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24 June 2014

## **QUALIFICATIONS OF KEY PERSONNEL IN SELECTION CRITERIA**

During the past months, the Government has continuously strived towards increasing opportunities in public procurement having identified that the role is instrumental in supporting economic growth, innovation and allowing greater access for SME participation.

To this end, late last year, the use of experience as part of the selection criteria in the procurement process was eliminated for tenders estimated below €500,000 excluding VAT as per Contracts Circular 19/2013 dated 19th December 2013. It is felt that the contents of the latter circular are also to be extended to the qualifications relevant to key experts. The guidance in this circular was designed to further enable individuals and newly emerging SMEs in competing for public contracts in relation to the requirement of key experts and their respective qualifications, in line with EU policy on increased SME participation in public procurement.

Therefore, in respect of sub-section 52(2)(e) of the Public Procurement Regulations, when requesting key experts in public tenders, it is reiterated that reference should be limited only to the educational and professional qualifications without requesting relevant experience. Furthermore Contracting Authorities should ensure that any qualifications set are relevant and proportionate to the circumstances of a particular contract. Qualifications are to be kept to the barest minimum possible for all professional services requirements within any of the three types of public procurement – works, supplies or services.

This implies that, for example, if an architect (perit) is required for a works contract, a warranted individual should satisfy as a key expert requirement without requesting further qualifications. This applies to all required professions such as doctors, nurses, civil engineers, technicians, archaeologists, restorers, notary services, legal services etc. With specific reference to trainers and lecturers, the qualifications are to be kept the lowest possible i.e. not exceeding an MQF Level 6 degree. Once again the principle of proportionality should prevail.

This guidance is to be implemented at all times by Contracting Authorities in accordance with the principles of EU law, and in a manner that is fully compliant with EU public procurement law, the local Public Procurement Regulations and other national circulars/guidelines.

The above applies to tenders below the threshold of €500,000 excluding VAT published by all the Contracting Authorities listed in Schedule 1 of the Public Procurement Regulations. All new tenders estimated below the threshold of €500,000 excluding VAT published after the 1st July 2014 are to invariably comply with the provisions of this circular.

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