



PROCUREMENT DOCUMENT

Procurement: *“Making videos and buying TV space for the advertising campaign for the second Pilot of Census 2022”*

Procedure: *Simplified Procedure*

Reference number: *N/A*

Important information

Tenders must be submitted to the Institute of Statistics (INSTAT), Str. “Vllazën Huta”, Bl. 35, En. 1, Adm. Unit No. 2, 1017, Tirana, Albania, no later than 14.09.2021.

The Institute of Statistics in Tirana, Albania recommends that the tenderer, as soon as possible after receipt of this invitation, take note of the requirements in this dossier. Some of the requested documentation may have to be obtained from designated authorities, which can result in long lead times. Note that requirements defined as “must” or “shall” are mandatory and must be fulfilled in order to qualify for evaluation.

Requests for clarification or additions to the procurement document shall be submitted in writing. The deadline for submitting questions is: 09.09.2021.

Response (QA) to questions will be posted at the INSTAT’s website at: www.instat.gov.al

1. General orientation

1.1. Overall description of the procurement

In the framework of the project "Direct Financing in Support of INSTAT for the Performance of Census Activities for Population and Housing 2022", it is required to complete the procurement procedure for the realization of videos for the advertising campaign for the second pilot of Census 2022.

Communication services are required in creating and implementing a full scope and country – wide outreaching communication campaign on the second pilot Census activities to be conducted by INSTAT during October-November 2021.

1.2. Information on the contracting authority

Institute of Statistics (INSTAT), with address: Str. "Vllazën Huta", *Bl. 35, En. 1, Adm. Unit No. 2, 1017, Tirana, Albania*, email: info@instat.gov.al; www.instat.gov.al.

1.4. Eligible to call-off

N/A

1.5. Purpose and background of the procurement

In order to create an advertising campaign to reach and sensitize the general public about the activities of the census and the second pilot, it is required to create videos and buy TV time to advertise these activities.

1.6. Description of the services to be procured

Services required to be prepared by the successful economic operator are: 3 (three) videos and acquiring TV space for transmitting the above mentioned videos, according terms of reference and technical specification.

1.7. Contract period

The contract period runs for 60 calendar days. The INSTAT is entitled (though not obligated) to extend contract twice with 10 calendar days, with unaltered terms and conditions.

The contract start date is the date of signature of the contract by both parties.

1.8. Volumes

During the contract period, the estimated value is approximately is 40.000 (forty thousand) EUR, excl. VAT.

1.9. Options

N/A

1.10. The opportunity to submit a tender on all or part of the procurement

Tenders shall cover the entire procurement.

1.11. Appendices

The procurement document relating to this procurement includes the following appendices:

Appendix 1 - Terms of Reference

Appendix 2 - Draft of the contract

Appendix 3 - Standard conditions

Appendix 4 - Declaration of honour

2. Administrative terms and conditions

2.1. Procurement procedure

The procurement is carried out through, in accordance with the Sida Procurement Guidelines, March 2020, also known as SPG.

2.2. Prerequisites for tender submission

2.2.1. Submission of the tender

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope.

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

Institute of Statistics (INSTAT)
Str. "Vllazën Huta", Bl. 35, En. 1, Adm. Unit No. 2, 1017, Tirana, Albania

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Institute of Statistics (INSTAT)
Str. "Vllazën Huta", Bl. 35, En. 1, Adm. Unit No. 2, 1017, Tirana, Albania

Tenders submitted by any other means will not be considered.

The tenderer is not entitled to claim compensation for work or other costs associated with participating in the procurement.

2.2.2. The form of the tender

All electronic documents in the tender shall be saved in a commonly used format, such as .doc, .docx, .xls, .xlsx, .ppt, .pptx, .pdf, .txt, .jpg and .tif. Use the file format .zip if it is necessary to send the documents in a compressed form.

References to information in the form of links to web pages and unsolicited attachments will not be considered to constitute part of the tender and will not be taken into account in the review and evaluation of the tender.

In order to facilitate examination and evaluation of the tender, it is the INSTAT's strong desire that the submitted tender be formatted in accordance with the procurement document's headings/disposition, that any templates belonging to the procurement document be used and filled in, and that references to any attachments be presented in a clear manner.

