

**Law no.10281, date 20.05.2010**

**ON SOME AMENDMENTS AND ADDENDA TO THE LAW NO. 9663 OF  
18.12.2006 “ON CONCESSIONS”, AMENDED**

Pursuant to article 101 of the Constitution, upon proposal of the Prime Minister, the Council of Ministers

**DECIDED:**

The following amendments and addenda shall be made to the Law No. 9963 of 18.12.2006 “On Concessions”, as amended:

**Article 1**

Article 2 shall be amended as follows:

1. In point 5 the wording “Concessions Agency” shall be replaced with “Public Procurement Agency”
2. Point 14 is shall be amended as follows:

“14. The Public Procurement Agency is the institution established based on the Law No. 9643 of 20.11.2006 “On Public Procurement”, as amended.”.

**Article 2**

Article 5/1 with the following content shall be added after article 5:

“Article 5/1

Supervision of implementation of concession procedures

1. The Public Procurement Agency supervises the implementation of the concession procedures.
2. In the supervision of the implementation of concession procedures the Public

Procurement Agency has the following powers:

- a) Every 6 months requests periodical reporting on the state of concessions;
- b) In compliance with this law and other acts issued to implement it, periodically verifies the implementation of concession procedures after the signature of the concession contract requesting to the concessionaire authorities the necessary information;
- c) At the conclusion of verifications pursuant to paragraph “b” of this point proposes disciplinary measures to be taken or imposes fines when observing violations of the procedures stipulated by this law;
- ç) Excludes from the concession award procedures bidders that during such a procedure submitted false documents or provided false information based on the proposal of the contracting authority or when observes these kind of violations at the conclusion of verification stipulated in paragraph “b”; if it is the case, files a criminal complaint.
- d) Maintains and administrates the concessions register as well as the original documents sent by the contracting authority within 3 (three) months from the approval of the concession contract;
- dh) Submits to the Council of Ministers general recommendations on the state of concessions and the concessions legal framework. “.

### **Article 3**

In article 7, the wording “...Concessions Agency...” shall be replaced with “...Public Procurement Agency...”.

### **Article 4**

Article 24/1 shall be amended as follows:

“Article 24/1

Competent Body for Review of Complaints

1. The administrative review of complaints of bidders in relation to the concession procedures or to the decision for dismissing from the concession procedures pursuant to paragraph 2(ç) of article 5/1 of this law is carried out by the Public Procurement Commission.

2. Upon review of the complaints, the Public Procurement Commission shall make administrative decisions which are final.
3. The Council of Ministers will approve detailed rules on the procedure to review complaints about concession procedures or decisions to exclude from such procedures.”.

#### **Article 5**

Article 25 shall be amended as follows:

1. The wording “...Concessions Agency...” shall be replaced with “...Public Procurement Commission...” throughout all the article.
2. Point 3 shall be amended as follows:

“3. Upon receipt of the complaint, the Public Procurement Commission shall decide whether to suspend or not the concession procedures as well on the start of the investigative administration procedures and within 7 (seven) calendar days shall inform the contracting authority.”.
3. Point 9 shall be repealed.

#### **Article 6**

In articles 25/1 and 25/2 the wording “Concessions Agency” shall be replaced with the wording “Public Procurement Agency”.

#### **Article 7**

In article 25/3 the word “...agency...” shall be replaced with “...Public Procurement Agency...”.

#### **Article 8**

Article 26 shall be amended as follows:

1. Paragraph one shall be amended as follows:

“The complainant is entitled to file a complaint for review of administrative disagreement in the competent court against the decision of the Public Procurement Commission within 30 (thirty) days from notification.”.
2. Paragraph two shall be repealed.

## **Article 9**

Article 26/1 shall be amended as follows:

1. In point one the wording "...director of the Concession Agency..." shall be replaced with "... director of the Public Procurement Agency...".
2. In point 2 the wording "... director of agency..." shall be replaced with Public Procurement Agency or Public Procurement Commission.
3. The Public Procurement Commission shall begin reviewing complaints related to concession procedures after the entry into force of this normative act.

## **Article 11**

This normative act shall enter into force immediately and shall be published in the Official Journal.

**PRIME MINISTER**

**SALI BERISHA**