

1. PURPOSE AND SCOPE

- 1.1 This procedure portrays the different procurement methods for those articles that exceed the €5,000 excluding VAT threshold.
- 1.2 This procedure also goes on to explain the workflow progression of the tender process.

2. DEFINITIONS

- 2.1 Article: A purchase being made for anything including equipment, works and even services.
- 2.2 Bill of Quantities: This document provides a list of everything needed and how much these items will cost.
- 2.3 DCC: The Departmental Contracts Committee falls within the Ministry of Education. The Departmental Contracts Committee ensures that the Public Procurement Regulations have been adhered to.
- 2.4 MPU: A “Ministerial Procurement Unit” means an entity that is established under each Ministry which processes, publishes, administers and recommends the award of a call for tenders published under the open procedure, where the estimated value of this call for tenders exceeds ten thousand euro (€10,000) but does not exceed two hundred and fifty thousand euro (€250,000). Both thresholds are net of VAT. This decentralisation is effected upon the issue of the necessary approval by the Ministry for Finance. There shall be in each Ministry a Ministerial Procurement Unit (for the time being, only in specific Ministries) which shall fall under the office of the Permanent Secretary responsible for that Ministry, or under another person in an equivalent post, being so delegated by the Minister responsible for that Ministry. In spite of what is established in the regulations, the Minister may, irrespective of the value of the contract, order that a Contracting Authority, listed under Department of Contracts | 7 schedule 16, must forward the call for tenders to the Director of Contracts so that they are administered by that Department.
- 2.5 DOC: The Department of Contracts falls within the Ministry of Finance. The aim of the Department is to have the necessary structures so that public procurement is carried out on the principles of non-

discrimination, transparency and equal treatment between operators.

- 2.6 e-PPS: e-PPS is a web-based, collaborative system to facilitate the full lifecycle of a tendering process, for both buyers and suppliers. It offers a secure, interactive, dynamic environment for procurements of any nature, complexity or value (above or below EU thresholds), enforcing (where appropriate) and encouraging recognised best practices (<https://www.etenders.gov.mt/epps/home.do>).
- 2.7 GCC: General Contracts Committee.
- 2.8 Performance Bank Guarantee: This guarantee is raised only for contracts above €10,000 excluding VAT at a rate of the awarded contract.
- 2.9 PCRb: Public Contracts Review Board. This Board falls within the Ministry of Finance and the Board is Government appointed. The function of this board is to hear and determine the complaints submitted <https://mfin.gov.mt/en/The-Ministry/Departments-Directorates-Units/pcrb/Pages/About-Us.aspx>.
- 2.10 Tender Schedule: Seeks particular detailed information from tenderers for evaluation of the Tender Document.
- 2.11 TEB: Tender Evaluation Board.
- 2.12 University: University of Malta.
- 2.13 XML: Extensible Markup Language (XML) is used to describe data. The XML standard is a flexible way to create information formats and electronically share structured data via the public Internet, as well as via corporate networks <http://searchsoa.techtarget.com/definition/XML>.

3. RESPONSIBILITIES

3.1 Roles and Responsibilities of the Procurement Directorate:

- 3.1.1 The Procurement Directorate is responsible for checking that the required funds are available and ensures that the Dean /Head of Department is informed accordingly.

- 3.1.2 The Procurement Directorate is responsible for the preparation of the tender document and its publication.
- 3.1.3 This Directorate is responsible of receiving clarifications; answering the administrative ones and compiling the technical ones following discussions with the end users.
- 3.1.4 If an objection is lodged the Procurement Directorate is responsible for the preparation of an objection reply and this is sent to the Public Contracts Review Board (PCRB) together with all the other documents.

3.2 Roles and Responsibilities of the Tender Evaluation Board:

- 3.2.1 The Tender Evaluation Board (hereafter TEB) is responsible for the evaluation of the particular tender. The Board evaluates a particular Tender and checks the offer/s received with respect to the administrative, technical and financial compliance as stipulated in the tender document.
- 3.2.2 This Board prepares the recommendation report and sends it to the Departmental Contracts Committee (hereafter referred to as DCC) or General Contracts Committee (GCC).
- 3.2.3 The TEB has the responsibility of replying to the DCC's or GCC's requirements.

4. HEALTH AND SAFETY REQUIREMENTS

4.1 N/A

5. PROCEDURE

5.1 An end user, wishing for an article (including equipment, works and services) to be supplied or given has to make a request in line with current University purchasing policies and procedures:

- If article is under €235 excluding VAT then only one quote is needed;
- If article is over €235 excluding VAT then three quotes are required;
- If article is over €5,000 but not exceeds €10,000 excluding VAT, then a request for Quotation is published by the Procurement Directorate on the ePPS portal using the Quotation Procedure;
- If article exceeds €10,000 excluding VAT, then a Tender has to be published by the Ministerial Procurement Unit, within the Ministry of Education, according to their specific Regulations and Procedures; and
- If article exceeds €250,000 excluding VAT, then a Tender has to be published by the Department of Contracts according to their specific Regulations and Procedures.