2.2.3. The language of the tender

The tender shall be written in English.

2.2.4. Tender submission deadline

The deadline to submit a tender is 14.09.2021.

2.2.5. Period of validity of the tender

The tender shall be valid until 14.03.2022.

2.2.6. Variant tenders or alternative tenders

Variant tenders or alternative tenders are not permitted. If the tenderer submits provisions or reservations pertaining to the conditions in the procurement document, the tender may be rejected. The tenderer is therefore asked to avoid providing information and attachments that have not been requested.

2.3. Clarification, additions, or questions on the procurement document

If the procurement document is considered to be unclear, or if some of the requirements set forth are unreasonable, abnormally costly or restrictive of competition in any respect, it is important that INSTAT be contacted as soon as possible so that misunderstandings can be avoided.

INSTAT is under no obligation to request additions or clarifications by the tenderers, and the opportunities for correcting shortcomings in submitted tenders are limited and depend on the nature of the deficiency. It is therefore important that the tenderer ensure that all requested information and documents are provided in the tender.

Requests for clarification or additions to the procurement document shall be submitted in writing and marked with title of procurement procedure. The deadline for submitting questions is: 09.09.2021. INSTAT cannot guarantee that questions received later than this day will be answered. Answers to questions will be published no later than five (5) days before the closing date (tender submission deadline).

Responses to questions will be posted on the INSTAT's website at: www.instat.gov.al. Published questions and answers, as well as any clarifications and additions submitted during the tender period, constitute part of the procurement document.

2.4. Notification of decision

Notification of award decisions will be sent out to the Tenderers contact person's address stated its tender.

The reception of a notification regarding the award decision does not mean that a binding contract has been signed between the INSTAT and the winning tenderer. A contract only becomes legally binding when it has been signed by both parties.

Contract will be signed no sooner than ten (10) days after the date on which the notification of the award decision is sent to the tenderers.

INSTAT can cancel the procurement if there are objective reasons, such as lack of competition, unforeseen events or too high prices. If the procurement is canceled a decision will be notified to all tenderers.

2.5. Confidentiality

As soon as the award decision has been sent to all tenderers, all documents relating to the procurement, including tenders, become subject to the principle of public access to official documents. If a tenderer considers that it may suffer damages if information provided in the tender should become public, the tenderer shall submit a written request for confidentiality containing **a)** the information to which the request for confidentiality pertains and **b)** what economic damages the tenderer would be suffered if the information should be disclosed.

Upon request for disclosure of tender documents, INSTAT will in each case review any request for confidentiality submitted by a tenderer. INSTAT's assessment regarding confidentiality may be appealed to the administrative court. INSTAT can therefore not guarantee that the information in the tender will not be revealed to the public.

2.6. Examination and evaluation

The contract will be awarded to the most economically advantageous tender, as determined according to the following basis:

Price.

The examination and evaluation of submitted tenders will be carried out in steps (described below), on the basis of the information provided by the tenderer in its tender, together with the supplementary documents.

Step 1 – Examination of tenders

In the first step, INSTAT will examine whether the submitted tender is complete and whether the requirements outlined in the section “Administrative terms and conditions” have been met. The tenders that meet these requirements advance to Step 2; all other tenders will be rejected.

Step 2 – Qualification of tenderers

In Step 2, INSTAT will examine whether the tender meet requirements set forth in the section “Requirements of tenderers”. The tenders that meet these requirements advance to Step 3; all other tenders will be rejected.

Step 3 – Examination of the object of the procurement

In Step 3, INSTAT will examine whether the tender meets the requirements associated with the object of the procurement, which are outlined in the section “Requirements for services.” The tenders that meet these requirements advance to Step 4; all other tenders will be rejected.

Step 4 – Evaluation

In Step 4, the tender is evaluated in accordance with the evaluation methodology, as set forth in the section “Evaluation of tenders.”

2.7. Contract

In this procurement, a contract will be drawn up with a supplier in which all terms and conditions are laid out.

