

Department of Contracts  
Notre Dame Ravelin  
FLORIANA

To Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

30 November 2017

## **DEPARTMENTAL MODIFICATIONS (VARIATIONS) DELEGATION OF AUTHORITY**

In line with Regulation 111 (1) of S.L. 174.04, the Minister may allow that variations and the imposition or remission of penalties in respect of such contracts be approved by the Minister charged with responsibility for that Contracting Authority, who may delegate his authority in writing to the Parliamentary Secretary, the Permanent Secretary or the Head of the Contracting Authority.

Therefore, the Minister responsible for a Contracting Authority forming part of his/her portfolio, may delegate his/her authority to his/her Parliamentary Secretary, the Permanent Secretary or the Head of the Contracting Authority, for the approval of contracts' modifications (variations). If such a delegation be conveyed, this is to be recognised through official written communication. In this respect, such delegation of authority is to be established through the completion of a duly endorsed Delegation of Authority Letter. To this effect, at Annex 1, for ease of reference and necessary perusal, the Department of Contracts has prepared a 'Delegation of Authority Letter' template. A copy of any Delegations of Authority is to be submitted to the undersigned.

It is pertinent to note that the standard practice is to delegate this authority to the Permanent Secretary. However, as established in the said regulation, the Minister charged with responsibility for a particular Contracting Authority may choose to delegate this authority to the Parliamentary Secretary or the Head of the Contracting Authority.

Contracting Authorities are to be advised that the Delegation of Authority shall remain in force for a period of two (2) calendar years or until revoked by the Minister (responsible for the said Contracting Authority) prior to the lapse of the second year. In the eventuality that the delegation is to be extended past the two calendar years, prior to its lapse, a fresh Delegation of Authority Letter shall be submitted accordingly.

It is to be noted that since the departmental threshold is to be increased to €144,000 excluding VAT, as of 01 January 2018, any such delegation should be effective from this date. In addition, any previously approved Delegation of Authority is to be relinquished and superseded by means of the attached standard template.

Contracting Authorities are encouraged to submit any queries to the Department of Contracts' Customer Care Service on [info.contracts@gov.mt](mailto:info.contracts@gov.mt) or +356 21220212.

Anthony Cachia  
Director General (Contracts)

**Annex 1:**

**DELEGATION OF AUTHORITY LETTER  
TEMPLATE IRO DEPARTMENTAL  
MODIFICATIONS (VARIATIONS)**

Through this letter, the ‘Minister of [specify here the name of the Ministry]’, in terms of Regulation 111 (1) of the Public Procurement Regulations - S.L.174.04, delegates the authority herein described, to the Permanent Secretary / Parliamentary Secretary / Head of the Contracting Authority [choose as applicable] on the following terms and conditions:

1. The Permanent Secretary / Parliamentary Secretary / Head of the Contracting Authority [choose as applicable] may allow that modifications (variations) and the imposition or remission of penalties in respect of contracts be approved, on behalf of the Minister charged with responsibility for the following Contracting Authorities [specify/list all the Contracting Authorities within the remit of the said Ministry].
2. The contracts subject to this delegation are those relating to any works, services or supplies, the estimated value of which forms part of Article 9(1)(a) of S.L.174.04, thus, relevant to departmental tenders (i.e. procurement less than €144,000 excluding VAT).
3. The effective date of this delegation is [specify date – DD/MM/YYYY] and it shall remain in force for a period of two (2) calendar years or until revoked by the Minister prior to the lapse of the second calendar year.
4. The delegated authority is not subject to sub-delegation.
5. This delegation is made pursuant to the Public Procurement Regulations -S.L.174.04.

[signature]

[signature]

\_\_\_\_\_  
Name and Surname

Minister

[specify the name of the Ministry]

\_\_\_\_\_  
Name and Surname

Perm. Sec. / Parl. Sec. / Head of CA

[specify the name of the Ministry]

Date: \_\_\_\_\_