- 5.2 If an article to be purchased is less than €5,000 excluding VAT then normal procurement procedures are to be followed as per the Standard Operating Procedure Number XPR-ZPR-001-01 'Workflow Procedure from Requisition to Purchase Order' (October, 2015).

5.3 Sealed Selective Calls for Quotations

- 5.3.1 Sealed Selective Call for Quotations for article less than €5,000 ex VAT may be used to obtain quotations. This procedure is mainly used for EU funded projects:

5.3.1.1 A request via an e-mail confirmation is received from the end user to issue a sealed call for quotations to procure the required works/supplies/services.

5.3.1.2 The Procurement Directorate asks for the estimate of the call and checks if the required funds are available from the specific vote. Specifications and the Bill of Quantities are received at the Procurement Directorate and the quotation document is prepared.

5.3.1.3 A minimum of 3 bidders (preferably 5) are chosen and the document is sent to these bidders giving them a date and time to submit their respective offers in the tender box. Offers are then opened and scheduled, by the Tender Opening Board made up of three members of staff of the Procurement Directorate on the date and time as indicated on the quotation document.

5.3.1.4 The offers received are forwarded to the end user and a report is prepared and signed by preferably a minimum of 3 evaluators. If the end user is in agreement with the Procurement Directorate, a purchase order is prepared and sent to the awarded bidder.

- 5.3.2 Sealed Selective Call for quotation for article between €5,001 and €10,000 ex VAT:

5.3.2.1 A request via an e-mail confirmation is received from the end user to issue a sealed call for quotations to procure the required works/supplies/services through the ePPS portal.

5.3.2.2 The Procurement Directorate asks for the estimate of the call and checks if the required funds are available from the specific vote. Specifications and the Bill of Quantities are received at the Procurement Directorate and the quotation document is prepared.

5.3.2.3 The online XML structure of the tender is prepared for the eventual uploading on the e-PPS together with all the necessary documents. This process is prepared by the Procurement Directorate.

5.3.2.4 During the opening period of the tender the prospective bidders may through e-PPS system submit clarifications up till the date specified in

the document. If the clarifications are of a technical nature, these are sent to the end user to answer the clarifications raised. The replies are eventually uploaded by the Procurement Directorate on the e-PPS for the availability of all interested bidders, by the end date specified in the document.

- 5.3.2.5 Offers are then opened online by the 2 members of the Procurement Directorate on the day and time as indicated on the published tender document. A schedule is automatically put online on the e-tenders website.
- 5.3.2.6 The Tender Evaluation Board (TEB) evaluates a particular tender online and checks the offer/s received with respect to the administrative, technical and financial compliance as stipulated in the tender document. During the evaluation, clarifications can be made to prospective bidders on various aspects through the e-PPS system. This process can be repeated as the case may be.
- 5.3.2.7 Once the tender report is finalised and signed by the TEB, it is uploaded on the e-tenders website.
- 5.3.2.8 Each bidder is notified of the result by means of e-mail, sent by the Procurement Directorate, through the EPPS website. The unsuccessful bidders are given the reasons why their bid was not chosen. Subsequently all bidders are given ten calendar days to appeal and informed of the pecuniary amount of deposit that they have to pay to lodge the appeal.
- 5.3.2.9 Once the appeal period closes, a purchase order is sent to the recommended bidder.
- 5.3.2.10 If an appeal is lodged, the award process is stopped. In order to file an appeal a bidder must pay an amount to lodge the appeal (0.5% of the quotation estimate), and submit an objection letter to the PCRB indicating the specific reasons for lodging the appeal.
- 5.3.2.11 This letter together with a copy of the receipt confirming that the deposit has been paid, is put on the notice board of the Procurement Directorate and the recommended bidder is forwarded a copy of the objection. The procedure highlighted by the Public Contracts Review Board (here after PCRB), must be followed (Refer to Appendix 1). The information sheet (Appendix 2) is sent to the PCRB with all the relevant details.
- 5.3.2.12 In agreement with the Legal Office of the University, the Procurement Directorate prepares an Objection Reply which together with all the

other documents (tender file and offers) are sent to the PCRB for their consideration.

5.3.2.13 The PCRB summons all interested parties to a hearing in which the relevant case is heard. The PCRB will reach a decision which decision is then communicated to all parties.

5.3.2.14 If the PCRB agrees with the decision taken by the TEB, the appellant still has the right to contest the PCRB ruling at the Supreme Court with 20 days, from the date of the PCRB's decision. If the PCRB agrees with the appellant the University has to either award the tender to the appellant or reintegrate the appellant in the evaluation process. This depends on which stage the appellant has been eliminated from the evaluation process. If the PCRB decides that the appellant's offer was the cheapest compliant, than the University proceeds as per point 5.4.12.

