

Department of Contracts
Notre Dame Ravelin
FLORIANA

To Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

19 July 2019

PROCUREMENT FOR PROFESSIONAL SERVICES ACROSS ALL THE PUBLIC ADMINISTRATION

In line with Regulation 22(2)/39(2) of S.L. 174.04/S.L. 174.06 of the Public Procurement Regulations, Contracting Authorities can acquire works/services/supplies by using a Framework Agreement concluded by a Central Purchasing Body.

To this effect, the Department of Contracts has concluded a Framework Agreement through CT2114/2018, for the procurement of Professional Services, namely:

- Legal Consultant Services
- Architect & Civil Engineer Services (Perit)
- Mechanical Engineer Services
- Electrical Engineer Services
- Accountant Services
- Project Manager Services

Irrespective of the last signature date of each Framework Agreement Contract or the 'acceptance' date of the award on the Electronic Public Procurement System (ePPS), the Framework Agreement shall be valid for a period of three (3) years, commencing on 14 May 2019 and expiring on 14 May 2022.

Thus, all Contracting Authorities falling under Schedule 2, Schedule 3 and Schedule 16 are encouraged to avail themselves of this Framework Agreement.

Eligible Economic Operators

Further to the above, the Department of Contracts has shortlisted and signed a Framework Agreement with a number of Economic Operators as detailed below:

Professional Services	Economic Operator
Legal Consultant Services	Ganado Advocates Iuris Malta Advocates
Architect & Civil Engineer Services (Perit)	The Doric Studio Createit Studio Sandra Magro DTRCyaniMan JV MADE Studio Perit Edgar Caruana Montaldo
Mechanical Engineer Services	DTRCyaniMan JV
Electrical Engineer Services	DTRCyaniMan JV Engineering Expert
Accountant Services	BEAT Limited Nigel Scerri Romina Perici Ferrante PKF Malta
Project Manager Services	Perit Edgar Caruana Montaldo

Mini-Competitions for Specific Call-Off Contracts

In line with Regulation 173(1)(C)/145 of S.L. 174.04/S.L. 174.06, the Framework Agreement was performed for procurement instances whereby not all the terms governing the provision of the services were laid down apriori in the Framework Agreement. Therefore, Contracting Authorities opting to utilise this Framework Agreement shall publish a Procurement Call for the provision of any of the above-mentioned Professional Services, for the award of a Specific Call-Off Contract adopting the

Mini-Competition approach. Such Procurement Calls shall be issued using a restricted competitive procedure whereby competition is only re-opened amongst the shortlisted eligible Economic Operators party to the Framework Agreement.

Specific Call-Off Procurement Call

Each Mini-Competition Procurement Call shall adhere to the applicable Public Procurement Regulations. In addition, it shall be based on the same terms and conditions as applied for the award of the Framework Agreement. However, where necessary, more precisely formulated terms, and, where appropriate, other terms referred to in the Procurement Document for the establishment of the Framework Agreement may take place as long as they are in accordance with the procedure identified in Regulation 173(2)/145 of S.L. 174.04/S.L. 174.04.

A copy of the published Procurement Document for the establishment of the Framework Agreement through CT 2114/2018, may be accessed through Government's e-Procurement platform (Electronic Public Procurement System – ePPS).

It is to be noted that there are no limitations to the number of Call-Off Contracts each eligible Economic Operator is awarded, provided that the Economic Operator confirms upon bidding for each Call-Off procurement that one is in a position to entertain effectively and efficiently all the engaged services, across all the Public Administration, as applicable.

Award Criteria: The award criteria to be utilised shall be Price; the cheapest priced offer, which may be either fee-based or global price as the case may be. In the eventuality that a Contracting Authority receives equally-priced offers from different Economic Operators, the Contracting Authority shall request Economic Operators to submit a discounted price.

In addition, it is to be noted that, should the Recommendation for Award exceed the Estimated Procurement Value as documented on the Tender Originator's Form (ToF) of the Specific Call-Off, the Mini-Competition Procurement Call shall be cancelled.

Procurement Document Template: In order to assist, simplify and standardise the procurement process, the Department of Contracts has formulated a Template for the drafting of the Procurement Document to be utilised for the Mini-Competition Procurement Call.

All Contracting Authorities holding an ePPS account may access the said Template through the 'Resources' section of Government's e-Procurement platform (Electronic Public Procurement System – ePPS).

Publishing of a Specific Call-Off Procurement Call

A Specific Call-Off Procurement Call shall adhere to the applicable process as per the Public Procurement Regulations. The table below illustrates the authority responsible for publishing and administering the Specific Call-Off Procurement Call.

Estimated Procurement Value of the Specific Call-Off	Responsible Authority
<u>All Contracting Authorities</u>	
Less than or equal to €10,000 excl. VAT	Contracting Authority
<u>Contracting Authorities of Decentralised Ministries</u>	
More than €10K but equal to €250K excl. VAT	Ministerial Procurement Unit*
More than €250K excl. VAT	Department of Contracts*
<u>Contracting Authorities of Non-Decentralised Ministries</u>	
More than €10K but less than €144K excl. VAT	Contracting Authority
Equal to or more than €144K excl. VAT	Department of Contracts*
<u>Utilities Contracting Authorities</u>	
Between €10K but less than €443K excl. VAT	Contracting Authority
Equal to or more than €443K excl. VAT	Department of Contracts*

**For Specific Call-Off Procurement Calls published, administered and determined by the Department of Contracts or the Ministerial Procurement Unit, as the case may be, shall be on behalf of the Contracting Authority.*

Specific Call-Off Contract Agreements

Each Mini-Competition Procurement Call shall be awarded to the Economic Operator who submits the best offer satisfying the Technical and Financial criteria set out in the Procurement Document. Thereafter, all relevant signatories shall sign a Specific Call-Off Contract Agreement.

Upon submitting the signed Specific Call-Off Contract Agreement, the awardee shall provide the applicable Performance Guarantee (if applicable) to the Contracting Authority responsible for the procurement process within two (2) weeks from the date of notification. In absence, the award may be revoked.

Contractors shall not be able to exchange, transfer, or otherwise re-assign any Specific Call-Off procurement awarded to them or to other contractors in the Framework Agreement without the written consent of the Contracting Authority responsible for the procurement process.

Management of a Framework Agreement

In accordance to Regulation 29/48 of S.L. 174.04/174.06, when the Estimated Procurement Value was calculated, the value (net of VAT) taken into consideration included all the contracts envisaged for the total term of the Framework Agreement. Therefore, in order for the Department of Contracts to be able to conduct proper Contract Management, each Contracting Authority or Ministerial Procurement Unit (as applicable) shall provide basic details in relation to the signed Specific Call-Off Contract Agreement.

To this effect, an email clearly indicating in the 'Subject' the purpose of the submission, namely 'Professional Services Call Off Contracts', shall be forwarded to info.contracts@gov.mt whereby the following information is provided:

- Name of Contracting Authority and/or Name of MPU
- Procurement Title and Reference
- Awarded Procurement Value excl. VAT
- Name of Awardee
- Name of Professional Service (from the FWA)
- Commencement Date of the Specific Call-Off Contract
- Specific Call-Off Contract Duration

Contact

Contracting Authorities are encouraged to submit any queries to the Department of Contracts' Customer Care service on info.contracts@gov.mt or +356 21220212.

Anthony Cachia
Director General (Contracts)