2.8. Call-off procedure

N/A

2.9. Contract terms and conditions

The tenderer shall accept the attached contract draft, including appendices (including the standard conditions and the terms of reference).

2.10. Personal Data Processing

N/A

3. Requirements for tenderers

This section lists the mandatory requirements that must be met by the tenderer in order to be accepted as a supplier. For each requirement the required proof is described. Proof must be attached to the tender.

3.1. Subcontractors on which the tenderer relies

A tenderer can rely on other companies' capacity in order to meet the requirements relating to economic and financial standing or technical and professional capacity. "Other companies" include natural or legal persons who (for example) are business partners, subsidiaries or sister companies within a group.

Tenderers who invoke the capacity of other companies shall, for each and one of the companies whose capacity is invoked, attach requested proof for each of the requirements in section "Exclusion grounds" in this procurement document.

At the request of INSTAT, tenderers who wish to exercise this right shall specify the function that the company will fulfill, and shall submit a declaration of contractual obligation by the company in question or otherwise demonstrate that the tenderer will have the necessary resources at its disposal at such time as the contract is executed. Such proof may consist of a parent company guarantee, a cooperation agreement, or similar legally binding documentation.

3.2. Consortia

Joint tenders refer to the situation in which the tenderer is not a single legal or natural person who relies on other companies' capacity, but rather is comprised of a consortium of numerous legal or natural persons. Consortia are permitted to submit a tender in this procurement.

Tenderers who intend to submit a tender as a consortium shall, for each and one of the companies in consortium, attach requested proof for each of the requirements in section "Exclusion grounds" in this procurement document.

The qualification requirements shall be fully met by the consortium.

At the request of INSTAT, any tenderer that submits a tender as a consortium shall submit a copy of each of the consortium parties' signed consortium agreement.

3.3 Exclusion grounds

3.3.1 Criminal convictions

The tenderer, or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein, shall not, through a judgment that has entered into legal force, been found guilty of one of the crimes that are ground for exclusion in the Sida Procurement Guidelines, March 2020:

- a) Participation in a criminal organisation
- b) Corruption
- c) Fraud
- d) Money laundering or terrorist financing

- e) Terrorist offences or offences linked to terrorist activities
- f) Child labour and other forms of trafficking

The requirement also applies on any subcontractors on which the tenderer relies or consortium parties.

Proof:

Tenderer must sign Appendix 4 - Declaration of honour and attach this to the tender.

Any subcontractors on which the tenderer relies or consortium parties must also sign a copy of Appendix 4 - Declaration of honour and attach this to the tender.

3.3.2 Payment of taxes

The tenderer must have fulfilled its obligations relating to the payment of taxes and social security contributions as stated in the SPG March 2020.

The requirement also applies on any subcontractors on which the tenderer relies or consortium parties.

Proof:

Regarding Albanian tenderers, INSTAT will obtain information from relevant authorities.

Non Albanian tenderers, subcontractors on which the tenderer relies or consortium parties, must in the tender provide documentation issued by a competent government authority attesting to compliance with respect to the payment of taxes and social security contributions in the home country. Or as an alternative sign Appendix 4 - Declaration of honour and attach this to the tender. The documentation may not be more than three (3) months old, as calculated from the closing date for tenders

3.4. Qualification requirements

3.4.1 Registration for VAT, tax and as employer

Tenderers must be registered for VAT (if not exempt from the payment of value added tax).

Non Albanian tenderers must possess a Tax Identification Number (TIN).

If the tenderer has employees, the company must be registered as an employer.

Proof:

Regarding Albanian tenderers, subcontractors on which the tenderer relies and consortium parties, they must submit the the Certificate of Registration in the National Business Center with VAT identification number (NIUS).

INSTAT has the rights to obtain and check information from relevant authorities.

Non Albanian tenderers, subcontractors on which the tenderer relies and consortium parties, must in the tender provide documentation issued by a competent government authority attesting to compliance with respect to the requirements above. The documentation may not be more than three months old, as calculated from the closing date for tenders.

3.4.2. Economic and financial standing - financial ratios

The tenderer shall have such an economic position that it can maintain a long term agreement.