5.3.2.15 If the case is referred to the Supreme Court, the Procurement Directorate has to abide by the Supreme Court's decision and take the required necessary actions.

5.3.3 Tender amount between €5,001 and €120,000 ex VAT:

5.3.3.1 If the tender amount is between €5,001 and €120,000 excluding VAT, then the Procurement Directorate could seek approval from the Ministry of Finance (Direct Orders Section) in order to publish a Quotation instead. This method is generally used for EU projects, when specific procurement is necessary, or when an article is required rapidly.

5.3.3.2 A request via an e-mail confirmation is received from the end user to issue a sealed call for quotations to procure the required works/supplies/services.

5.3.3.3 The Procurement Directorate asks for the estimate of the call and checks if the required funds are available from the specific vote. Specifications and the Bill of Quantities are received at the Procurement Directorate and the quotation document is prepared.

5.3.3.4 Approval is sought from the Ministry of Finance (Direct Order's Office) in order to publish a sealed call for quotations. Once this is received (as an 'Approval in Principle'), the call is published in the Government Gazette giving local and foreign companies the chance to submit their offers. The document is also uploaded on the University's Procurement website (<http://www.um.edu.mt/procurement/service/tender>).

- 5.3.3.5 Offers are then opened and scheduled, by the Tender Opening Board made up of three (3) members of staff of the Procurement Directorate on the date and time as indicated on the tender document. The schedule (Appendix 3) is published on the Procurement Notice Board and immediately uploaded on the Procurement website.
- 5.3.3.6 The offers received are evaluated by three (3) Board Members, one of which is from the Procurement Directorate (whilst the other two members represent the end users) and a report is duly prepared and subsequently signed. This report and a copy of the schedule and a copy of the recommended bid, is then forwarded to the Ministry of Finance (Direct Order's Office) with the University's recommendation for award.
- 5.3.3.7 If the Direct Order Section of the Ministry of Finance agrees with the University's recommendation, a direct order approval from the Ministry is received. Subsequently a purchase order is prepared and sent to the recommended bidder, confirming the procurement.

5.4 Tender Issued by MPU

- 5.4.1 If article exceeds €10,000 excluding VAT, then a Tender has to be published by the Ministerial Procurement Unit (MPU) according to their specific Regulations and Procedures.
- 5.4.2 An initial email with an estimate of the tender cost, tender specification and the Bill of Quantities are received at the Procurement Directorate. The Procurement Directorate would first check if the required funds are available from the specific vote and ensures that the Dean/Head of Department is informed of this procurement accordingly. This is done in order to issue a tender to procure the required works, supplies or services, subsequent to which a unique Tender Number is generated.
- 5.4.3 Once the first draft is prepared, it is sent to the end user to verify and check if there is the need to effect any changes. When the procurement Directorate receives the draft back, this is sent to the MPU for vetting. Once this is vetted and received back from the MPU, the remarks highlighted are checked together with the end user. This process can be repeated until the tender document is finalised, and duly accepted by the end user.
- 5.4.4 In the meantime, if the estimate of the tender is of more than €135,000, a Tender Commitment Form is prepared and sent to the Ministry of Finance in order to confirm that funds are available and tender can be published. If the estimate is of between €10,000 and €135,000, the commitment is still prepared and countersigned by the Director of Finance or his/her delegate. These are sent

accordingly to the MPU. The Tender Originator's Form (Appendix 4) is also prepared and signed by the Project Leader/Head of Department. The last thing to be prepared is the online XML structure of the tender for the eventual uploading on the e-PPS together with all the necessary documents.

- 5.4.5 The tender is published by the MPU giving local and foreign companies the chance to submit their offers online <https://www.etenders.gov.mt>. The tender document together with all the required forms are uploaded on this website.
- 5.4.6 During the opening period of the tender the prospective bidders may through e-PPS system submit clarifications up till 9 days before closing date. If the clarifications are of a technical nature, these are sent to the end user to answer the clarifications raised. The replies to these clarifications are forwarded to the MPU and eventually uploaded by them on the e-PPS for the availability of all interested bidders, by not later than six days before closing date. A clarifications/site meeting can be held during this period where prospective bidders are shown the site where the works/suppliers/ services are needed and they can also submit their respective queries. The minutes of the meeting held are forwarded to the MPU and eventually uploaded by them on the e-PPS for the availability of all interested bidders, by not later than six days before closing date.
- 5.4.7 Offers are then opened online by the MPU on the day and time as indicated on the published tender document. A schedule is automatically put online on the e-tenders website, administered by the MPU.
- 5.4.8 The TEB (Appendix 5) evaluates a particular tender online and checks the offer/s received with respect to the administrative, technical and financial compliance as stipulated in the tender document. The members of the TEB sign a 'Declaration of Impartiality Form' (Appendix 6) in which they confirm that they do not have a conflict of interest with any of the bidders, participating in the specific tender. During the evaluation, clarifications can be made to prospective bidders on various aspects. Any clarifications have to be approved by the DCC at the Ministry of Education these are sent by the University to the respective prospective bidders through the e-PPS system. This process can be repeated as the case may be.
- 5.4.9 Once the tender report is finalised (Appendix 7) and signed by the TEB, it is uploaded on the e-tenders website. The hard copy is sent to MPU for the approval of the DCC with the recommendations for award. The DCC may request further information from the TEB or disagree with the recommendations put forward. In any of these situations the TEB has to duly reply to the DCC, on the queries that were raised or take further action as would be guided by the DCC. In certain cases the tender report is rejected and the TEB has to re-evaluate the tender.
- 5.4.10 Once the DCC agrees with the recommendations made by the TEB, the result is published by the DCC on its web-site with a specific indication of the pecuniary

