



REPUBLIKA E SHQIPËRISË

BASHKIA VLORË DREJTORIA JURIDIKE

Nr _____ prot.

Vlorë, më _____ 2018

PROCEDURES' MONITORING COMMISSION

Based on the article no.7, letter c of the Law no. 9643, date 20 November 2006 “For the public procurements” with all its changes; Law no. 135/2015 “For the Local Self-Government” and in the Vlora Municipality’s Council decision no. 73, date 17 July 2018, the Municipality of Vlora presents the notification for “Invitation for the Negotiations” as below

BIDDING INVITATION

I. CONTRACTING AUTHORITY

The Municipality of Vlora

Address:

Bashkia Vlore
Square “4 Heronjtë”, Vlore, Albania
Vlore, Albania

Contact Person:

Mr. Vladimir Zahaj
Position: Head of the Budget
Email : vladimir.zahaj@vlora.gov.al
Tel 00 355 69 46 44 337

Ms. Jonela Gjinaj
Position: Justice Department Specialist
Email : jonela.gjinaj@vlora.gov.al

II. PURPOSE OF THE CONTRACT

Assistance and representation of the Municipality of Vlora in the arbitration proceedings brought before the International Chamber of Commerce (ICC) for disputes raised out from Concession Agreement with the company

The assistance includes assessment of the legal situation, representation in the respective international arbitration proceeding and assistance in case of negotiations.

III. SPECIFIC INFORMATION ON ARBITRATION PROCEEDINGS

Referring to the Concession Agreement, it results the following:

- a. The number of arbitrators has been agreed to be three;
- b. The arbitrators shall be appointed pursuant to the rules of the International Chamber of the Commerce;
- c. Arbitration place shall be Paris, France;
- d. Arbitration language shall be English.

IV. LAWYER'S OR LAW FIRM'S OBLIGATIONS

1. To study the whole the Contract/ Concession Agreement, correspondences and any other documents relating to the Concession Agreement and the dispute;
2. To assess the existing legal situation between the parties and prepare a strategy for representing the Republic of Albania, in capacity of the Respondent in the arbitration proceeding before ICC, in consultation with the Municipality of Vlora;
3. To cooperate with the expert/experts selected by the relevant state institutions, for various technical and financial assessments, before and during the arbitration proceedings;
4. To submit any submissions, communications or any other document to the Tribunal within the defined time-frames, to participate in the hearing and prepare witnesses, experts and perform any other procedural actions in order to ensure a successful and high - profile professional defence;
5. To evaluate the Albanian law as the applicable law of the Contract/ Concession Agreement, in collaboration with subcontractors selected by the lawyer/law firm and under its responsibility;
6. To assist the Municipality of Vlora in case of negotiations;
7. To require all the power of attorneys or authorizations necessary for the implementation of the Services;
8. To report in writing on undertaken actions and procedures when requested in a reasonable way from the Municipality of Vlora;
9. To perform any action and provide any other reasonable service, in order to represent and protect the Republic of Albania's interests in this dispute raised out from the Contract/Concession Agreement.

V. SELECTION CRITERIA FOR THE LAWYER OR LAW FIRM

A. General criteria:

- The lawyer or the law firm shall be specialized in international arbitration proceedings of the International Chamber of Commerce (ICC);
- The lawyer or the law firm shall be well-known and reputed in the field of practice according to rankings of the leading legal guides;
- The lawyer or the law firm shall have extensive experience in representation of the concession and fiscal disputes.

B. Specific criteria:

- The lawyer or the law firm shall be able to demonstrate success in disputes, specified above in the General Criteria, (at least 2 cases) in arbitration proceedings of the International Chamber of Commerce (ICC);
- The lawyer or the lawyers of the law firm shall have no less than 5 years of work experience;
- The lawyer, the law firm or the lawyers of the law firm shall prove that have extensive experience in representation in international arbitration under the Rules of International Chamber of Commerce (ICC).

Evaluation of the selection criteria stated in points is as the following:

Selection Criteria	Number of points
1. Specialization on international arbitration under ICC Rules	25
2. Reliability/Reputation	25
3. Extensive experience in representation of similar cases of the concession and fiscal disputes	20
4. To demonstrate success (at least 2 cases) in previous dispute settlements, arbitration cases brought to the International Chamber of Commerce (ICC).	10
5. Experience as a counsel/law firm not less 5 years arbitration under ICC Rules.	10

Evaluation of the financial criteria stated in point is as the following:

Financial Criteria	Number of points
1. Price	10

VI. INFORMATION AND DOCUMENTS THAT SHOULD BE SUBMITTED BY THE BIDDER

A. Information:

- a) Presentation of the law firm and its contact details;
- b) CVs of staff committed for the realization of the service;
- c) Demonstration of competence and experience in the realization of similar services;
- d) Short description of methodology, actions and deadlines for offering the service;

B. Copies of the following documents*:

- a) Licensing attestation for offering the requested judicial services;
- b) Attestation that the law firm operates under the laws in force and that it is not object to any liquidation, bankruptcy, disciplinary or other proceedings that could harm the provision of the service;
- c) Statement that it is not in a conflict of interest situation.