1. The average annual turnover of the tenderer must exceed the annualised maximum budget of the contract;

Proof:

The tenderer must submit the turnover of the last 3 years (2018, 2019 and 2020).

2. Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium, this criterion must be fulfilled by each member.

Proof:

The tenderer must submit the last year balance sheet (2020).

a) At the request of INSTAT, the tenderer submits an explanation that is considered to make clear that the tenderer possesses equivalent financial stability.

b) At the request of INSTAT, the tenderer submits (a) guarantee(s) by the parent company or other guarantor regarding the tenderer's financial stability. Such certificates shall be signed by the parent company or guarantor, or by the guarantor's authorised signatory. In such cases, the demanded risk classification, as well as the requirements above shall be similarly reported and fulfilled by the parent company or the guarantor. The parent company or guarantor shall possess a minimum score of "Low risk" according to Creditsafe's register, or shall report key ratios where liquidity amounts to [at least 1] and an equity/assets ratio of [at least 15 %] by providing a copy of its last adopted annual report.

At the request of INSTAT, any company that is not obliged to prepare annual reports shall demonstrate that the company has a stable financial foundation by providing income or balance sheets for the previous two years, or by submitting the Swedish Tax Agency's form "Inkomst av näringsverksamhet" ("Business Income") for the previous two years.

At the request of INSTAT, any new company shall demonstrate that the company has a stable financial foundation by reporting its share capital or the equivalent, any income or balance sheets, its customer base, and references for its bank or financier.

The tenderer shall, on request and without delay, provide alternative proof of economic and financial position. Such documentation must support the claim that the above mentioned requirements are fulfilled.

3.4.3 Technical and professional ability

The tenderer must have the capacity, competence and experience to perform the requested services in a qualityassured and professional manner.

Proof:

The tender must contain:

1. A brief (should not exceed 500 words) description of their operations, capacity and ability to meet the INSTAT's needs and the requirements of this procurement document.
2. A description of two (2) previously performed assignments, corresponding to the nature and scope of this procurement, ie. [describe service], performed within the last three years.

The description of the previously performed assignments must include the following:

- Brief description of the assignment (type of services, scope).

- Implementation date, if the assignment is ongoing or has been completed (including any indication of the time when completed the assignment)
- Contact information for reference (company/organization, contact person, telephone number and email address).

3. At least 3 (three) staff currently work for the tenderer in fields related to this contract. For fulfilling this criteria the economic operator must submit the employment contracts or proof of social security payments with the name of the workers.

INSTAT reserves the right to contact the reference person to verify the submitted information.

3.5. Consultant conflicts of interest

If INSTAT is using an external consultant for the formulation of this procurement document (or for other preparatory work prior to this procurement) and the consultant also plans to submit a tender in the procurement, improper competitive advantages may arise. A consultant who has been engaged for the formulation of this procurement document or other preparatory work may therefore be excluded from submitting a tender in this part of the procurement. It is irrelevant if the consultant was hired by INSTAT or if the consultant participated as a subconsultant.

4. Requirements for services

4.1. Subcontractors for the implementation of the assignment

The tenderer has the opportunity to hire a subcontractor / s to carry out the assignment. A subcontractor is a supplier who assists the tenderer with the services covered by this procurement and which are not invoked to ensure economic, technical and professional capacity. Such suppliers who supply various goods and services to the tenderer are neither to be considered as subcontractors.

If a subcontractor (s) will be engaged for the execution of the assignment, the following information must be stated about the subcontractor (s) in the tender:

- Name
- Organization number
- Tasks that subcontractor (s) will perform

At the request of INSTAT, a tenderer who hires a subcontractor (s) to carry out the assignment, by means of a certificate or copy of a signed cooperation agreement, must demonstrate a cooperation relationship with the subcontractor (s) that is valid throughout the contract period.

The tenderer is responsible for the subcontractor's work as for his own work. The tenderer is also responsible for the subcontractor complying with requirements, criteria and conditions in the contract.

NOTE: The subcontractor (s) to be used for the performance of the requested services (ie the object of the procurement) are not to be considered as invoked companies in terms of financial, technical and professional capacity. See further under point 3.2.