amount (0.5% of the tender estimate) that bidders have to pay in order to lodge an appeal.

5.4.11 Each bidder is notified of the result by means of e-mail, sent by the MPU. The unsuccessful bidders are given the reasons why their bid was not chosen. Subsequently all bidders are given ten calendar days to appeal and informed of the pecuniary amount of deposit that they have to pay to lodge the appeal.

5.4.12 Once the appeal period closes; a contract is prepared by MPU in three originals and signed by the awardee and the Director responsible at the Ministry of Education. One of the signed contracts is received and kept by the Procurement Directorate in the respective tender file. Of the other two, one is kept by the DOC and the other one is given to the contractor.

5.5 Appeals for Tender Issued by MPU

5.5.1 If an appeal is lodged, the award process is stopped. In order to file an appeal a bidder must pay to lodge the appeal (0.5% of the tender estimate), and submit an objection letter to the PCRB indicating the specific reasons for lodging the appeal.

5.5.2 This letter is put on the notice board of the PCRB and the successful bidder is informed of the objection. An information sheet is prepared by MPU and sent to the PCRB with all the relevant details. In agreement with the Legal Office of the University and the MPU, the Procurement Directorate and the MPU prepares an Objection Reply, which together with all the relevant documents (tender file and soft copy on CD of all the pertinent offers) are sent to the PCRB for their consideration.

5.5.3 The PCRB summons all interested parties to a hearing in which the relevant case is heard. The PCRB will reach a decision which decision is then communicated to all parties.

5.5.4 If the PCRB agrees with the decision taken by the TEB and DCC/MPU, the appellant still has the right to contest the PCRB ruling at the Supreme Court with 20 days, from the date of the PCRB's decision. If the PCRB agrees with the appellant the DCC/MPU has to either award the tender to the appellant or reintegrate the appellant in the evaluation process. This depends on the stage which the appellant has been eliminated from the evaluation process. If the PCRB decides that the appellant's offer was the cheapest compliant, than the DCC/ MPU proceeds as per point 5.4.12.

5.5.5 If the case is referred to the Supreme Court, the DOC and the University have to abide by the Supreme Court's decision and take the required necessary actions.

5.6 Tender Issued by DOC

- 5.6.1 If article exceeds €250,000 excluding VAT, then a Tender has to be published by the DOC according to their specific Regulations and Procedures.
- 5.6.2 An initial email with an estimate of the tender cost, tender specification and the Bill of Quantities are received at the Procurement Directorate. The Procurement Directorate would first check if the required funds are available from the specific vote and ensures that the Dean/Head of Department is informed of this procurement accordingly. This is done in order to issue a tender to procure the required works, supplies or services, subsequent to which a unique Tender Number is generated.
- 5.6.3 Once the first draft is prepared, it is sent to the end user to verify and check if there is the need to effect any changes. When the procurement Directorate receives the draft back, this is sent to the DoC for vetting. Once this is vetted and received back from the DOC, the remarks highlighted are checked together with the end user. This process can be repeated until the tender document is finalised, and duly accepted by the end user.
- 5.6.4 In the meantime, a Tender Commitment Form is prepared and sent to the Ministry of Finance in order to confirm that funds are available and tender can be published. This is sent accordingly to the DOC. The Tender Originator's Form is also prepared and signed by the Project Leader/Head of Department. The last thing to be prepared is the online XML structure of the tender for the eventual uploading on the e-PPS together with all the necessary documents.
- 5.6.5 The tender is published by the DOC giving local and foreign companies the chance to submit their offers online <https://www.etenders.gov.mt>. The tender document together with all the required forms are uploaded on this website.
- 5.6.6 During the opening period of the tender the prospective bidders may through e-PPS system submit clarifications up till 16 days before closing date. If the clarifications are of a technical nature, these are sent to the end user to answer the clarifications raised. The replies to these clarifications are forwarded to the DOC and eventually uploaded by them on the e-PPS for the availability of all interested bidders, by not later than six days before closing date. A clarifications/site meeting can be held during this period where prospective bidders are shown the site where the works/suppliers/ services are needed and they can also submit their respective queries. The minutes of the meeting held are forwarded to the DOC and eventually uploaded by them on the e-PPS for the availability of all interested bidders, by not later than six days before closing date.
- 5.6.7 Offers are then opened online by the DOC on the day and time as indicated on the published tender document. A schedule is automatically put online on the e-tenders website, administered by the DOC.

