

CT 5048/2013

Contracts Circular
No 08/2013
Department of Contracts
Notre Dame Ravelin
Floriana
3rd July 2013

Permanent Secretaries

Directors General

Directors

Heads of Public Sector Organisations

CHANGES TO TENDER DOCUMENTS

Reference is being made to OPM Circular 12/2013 dated 1st July 2013, and in particular to the obligations emanating from this circular with respect to service contracts.

In order to fulfil such obligations in respect of tenders which are currently under evaluation, Contracting Authorities are hereby obliged that tenderers recommended for award are to be requested to sign the attached declaration. Tenderers that refuse to do so are to be disqualified. Where there is the need to extend current service contracts, the contractor should also be obliged to sign and submit the attached form.

In respect of tenders which have not yet been published, Contracting Authorities are to ensure that the attached declaration replaces the contents of the form "Statement on Conditions of Employment" in the traditional templates (those which are not in the electronic public procurement system (epps)).

Contracting Authorities using the electronic public procurement system will need to use the new xml structure that has been uploaded on the www.etenders.gov.mt under 'Resources'.

These amendments are to become effective as from 1st July 2013.

Francis Attard
Director General (Contracts)

Statement on Conditions of Employment

1. I hereby declare that all employees engaged on this contract shall enjoy working conditions such as wages, salaries, vacation and sick leave, maternity and parental leave as provided for in the relative Employment Legislation. Furthermore, we shall comply with Chapter 424 of the Laws of Malta (Occupational Health and Safety Authority Act) as well as any other national legislation, regulations, standards and/or codes of practice or any amendment thereto in effect during the execution of the contract.
2. I hereby declare that no part of the services to be provided under this contract shall be sub-contracted.
3. I hereby declare that the service being provided under this contract will not be carried out by self-employed persons registered with the Maltese Authorities, but will be carried out solely by my employees. Self-employed personnel may be engaged as partners in a Joint Venture/Consortium.
4. I hereby declare that all my employees have a written contract of service and are registered with the competent authority of my country.
5. I hereby declare that my employees shall be given a detailed payslip containing all relevant details including the amount paid, normal hours worked, overtime hours, hours worked on Sundays and Public Holidays, hours availed of as leave or sick leave, a breakdown of bonuses/allowances as well as deductions made (such as social contributions and income tax).
6. I hereby declare that all the wages/salaries of my employees are paid only by direct payment in the employee's bank account
7. I hereby declare that during the execution of this contract, if and when requested by the Contracting Authority or the Director of Industrial and Employment Relations, I shall provide a copy of the contracts of service, payslips, FS3 forms and bank statement of wages/salaries deposits of any of my employees irrespective of whether such employees are employed on this contract for inspection.
8. I hereby declare that I shall submit to the Contracting Authority a list of the employees to be engaged on the contract after the award of the contract.
9. I hereby declare that if I am found in breach of any of the above declarations I accept that this contract will be terminated and that I will have no right to be compensated for any damage I may have suffered or will suffer in the future in respect to this termination.
10. I am hereby attaching the minimum hourly workers' costs for this contract and a breakdown of the employees' costs in global sum contracts.

Signature of Tenderer

I.D. No.

Date