4.2. Terms of reference

The terms of reference define the conditions for the implementation of the assignment. See Appendix 1 – Terms of reference.

The tenderer **shall** accept the prerequisites for the implementation of the assignment, which are presented in Appendix 1 – Terms of reference.

4.3. Method for implementing the assignment

The tenderer **shall**, on the basis of the terms of reference, provide a description of the methodology that the tenderer intends to use in implementing the assignment. The description must include the following:

- Method for implementing the assignment.
- The tenderer's role and duties while carrying out the assignment.
- [Distribution of work between home offices and workplaces in partner countries, as well as the distribution between international and local consultants.]
- [Alternative measures to limit the number of trips, especially air travel, in implementing the assignment. Examples of such alternative measures may include that the tenderer

hires local consultants and uses resources in the immediate area, for example by travelling to a neighbouring country, using ICT resources, or similar measures.]

4.4. Project organisation

The tenderer **shall**, on the basis of the terms of reference, provide a description of the project organisation that will apply to the implementation of the assignment. The description must include the following:

- The organisational structure for implementing the assignment, i.e., the persons who will be assigned the tasks necessary to carry out the assignment.
- The contact person for the tenderer that is responsible for the contract (first and last name, phone number and email address).
- [If the various team members possess complementary skill sets and experience]

4.5. Work plan and timeline

The tenderer **shall**, on the basis of the terms of reference, provide the work plan and timeline that will apply to the implementation of the assignment. The description must include the following:

- Who does what, and time allocation within the team.

4.6. Qualifications and competence

The tenderer **shall** provide a project leader/team leader, as well as other staff/team members necessary to the implementation of the assignment.

Team leader shall possess:

- at least 3 years of professional experience for the provision of services within relevant area (making videos and manage TV space for advertising), and
- good skills in english.

One team members shall possess:

- an academic education such as a bachelor's degree in, or similar accreditation.

The tender shall include the CVs of each of the proposed team members (including the project leader). Each CV must include the following:

- The person's first name and surname,
- education,
- professional experience, and
- language skills.

Fulfilment of the above-mentioned requirements shall be evidenced by the attached CV of each of the proposed team member.

4.7. Personal references

The tenderer **shall** submit in its tender at least 1 (one) reference assignments where they have made videos and published them in the media for advertising, for each of the proposed team

members. The person must have completed the reference assignment within no more than 3 years calculated from the closing date. The reference assignments shall include the following:

- a short description of the reference assignment,
- the implementation time, and
- contact information for the reference (the company/organisation, contact person's first name and surname, telephone number, e-mail address).

INSTAT will assess whether the reference assignment is within making videos and published them in the media for advertising. INSTAT also reserves the right to contact the reference persons to verify the submitted information.

4.8. Reporting and documentation

The reports typically required are an "Inception report," every week, and a final report.

Reporting shall be carried out in writing, in Albanian and English.

4.9. Organisation of call-off assignments

N/A

4.10. Quality assurance routines

N/A

4.11. Qualifications and competence

N/A

4.12. Previously completed assignments

N/A

4.13. Measures to limit travel For framework agreements and in the event that the implementation of the call-off order entails travel

Tenderers **shall** provide a description regarding the measures that will be taken to limit the number of trips (especially air travel) while implementing future call-off orders. The description must include the following:

- Alternative measures to limit the number of trips, especially air travel, in implementing the assignment. Examples of such alternative measures may include that the tenderer hires local consultants and uses resources in the immediate area, for example by travelling to a neighbouring country, using ICT resources, or similar measures.

4.14. Reporting and documentation

N/A

5. Evaluation criteria

5.1. Method for implementing the assignment

The assessment and scoring of the submitted description of the method shall be carried out in accordance with the section “Evaluation of tenders.”

N/A

5.2. Project organisation

The assessment and scoring of the submitted description of the project organisation shall be carried out in accordance with the section “Evaluation of tenders.”

N/A

5.3. Work plan and timeline

The assessment and scoring of the description of the method submitted in the tender shall be carried out in accordance with the section “Evaluation of tenders.”