- 5.6.8 The TEB evaluates a particular tender online and checks the offer/s received with respect to the administrative, technical and financial compliance as stipulated in the tender document. During the evaluation, clarifications can be made to prospective bidders on various aspects. Any clarifications have to be approved by the GCC at the DOC before these are sent by the University to the respective prospective bidders through the e-PPS system. This process can be repeated as the case may be.
- 5.6.9 Once the tender report is finalised and signed by the TEB, it is uploaded on the e-tenders website. The hard copy is sent to DOC for the approval of the GCC with the recommendations for award. The GCC may request further information from the TEB or disagree with the recommendations put forward. In any of these situations the TEB has to duly reply to the DOC, on the queries that were raised or take further action as would be guided by the DOC. In certain cases the tender report is rejected and the TEB has to re-evaluate the tender.
- 5.6.10 Once the GCC agrees with the recommendations made by the TEB, the result is published by the GCC on its Notice Board and web-site with a specific indication of the pecuniary amount (0.5% of the tender estimate) that bidders have to pay in order to lodge an appeal.
- 5.6.11 Each bidder is notified of the result by means of e-mail, sent by the DOC. The unsuccessful bidders are given the reasons why their bid was not chosen. Subsequently all bidders are given ten calendar days to appeal and informed of the pecuniary amount of deposit that they have to pay to lodge the appeal.
- 5.6.12 Once the appeal period closes; a contract is prepared by DOC in three originals and signed by the awardee and the Director of Contracts. One of the signed contracts is received and kept by the Procurement Directorate in the respective tender file. Of the other two, one is kept by the DOC and the other one is given to the contractor.

5.7 Appeals for Tender Issued by DOC

- 5.7.1 If an appeal is lodged, the award process is stopped. In order to file an appeal a bidder must pay to lodge the appeal (0.5% of the tender estimate), and submit an objection letter to the PCRB indicating the specific reasons for lodging the appeal.
- 5.7.2 This letter is put on the notice board of the PCRB and the successful bidder is informed of the objection. An information sheet is prepared by the DOC and sent to the PCRB with all the relevant details. In agreement with the Legal Office of the University and the DOC, the Procurement Directorate and the DOC prepares an Objection Reply, which together with all the relevant documents (tender file and soft copy on CD of all the pertinent offers) are sent to the PCRB for their consideration.

- 5.7.3 The PCRB summons all interested parties to a hearing in which the relevant case is heard. The PCRB will reach a decision which decision is then communicated to all parties.
- 5.7.4 If the PCRB agrees with the decision taken by the TEB and GCC, the appellant still has the right to contest the PCRB ruling at the Supreme Court with 20 days, from the date of the PCRB's decision. If the PCRB agrees with the appellant the DOC has to award the tender to the appellant and proceeds as per point 5.4.12.
- 5.7.5 If the case is referred to the Supreme Court, the DOC and the University have to abide by the Supreme Court's decision and take the required necessary actions.

6. REFERENCES

- 6.1 Electronic Tendering - Welcome to e-PPS, (2016). [Online], Available at <https://www.etenders.gov.mt/epps/home.do> [Accessed 29th March 2016].
- 6.3 Procurement Directorate Tender Information, (2016). [Online], Available at <http://www.um.edu.mt/procurement/service/tender> [Accessed 4th April 2016].
- 6.4 Procurement Directorate, (2015) 'Workflow Procedure from Requisition to Purchase Order', University of Malta: Procurement Publications.
- 6.5 Public Contracts Review Board – About Us, (2016). [Online], Available at <https://mfin.gov.mt/en/The-Ministry/Departments-Directorates-Units/pcrb/Pages/About-Us.aspx> [Accessed 12th April 2016].
- 6.6 XML (Extensible Markup Language), (2016). [Online], Available at <http://searchsoa.techtarget.com/definition/XML> [Accessed 12th April 2016].

7. LIST OF APPENDICES/WORKSHEETS

- 7.1 Appendix 1: Submission of Files to the Public Contracts Review Board
- 7.2 Appendix 2: Information Sheet
- 7.3 Appendix 3: Tender Schedule
- 7.4 Appendix 4: Tender Originator's Form
- 7.5 Appendix 5: Tender Evaluation Board
- 7.6 Appendix 6: Declaration of Impartiality Form
- 7.7 Appendix 7: Tender Evaluation Report

Appendix 1: Submission of Files to the Public Contracts Review Board



PUBLIC CONTRACTS REVIEW BOARD

**MEMO Re: Submission of Files
to Public Contracts Review Board**

4 January 2016

Kindly note that when any appellant file an objection within your respective departments, you are to follow this said procedure with immediate effect:

- 1) **INFORM** PCRBS Secretariat by e-mail that an objection has been filed within your department and sending a scanned copy of the Reasoned Letter of Objection and deposit;
- 2) **FILL IN** the Relevant Information Sheet sent by the PCRBS Officer in charge of your objection and send it back **BY E-MAIL** to the latter in pdf format together with any other confirmations requested by this office with regards to the new objection;
- 3) **SEND ALL FILES AND OFFERS** together with the Reasoned Letter of Reply by the deadline stipulated in the first e-mail sent by PCRBS Secretariat in respect of the objection.

