

REPUBLIC OF ALBANIA
THE PARLIAMENT

LAW

No 9064, date 08.05.2003

ON SOME ADDITIONS AND CHANGES IN THE LAW NO 7971, DATE 26.07.1995
“ON PUBLIC PROCUREMENT”, CHANGED BY THE LAWS WITH NO 8039,
DATE 23.11.1995, NO 8074, DATE 22.02.1996, NO 8112, DATE 23.03.1996 AND NO
8767, DATE 05.04.2001

Based on articles 78, 81, point 1 and 83, point 1 and 2 of the Constitution, at the proposal
of the Council of Ministers,

THE PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED:

In the Law No 7971, date 26.07.1995, “On Public Procurement”, changed by the laws No
8039, date 23.11.1995, No 8074, date 22.02.1996, No 8112, date 23.03.1996 and No
8767, date 05.04.2001, these additions and changes are made:

Article 1

In article 1, “Definitions”, after the term “services”, is added the term: ““Advisory
services” are the advising services of an intellectual nature”.

Article 2

In article 8 “Public Procurement Agency” these changes are made:

- Point (1) is changed as follows:
“(1) Public Procurement Agency is a central body , judicial, public, budgetary person,
under the Prime minister.”
- Letter “gj” of point (2) is changed as follows:
(gj) It prepares and announces the Central Register of Procurement Estimations and
the Central Register of Procurements Realisations.”
- In point (3) after the word “is nominated” the word “dismissed” is added.
- In point (3) and (4) the nomination “The Chairman of the Council of Ministers” is
changed into “The Prime Minister”.
- After point (3) point (3/1) is added with this content;

“(3/1) For the employees, managers and specialists of Public Procurement Agency the provisions foreseen in law “Status of Civil Servant” are applied, whereas for the other employees the provisions of the Labour Code are applied”.

Article 3

Point (3) of article 10 “Procurement minutes” is changed as follows:

“(3) The procurement entity preserves and administers the tender register, documents and every other document linked with procurements, in the way and time foreseen in the law for archives and the law for public informing”.

Article 4

In letter “a” of article 18 “Conditions for the “limited tender””, the word “suppliers” is replaced by the word “subjects”.

Article 5

In article 19 “Conditions for using “direct procurement””, in point 1 these changes are made:

- In letter (c) in continuation of the words “which are not included in the initial contract” the words are added “and when their value is bigger than 30 per cent of the initial contract value”.
- Letter (ç) is declared null and void.
- Letter (f) is changed as follows:

“When the procurement entity has urgent need for goods, constructions and services, and for questions of national security and when this urgent need is caused beyond procurement entity control, the procurement entity may use the direct procurement, after first taking the approval of the Public Procurement agency.”

Article 6

In article 30 “Presentation and acceptance of bids” these changes are made:

- In the second sentence of point (1), at the end of the sentence, the words “closed in two separate envelopes” are declared null and void.
- In the fourth sentence of point (1) the words “In these cases” are replaced by the words “In all the cases”.
- After point (2) , point (3) is added with this content:
“(3) The bidder, who has handed the bid over ahead of the deadline, has the right to replace it or draw it, save the last day of the tender opening”.

Article 7

In Article 31, “Opening of bids”, these changes are made:

- Point (3) is changed as follows:

“(3) The name of the bidder and the total value of every offer should be read loudly and registered in the minutes and, based on the request; a copy of these minutes must be available to every bidder.

- Point (4) is declared null and void.

Article 8

In article 32 “Examination and assessment of bids” letter (b) of point (7) is changed as follows:

“(b) The best economic value is assessed on the basis of the criteria specified in the tender documents, which must be objective and clearly expressed quantitatively and for the purpose of tender assessment they must be expressed in monetary terms.”

Article 9

In article 35 “Announcing the winner and the signing of the contract” the following change is made:

- At the end of point (3) after the word “parties” the sentence with this content is added:

“If the winning bidder, after the deadline defined in the tender documents, does not sign the contract form or does not make the contract insurance, the procurement entity confiscates the bid insurance and if the difference between the bid classified in the first and the second place will be greater than the bid insurance value, than the winner will be proclaimed the participant ordered the second in classification”.

Article 10

In tender 36 “Procedure of “Limited Tender”” in letter (a), in the first line the words “a limited number of qualified candidates” are replaced by the words “all the specialised candidates, known by the procurement entity”.

In continuation of letter (a) the sentence with this content is added:

“Other candidates, who have been informed about the tender, are free to take part in this procedure.”

Article 11

In article 43 “General”, after point (1), point (1/1) with this content is added:

“(1/1) The presentation of the complaint to the head of the procurement entity or to the Public Procurement Agency suspends the proclamation of the winner and the signing of the contract until the answer according to the competences and bids foreseen in articles 44 and 45 of this law.”

Article 12

This law enters into force 15 days after being published in the Official Gazette.

SPEAKER

Servet Pellumbi