N/A

5.4. Merits

N/A

5.1. Organisation of call-off orders

N/A

5.2. Quality assurance routines

The assessment and scoring of the submitted description of quality assurance routines will be done in accordance with the section “Evaluation of tenders.”

N/A

5.3. Merits

N/A

5.4. Previously completed assignments

N/A

5.5. Measures to limit travel

N/A

6. Tender prices

Prices, fees and costs shall be expressed in EUR, excl. VAT, but including any other taxes and charges.

6.1. Fees and costs

The total cost of the assignment shall be specified in the tender (fees and reimbursable expenses).

Fees specified that:

Fee/hour for each [personnel category/role/competence level]

Recoverable expenses shall be specified separately. Other expenses shall be included in the fee.

Travel expenses are to be reimbursed in accordance with General Terms and Conditions. The per diem amount for Albania is EUR.

6.2. Abnormally low tenders

If a tender appears to be abnormally low, INSTAT is obligated to request that the tenderer explain the low price or cost. If the tenderer has failed to explain the low price or cost in a satisfactory manner, INSTAT will reject the tender.

7. Evaluation of tenders

The evaluation of tenders will be carried out on the following basis:

Price;

7.1. Evaluation method

The evaluation will be conducted on the basis of the below award criteria:

The tenderer who offers the lowest price will be the successful economic operator.

Appendix 1 - Terms of Reference

Technical Specifications

Communication services are required in creating and implementing a full scope and country-wide outreaching communication campaign on the second pilot Census activities to be conducted by INSTAT during October-November 2021.

The services shall include:

Video Production (3videos)

Media Planning & buying (at least 15 spots with 30 sec – 60 sec. each)

Required Services

Conception and production of 3 (three) informative and awareness video for INSTAT. Video duration varies from 2 to 5 minutes.

Delivery of video to be recorded on DVD and USB.

Technical Specification

The video must met the following technical specifications:

1. Build a script based on data and guidelines from INSTAT for video;
2. The length of the video should be no more than 2-5 minutes;
3. To contain shooting plans in some places of the Institute of Statistics in Albania; It may contain endorsements air and water plans;
4. Use of Archival materials possible (which must be found by the contractor);
5. Construction of a narrative text that will accompany the video material and graphics;
6. Generation of illustrations and graphs based on the database provided by INSTAT, which will inform on real figures/ statistics;
7. 2d / 3d animation of illustration and graphics specially generated through the technique of “motion graphics”;
8. Integration through post-production where necessary, of illustration and graphics with plans and images shot;
9. Editing video material with additional visual effects, colorization, and graphics;
10. Recording the narrative text;
11. Producing subtitles in English for spoken Albanian and in Albanian for spoken English;
12. Processing of final material video, animation and audio;
13. Possible reviews and corrections until the requirements from INSTAT are met;
14. Delivery of final material in 4K/ Mp4 resolution.

Appendix 2 - Draft of the contract

DRAFT CONTRACT

SERVICE CONTRACT FOR “MAKING VIDEOS AND BUYING TV SPACE FOR THE ADVERTISING CAMPAIGN FOR THE SECOND PILOT OF CENSUS 2022”

Institute of Statistics, (INSTAT)

Str. “Vllazën Huta”, Bl. 35, En. 1, Adm. Unit No. 2, 1017,

Tirana, Albania

Email: info@instat.gov.al

Telefon + (355) 42222411

VAT number J62106002W

(‘the contracting authority’),

of the one part,

and

<Full official name of the contractor>

[<Legal status/title>]¹

[<Official registration number>]²

<Full official address>

[<VAT number>]³,

(‘the contractor’)

of the other part,

have agreed as follows:

PROJECT “DIRECT FUNDING ON SUPPORT INSTAT FOR THE IMPLEMENTATION OF THE ACTIVITIES OF THE CENSUS POPULATION AND HOUSING 2022”

CONTRACT TITLE “MAKING VIDEOS AND BUYING TV SPACE FOR THE ADVERTISING CAMPAIGN FOR THE SECOND PILOT OF CENSUS 2022”

Identification number <N/A>

(1) Subject

- 1.1 The subject of this contract is “Making videos and buying TV space for the advertising campaign for the second Pilot of Census 2022” done in Tirana with identification number <N/A> (‘the services’).
- 1.2 The contractor shall execute the tasks assigned to him in accordance with the terms of reference annexed to the contract.