Any files which will be submitted without following the above procedure will not be accepted by this office and sent back to your department until the latter procedure will be followed.

Thanks & Regards

A handwritten signature in black ink, appearing to read 'A. Cassar', with a long horizontal stroke extending to the right.

Dr Anthony Cassar
Chairman
Public Contracts Review Board

Notre Dame Ditch
Floriana
Tel: 21239095 - FAX: 21238918
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SOP NUMBER XPR-OP-007-01	SOP TITLE THE TENDER PROCESS
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Appendix 2: Information Sheet

Information Sheet

Objection filed in terms of Regulation 21 of LN 296 of 2010

Description of the Call for Tenders: TENDER FOR THE CONSTRUCTION OF A GREEN ROOF TO BE LOCATED AT THE FACULTY FOR THE BUILT ENVIRONMENT, UNIVERSITY OF MALTA AS PART OF THE LIFE12 ENV/MT/000732 LIFEMEDGREENROOF PROJECT ICW ACTION B2

File Reference: UM 1871

Type of tender: Works

Publication Date of the Call for Tenders: 24th February 2015

Closing Date of Call for Tenders: 1st April 2015

Revised Estimated Value of Tender ex VAT:

Recommended Contract Value ex VAT:

Date of Publication of Notice of Award: 9th June 2015

Date when appellant filed the Letter of Objection: 16th June 2015

Deposit paid by appellant:

Appellant:

Preferred Bidder:

Contracting Authority:

Signature of the official filling in the form

Name and Surname: Elton Baldacchino – Senior AO – Clerk, Procurement Directorate – University of Malta

Date: 08th July 2015

SOP NUMBER XPR-OP-007-01	SOP TITLE THE TENDER PROCESS
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Appendix 3: Tender Schedule

TENDER FOR ENVIRONMENTAL FRIENDLY PAVING AND TILING FOR LECTURE CENTRE AT UNIVERSITY OF MALTA

pursuant to Advertisement no: **UM 1980** published on the 8th March 2016

Number of Tenderer	Name of Tenderer	TOTAL € including Eco Contribution (if any) and all other charges as may be applicable but excluding VAT	Remarks
1			
2			

THE PRICE IS SUBJECT TO FURTHER ARITHMETICAL CHECKING AND HENCE MAY NOT REPRESENT THE TRUE VALUE OF THE RESPECTIVE TENDERED OFFER

We certify that one (1) tender have been found in the Tender Box. The tender was opened in our presence and the foregoing is a true statement thereof.

Signed

Signed

Signed

Carmel Falzon

Chairperson

Elaine Mangion

Member

Claire Saliba

Member

Date: 6th April 2016

SOP NUMBER XPR-OP-007-01	SOP TITLE THE TENDER PROCESS
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Appendix 4: Tender Originator's Form

TENDER ORIGINATORS FORM

A – General Details	
Department/Ministry	
Department Reference	
Tender Description/Title	
Tender Type	Works <input type="checkbox"/> Services <input type="checkbox"/> Supplies
Tender Procedure	Open Other (specify) _____
Funding Source (specify)	
Estimated Value <u>Exc. VAT</u> ¹	€
Any estimated potential cost Exc. VAT ²	€
Total Estimated Value of Procurement	€
CPV Number/s ³	
Completion/Delivery Period	
Project Leader/Manager	

B – Tender Documents		
Officers that prepared:	Name	Grade/Position
Instructions to Tenderers		

¹ If the tender is divided into lots, please fill in **Section C**.

² As per Article 28 (1) of the Public Procurement Regulations - *The calculation of the estimated value of a procurement procedure shall be based on the total amount payable, net of VAT, as estimated by the contracting authority, including any form of option and any renewals of the contracts as explicitly set out in the procurement documents.*

³ CPVs are mandatory. A searchable list is available from <http://contracts.gov.mt/en/Resources/Pages/CPVs.aspx>.

SOP NUMBER XPR-OP-007-01	SOP TITLE THE TENDER PROCESS
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Special Conditions of Contract		
Specifications/Terms of Ref.		
Estimate/Bill of Quantities		
Tender Drawings/Plans⁴		

C – Lots (if applicable)		
Lot Description	Estimated Value <u>Exc. VAT</u>	CPV Number/s (12345678-9)
1.	€	
2.	€	
3.	€	
4.	€	
(... etc.)		

