

Contracts Circular N° 33/2006

Department of Contracts
Notre Dame Ravelin
Floriana

To Heads of Department
and Parastatal Bodies

25 July 2006

Discrimination in Tender Specifications

Heads of Department and Parastatal Entities should note that tender specifications should not include award criteria that appear to afford a clear and undue advantage to firms that have already operated in Malta, thereby discriminating against economic operators lacking specific regional / local working experience or professional experience in Malta.

Such terms as “regional and local working experience” and “professional experience in Malta” are not allowed since they go against the EU procurement directives which prohibit all discrimination between different suppliers, contractors or service providers.

Contracting Authorities should comply with all the fundamental principles of European Community law, and in particular with the principle of non discrimination and the principle of equal treatment of tenderers, at every stage of the procedure for the award of a public contract.

E. Zarb
Director General (Contracts)

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