(2) Contract value

¹ Where the contracting party is an individual.

² Where applicable. For individuals, mention their ID card, passport or equivalent document number.

³ Except where the contracting party is not VAT registered.

This contract, established in Euro, is a global price contract.

(3) Order of precedence of contract documents

The following documents shall be deemed to form and be read and construed as part of this contract, in the following order of precedence:

- Terms of Reference;
- Standard Conditions;
- Declaration of Honour;

These above listed documents make up the contract. They shall be deemed to be mutually explanatory. In cases of ambiguity or divergence, they shall prevail in the order in which they appear above. Addenda shall have the order of precedence of the document they are amending.

(4) Language of the contract

The language of the contract and of all written communications between the contractor and the contracting authority and/or the project manager shall be English.

(5) Other specific conditions applying to the contract

Done in English in three originals two originals for the contracting authority, and one original for the contractor.

For the contractor

Name:

Title:

Signature:

Date:

For the contracting authority

Name: Elsa Dhuli

Title: Head of the Contracting Authority

Signature:

Date:

Appendix 3 - Standard conditions

STANDARD CONDITIONS

These conditions amplify and supplement the general conditions governing the contract. Unless the special conditions provide otherwise, the general conditions remain fully applicable. The numbering of the articles of the special conditions is not consecutive but follows the numbering of the general conditions. Exceptionally, and with the approval of the competent European Commission departments, other clauses can be indicated to cover particular situations.

Article 1 Communications

An electronic system will be used by the contracting authority and the contractor for all stages of implementation including, inter alia, management of the contract (amendments and administrative orders), reporting (including reporting on results) and payments. The contractor will be required to register in and use the appropriate electronic exchange system to allow for the e-management of the contract. With regard to interim and final reports, if they are required according to Article 3 or to the terms of reference, the contractor will be expected to use the forms in the electronic system for encoding and submitting the reports.

The electronic management of the contract through the aforementioned system may commence on the date on which implementation of the contract starts, as described in Article 2 below, or at a later date. In the latter case, the contracting authority will inform the contractor in writing that he will be required to use the electronic system for all communications within a maximum period of 3 months.

Article 2 Implementation of the tasks and delays

- 2.1 The start date for implementation shall be the date of signature of the contract by both parties.
2.2 The period for implementing the tasks is 60 (sixty) days from the start date.

Article 3 Interim and final reports

The contractor shall submit progress reports as specified in the terms of reference.

Article 4 Payment and interest on late payment

- 4.1 Payments will be made in accordance with the following the option:

| Payments | | EUR/*** |
|----------|--|-----------------------------|
| 1 | Maximum pre-financing payment ⁴ | N/A |
| 2 | Interim payment | 100 % of the contract value |
| | Total | <Total contract value> |

By derogation, the payments to the contractor of the amounts due under interim and final payments shall be made within 45 days after receipt by the contracting authority of an invoice and of the reports.

⁴ The contractor is not obliged to ask for pre-financing.

- 4.2 Once the deadline set in Article 4.1 has expired, the contractor will, upon demand, be entitled to late-payment interest at the rate and for the period mentioned in the general conditions submitted. The demand must be submitted within two months of receiving late payment.
- 4.3 Payments will be made in Euro into the bank account notified by the contractor to the contracting authority.

Article 5 Financial guarantee

- 5.1 The financial guarantee is 10% of the value of the contract (vat included).

Article 6 Settlement of disputes

Any disputes arising out of or relating to this contract which cannot be settled otherwise shall be referred to the exclusive jurisdiction of Albania applying the national legislation of the contracting authority.