D – Drawings (if applicable)	
Reference Number	Description
1.	
2.	
3.	
4.	
(... etc.)	

E – Green Public Procurement	
Questions	Answers (cross out those not applicable)

⁴ If the tender documentation includes drawings/plans, please fill in **Section D**.

SOP NUMBER XPR-OP-007-01	SOP TITLE THE TENDER PROCESS
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1. Does this call for tenders include the procurement of paper, IT equipment, textiles, gardening products or services, thermal insulation, wall panels, cleaning products and services? (mandatory criteria)	Yes/No
2. Does this call for tenders include, transport, furniture, food and catering services, electricity, construction, mobile phones, combined heat and power, hard floor coverings, windows, glazed doors and skylights, street lighting and traffic signals, road construction and traffic signs? (non- mandatory criteria)	Yes/No
3. If the answer to question 1 is yes, have the tender specifications been drawn up on the basis of the GPP criteria and guidance available for download from www.gpp.gov.mt ?	Yes/No
4. If the answer to question 2 is yes, have the tender specifications been drawn up on the basis of the GPP criteria and guidance available for download from www.gpp.gov.mt ?	Yes/No

A copy of all **tender documents** including **tender estimates** and **one complete set of drawings**, are attached herewith.

Date

Project Leader/Manager

Head of Department

SOP NUMBER XPR-OP-007-01	SOP TITLE THE TENDER PROCESS
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Appendix 5: Tender Evaluation Board

The Tender Evaluation Board is composed of a:-

- Chairman (Representative from the Procurement Directorate);
- Secretary (Representative from the Procurement Directorate); and
- At least a technical expert representing the end user that requested the Tender Procedure.

Appendix 6: Declaration of Impartiality and Confidentiality

**DECLARATION OF
IMPARTIALITY AND CONFIDENTIALITY**

PUBLICATION REF: UM 1962

TENDER FOR THE RENTAL AND MAINTENANCE OF HYGIENE EQUIPMENT IN AN ENVIRONMENTALLY FRIENDLY MANNER, IN VARIOUS BUILDINGS AT THE UNIVERSITY OF MALTA, THE JUNIOR COLLEGE AND THE UNIVERSITY VALLETTA CAMPUS.

I, the undersigned, hereby declare that I agree to participate in the evaluation of the above-mentioned tender procedure. By making this declaration, I confirm that I have familiarised myself with the information available to date concerning this tender procedure. I further declare that I shall execute my responsibilities honestly and fairly.

I am independent¹ of all parties, which stand to gain from the outcome of the evaluation process². To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, which might call into question my independence in the eyes of any party; and, should it become apparent during the course of the evaluation process that such a relationship exists or has been established, I will immediately cease to participate in the evaluation process.

I agree to hold in trust and confidence any information or documents ("confidential information") disclosed to me or discovered by me or prepared by me in the course of or as a result of the evaluation and agree that it shall be used only for the purposes of this evaluation and shall not be disclosed to any third party. I also agree not to retain copies of any written information or prototypes supplied.

Confidential information shall not be disclosed to any employee or expert unless they agree to execute and be bound by the terms of this Declaration.

Name	Mr Elton Baldacchino
Signed	
Date	22 nd January 2016

* Delete as applicable

¹ Taking into consideration whether there exists any past or present relationship, direct or indirect, whether financial, professional or of another kind

² i.e., all [tenderers / applicants]* who are participating in the [tender / call for proposals]* , whether individuals or members of a consortium, or any of the partners or subcontractors proposed by them

Appendix 7: Tender Evaluation Report

22nd March 2016

Tender Evaluation Report

Publication Ref.: UM 1964

TENDER FOR THE SUPPLY, DELIVERY, INSTALLATION AND COMMISSIONING OF CRANK ELEVATED DISSECTION IMMERSION TABLE FOR STORAGE OF BODIES IN IMMERSION SOLUTION AT THE ANATOMY DEPARTMENT, UNIVERSITY OF MALTA

Budget -

Contents:

1. Timetable
2. Observers
3. Evaluation
 - Preparatory Session
 - Tender Opening Session
 - Administrative Compliance
 - Technical evaluation
 - Financial evaluation
4. Conclusion
5. Signatures

Annexes:

- Tender opening report – **Annex A**
- Minutes of Meeting held – **Annex B**
- Signed Declaration of Impartiality Forms of Board Members–**Annexes C to G**
- Clarifications sent to DCC for approval - **Annex H**
- Approval from DCC – **Annex I**
- Clarification sent to tenderer – **Annex J**
- Reply from tenderer regarding the clarification raised – **Annex K**

1. Timetable

The Tender Evaluation Board (hereinafter referred to as the Board) met as follows to consider the three (3) offers submitted by three (3) tenderers:-

	DATE	TIME	VENUE	SCOPE
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SOP NUMBER XPR-OP-007-01	SOP TITLE THE TENDER PROCESS
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	DATE	TIME	VENUE	SCOPE
1st Meeting	03.02.2016	0930	Procurement Directorate	Preparatory session and to administratively assess the offers.
2nd Meeting	12.02.2016	0930	Procurement Directorate	To technically assess the offers received.
3rd Meeting	18.03.2016	0930	Procurement Directorate	To continue the technical and financial evaluation.
4th Meeting	22.03.2016	0900	Procurement Directorate	To finalise and subsequently read the minutes and the recommendation report and forward same to the Departmental Contracts Committee (DCC).