C. Price

The Price for the services has to be expressed in the form of a capped fee and must include bidder's remuneration and all expenses that the bidder could incur for the provision of the required services.

* The attestations can be submitted in the form of a self-certification but the Contracting Authority explicitly reserves the right to request original copies or authenticated copies from competent institutions, in case of doubt on the authenticity of the given information.

VII. SELECTION PROCEDURE

A. Procedures ' Monitoring Commission

Procedures' Monitoring Commission (PMN), established by the order of the Mayor of the Municipality of Vlora, is responsible for the fulfilment of obligations deriving from the relevant provisions of the Vlora Municipality's Council, no.73 of 17 July 2018

PMN members are:

1. Mr. Shkelqim Rama (Chair)
shkelqim.rama@vlora.gov.al
2. Mr. Daut Zeraj (Member)
daut.zeraj@vlora.gov.al
3. Mr. Sonela Haxhiraj: (Member)
sonela.haxhiraj@vlora.gov.al
4. Vladimir Zahaj (Member)
vladimir.zahaj@vlora.gov.al
5. Jonela Gjinaj (Member)
jonela.gjinaj@vlora.gov.al

The Commission, among others:

- Prepares the documentation;
- Publishes the bid for negotiations;
- Gives clarifications on bidding documents;
- Makes the evaluation of bids;
- Prepares a detailed report on the followed procedure, which is sent to the Chief of the Municipality, including the classification of the bidders.

The Commission communicates in English with bidders.

B. Request for clarification

Interested bidders may submit requests for clarification regarding this Bid for Negotiations until date July 24th 2018, time 10:00am CET.

Request for clarification shall be sent to all members of PMN and a copy in cc, to the Chief of the Municipality of Vlora, at the above mentioned official email address.

C. Submission and bid opening

The bid along with the information and relevant documents shall be sent officially by post in a closed envelope with the following note on it “Representation of the Municipality of Vlora in the ICC arbitration case against TIS PARK sh.p.k”

The bid shall be sent at the address "Municipality of Vlora "4 Heronjtë" Vlorë, Shqiperi" until date July 25 th 2018, time 10:00 am.

Bids shall open on date July 25 th 2018, time 10:30am CET in the presence of all Commission Members.

D. Evaluation of bids, announcement of the winner and appeals process.

Extracts from articles 14 and 15 of CMD 392/2009:

"After analysing bids submitted by local or foreign lawyers or law firms, the commission selects based on awarded points the local or foreign lawyer or law firm, based on the criteria defined on article 13 and in the negotiation bid."

"Within 2 days after the completion of the selection procedure, the commission compiles a detailed report on the entire procedure, on lawyers/law firms that have participated and lawyer/law firms that have been selected, which is submitted to the General State Advocate, including the final classification of lawyers/law firms by points.

"The General State Advocate, based on the recommendation given by the evaluation commission decides within 2 days from the date of the presentation of the recommendation and sends his/her decision for approval to the Minister of Justice, notifying at the same time lawyers/law firms that have participated in the bid, as well as the represented administrative entity.

"The representative entity can present in writing, within 3 days, its objections regarding service fee to the Minister of Justice. If the representative entity does not present any objections in writing within this timeframe, the service fee is deemed accepted.

"Interested lawyers or law firms have the right to make appeal regarding contracting procedure within 5 days from the decision of the General State Advocate. Appeals regarding the contracting procedure are presented in any case in writing and are addressed to the Minister of Justice. The Minister of Justice takes his/her decision regarding the appeal, within 2 days from receiving it and informs in writing the complainant and the General State Advocate.

"In conclusion, the Minister of Justice within 7 days from the presentation of the decision from the General State Advocate approves the contracting of the lawyer/law firm. If the Minister of Justice does not respond within this timeframe, the contracting decision is considered as approved. Hereinafter, the General State Advocate contracts with the local or foreign lawyer or law firm, to perform the service of the representation and defence.

VIII. VARIOUS

Please keep in mind that:

- Bids and submitted documents beyond the deadline and not in accordance with this Bid for Negotiations shall not be taken into consideration;
- The bidder cannot withdraw their bidding after its submission;
- The service fee cannot be changed for any reason after the conclusion of the contract;
- Bids sent by email are invalid;
- The service fee shall not be presented in working hours;
- The service fee shall not include success fee;
- The State Advocacy Office has the right to terminate this procedure at any time and no indemnity can be claimed for such a decision of the State Advocacy Office;
- There is no contractual relationship between the State Advocacy Office and any of the bidders until the signature of a written form contract.