Appendix 4 - Declaration of honour

Declaration on honour on exclusion criteria and selection criteria

The undersigned [*insert name of the signatory of this form*], representing:

| | |
|---|---|
| <i>(only for natural persons)</i> himself or herself | <i>(only for legal persons)</i> the following legal person: |
| ID or passport number: (‘the person’) | Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number: (‘the person’) |

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority⁵, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

| Date of the declaration | Full reference to previous procedure |
|-------------------------|--------------------------------------|
| | |

I – SITUATION OF EXCLUSION CONCERNING THE PERSON

| (1) declares that the above-mentioned person is in one of the following situations: FOR GRANTS: [<i>If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person with a brief explanation.</i>] | YES | NO |
|---|--------------------------|--------------------------|
| (a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under EU or national legislation or regulations; | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law; | <input type="checkbox"/> | <input type="checkbox"/> |

⁵ The same institution or agency.

| | | |
|---|--------------------------|--------------------------|
| (c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following: | | |
| (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract or an agreement; | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) entering into agreement with other persons with the aim of distorting competition; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) violating intellectual property rights; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure; | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) it has been established by a final judgement that the person is guilty of the following: | | |
| (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995; | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the applicable law. | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) conduct related to a criminal organisation, referred to in Article 2 of Council Framework Decision 2008/841/JHA; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council; | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision; | <input type="checkbox"/> | <input type="checkbox"/> |
| (vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following | <input type="checkbox"/> | <input type="checkbox"/> |

| | | |
|---|--------------------------|--------------------------|
| checks, audits or investigations by an contracting authority, OLAF or the Court of Auditors; | | |
| (f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95; | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) it has been established by a final judgment or final administrative decision that the person or entity has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations of mandatory application in the jurisdiction of its registered office, central administration or principal place of business | <input type="checkbox"/> | <input type="checkbox"/> |
| (h) it has been established by a final judgment or final administrative decision that an entity has been created with the intent provided for in point (g). | <input type="checkbox"/> | <input type="checkbox"/> |
| (i) for the situations under points (c) to (h) the person is subject to: <ul style="list-style-type: none"> i. facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body; ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics; iii. facts referred to in decisions of entities and persons being entrusted with EU budget implementation tasks; iv. information transmitted by Member States implementing Union Funds; v. decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. | <input type="checkbox"/> | <input type="checkbox"/> |

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON AND BENEFICIAL OWNERS.

Not applicable to natural persons, Member States and local authorities

| | | | |
|--|-----|----|-----|
| (2) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares) or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) N°2015/849) is in one of the following situations: | YES | NO | N/A |
|--|-----|----|-----|

| | | | |
|--|--------------------------|--------------------------|--------------------------|
| [FOR GRANTS: <u>If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) with a brief explanation.</u> | | | |
| Situation (c) above (grave professional misconduct) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (d) above (fraud, corruption or other criminal offence) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (e) above (significant deficiencies in performance of a contract) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (f) above (irregularity) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (g) above (creation of an entity with the intent to circumvent legal obligations) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (h) above (person created with the intent to circumvent legal obligations) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE [LEGAL] PERSON

[FOR PROCUREMENT: The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

| Document | Full reference to previous procedure |
|---|--------------------------------------|
| <i>Insert as many lines as necessary.</i> | |

[VII] [VIII] – SELECTION CRITERIA

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| [(8)] [(9)] declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender documents: | YES | NO | N/A |
| (a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section [insert] of the contract notice/Instructions to tenderers/Guidelines for grant applicants; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) It fulfills the applicable economic and financial criteria indicated in section [insert] of the contract notice/Instructions to tenderers/Guidelines for grant applicants; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) It fulfills the applicable technical and professional criteria indicated in section [insert] of the contract notice/Instructions to tenderers/Guidelines for grant applicants. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The contracting authority must adapt the table above to the criteria indicated in the tender documents (i.e. insert extra rows for each criterion or delete irrelevant rows).

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| [(9)] [(10)] the above-mentioned person is the sole tenderer or the leader in case of a consortium , declares that: | YES | NO | N/A |
| (d) the tenderer, including all members of the group in case of consortium and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender documents. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

[VIII] [IX] – EVIDENCE FOR SELECTION

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender documents and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority⁶. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

| Document | Full reference to previous procedure |
|---|--------------------------------------|
| <i>Insert as many lines as necessary.</i> | |

The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.]

Full name

Date

Signature

⁶ The same institution or agency.