The Board was constituted as below:

Member	Designation
Mr. Tonio Mallia – Director, Procurement Directorate	Chairperson
Mr. Carmel Falzon – AA, Procurement Directorate	Secretary
Prof. Jean Calleja Agius – Hd. Anatomy, Faculty of Medicine & Surgery	Evaluator
Dr. Pierre Schembri Wismayer – Anatomy, Faculty of Medicine & Surgery	Evaluator
Mr. Sherif S. Suleiman – Manager Anatomy, Faculty of Medicine & Surgery	Evaluator

Copies of the relevant and duly signed five (5) original 'Declaration of Impartiality Forms' are herewith attached in **Annexes C to G**.

2. Observers

No observers were present.

3. Evaluation

Preparatory session

The Chairman and Secretary checked the documentation for the proper approval of all members. The Chairman informed the Evaluation Board of the scope of the proposed contract, identified the organisations responsible for preparing the tender dossier, and summarised the essential features of the tender procedure to date.

Summary of tenders received

The summary of tenders received is attached to this report (**Annex A**)

The Procurement Directorate, immediately following the opening and scheduling of the offers received, published the offers received on the notice board of the Procurement Directorate.

A summary of the offers received follows herewith:

Number of Tenderer	Name of Tenderer
1	
2	
3	

a) Administrative

The Board then proceeded to administratively assess the offers according to the Administrative requirements that formed an integral part of the Tender Document.

The Board noted that the three (3) offers submitted by the three (3) tenderers submitted all the mandatory information as specified in the tender document, and the Board agreed that these offers were **administratively compliant** and could be assessed technically.

b) Technical

The Board then proceeded to technically assess the offers according to the technical requirements that formed an integral part of the Tender Document.

The Board went through the offer submitted by **Tenderer no:**Following a detailed discussion and review of the financial offer, the Board agreed that a clarification is required to confirm full technical compliance.

In this respect the Board agreed to seek Departmental Contracts Committee’s approval to send a query to tenderer.... **(Annex H)**. This clarification was approved by the DCC on the 24th February 2016 **(Annex I)** and was sent to the tenderer on the 1st March 2016 **(Annex J)**. The reply was duly received by the given end date **(Annex K)**.

The Board went through the reply from **Tenderer no: 1** –...and noted that although the tenderer in his reply to point “d” of the clarification sent, stated that the *“304 polished stainless steel is similar to the 304L grade stainless steel”*, he also stated that: *“In addition where applicable we use the US type 304L stainless”* thus confirming that tenderer is aware of the difference in the two types of stainless steel.

Furthermore, after consulting members of the staff within the Faculty of Engineering within the University of Malta, the Board is aware that the difference in the composition of the different types of steel, lies in the carbon element. In type 304 steel, the carbon content is 0.08% whereas in type 304L steel the carbon element is 0.03%. The lower carbon content in 304L minimizes deleterious carbide precipitation as a result of welding.

At this point the Board agreed that this offer is **technically not compliant** for the following reason:

- the stainless steel offered is of the **304 type** and not 304L as requested in clause “d” of the technical specifications forming part of the tender document which states that **“all stainless steel construction must be at least 304L”**.

The Board went through the offer submitted by **Tenderer no: 2...** Following a detailed discussion and review of the documentation submitted in their offer, the Board agreed that this offer is **technically not compliant** for the following reason:

- the stainless steel offered is of the **1.4301 type**, which is the equivalent of 304 stainless steel and not 304L as requested in clause “d” of the technical specifications forming part of the tender document which states that **“all stainless steel construction must be at least 304L”**.

The Board went through the offer submitted by **Tenderer no: 3 – ...** Following a detailed discussion and review of the documentation submitted in their offer, the Board agreed that this offer is **technically not compliant** for the following reason:

- the stainless steel offered is of the **304 type** and not 304L as requested in clause “d” of the technical specifications forming part of the tender document which states that **“all stainless steel construction must be at least 304L”**.

c) **Financial**

Subsequent to the above technical assessment, no financial assessment was necessary.

4. Conclusion

The Board recommends that this tender will not be awarded and it will be re-issued in the shortest time possible. These recommendations are presented to the Departmental Contract Committee for subsequent approval.

5. Signatures

	Name	Signature
Chairperson	Mr. Tonio Mallia	
Secretary	Mr. Carmel Falzon	
Members	Prof. Jean Calleja Agius	
	Dr. Pierre Schembri Wismayer	
	Mr. Sherif S. Suleiman	