applicants/candidates, according to the provisions of Article 21/3 of Law no. 9367, dated 07.04.2005, "For the prevention of the conflict of interest in the exercise of public functions", as amended, Article 30 of the Code of Administrative Procedures and Article 709 of the Civil Code.

This statement was drawn up with the data on the day of the statement.

Dated ___/___/202___

The signatory _____