

Department of Contracts  
Notre Dame Ravelin  
FLORIANA

To Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

23 June 2020

## **MODUS OPERANDI OF THE DEPARTMENT OF CONTRACTS AND PUBLIC PROCUREMENT PROCESSES IN VIEW OF POST-COVID-19**

Further to Contracts Circular 03/2020 (dated 17 March 2020), in view of the post-COVID-19 circumstances, below is the Modus Operandi that shall be adopted by the Department of Contracts for its Public Procurement Processes.

These guidelines are also to be followed by all Ministerial Procurement Units and Contracting Authorities.

### **Pre-Contract Phase**

- All **Clarifications / Corrigenda** required for tenders under publication will keep being approved internally via email. The uploaded Clarification / Corrigendum will be indicated as signed and then uploaded through the electronic Public Procurement System (ePPS) as per customary praxis.
- **Clarification Meetings** may be held, but it is still encouraged that these are held via web conferencing by providing the relevant links and details within the Procurement Documents. Clarification Meeting Minutes are to be circulated as usual via a Clarification Note.
- **Site Visits** may be held; the text in any applicable Procurement Documents shall read as follows:

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*Prospective bidders are encouraged to visit the site prior to submitting their offer and submit any related clarifications via the eProcurement platform. However, the applicable health protocols and guidelines issued by the local Health Authorities (or any other Authority) have to be followed and adhered to during the visit. In order to control the number of persons attending, interested bidders need to register in advance with the Contracting Authority on [INSERT EMAIL ADDRESS].*

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- **Opening of Electronic Tenders** shall continue remotely as scheduled.
- **Evaluation Committees** may convene. However, it is encouraged, that, since the Evaluation of the Tenders may be carried out remotely through the ePPS, each member shall continue to evaluate independently through the system.

All Evaluation Committee members may endorse the Evaluation Report and any subsequent Addenda through email and via the ePPS specifying that they are in agreement with the respective document. However, the signed hard copy of the Evaluation Report / Addendum shall be sent to the respective competent authority.

- The **Contract Agreement** procedures prior to COVID-19 Contracts Circular 03/2020 shall resume accordingly.
- The submission of Bank Guarantees, namely, the **Performance Guarantees**, the **Pre-Financing Guarantees** and the **Retention Guarantees** shall revert to the applicable procedures prior to COVID-19 Contracts Circular 03/2020.
- The **Departmental Contracts Committees** may convene, but it is still encouraged that, as necessary, such meetings are held via web conferencing, preferably through MS Teams. Meetings will be indicated as signed and circulated via email.
- **Recommendations for Award / Cancellation** are to proceed normally and Appeals Period granted as applicable.

## Post-Contract Phase

- **Modification Requests** are to continue as per usual procedure, hence, by providing justification, endorsement and attainment of relevant approvals electronically.
- Approved **Addenda / Corrigenda to the Contract** will be circulated via email to the Contractor who must sign it and thereafter send a coloured scanned copy by return email.

## Remedies

In the eventuality of a notification that a **Remedy before Closing Date of a Call for Competition** has been lodged, the Ministerial Procurement Unit / Contracting Authority concerned shall continue to follow the instructions conferred by the Public Contracts Review Board (PCRB).

On the other hand, Recommendations for Award / Cancellation are to proceed normally. The template letter to be sent to unsuccessful tenderers indicating their **Right of Appeal** shall continue to include the following text replacing the previous procedure:

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*If you intend to object to this decision, the Public Procurement Regulations allow for an official objection which in this case has to be lodged electronically with the Public Contracts Review Board by sending an email on: [info.pcrb@gov.mt](mailto:info.pcrb@gov.mt) by noon of [INSERT DATE] against a deposit of € [INSERT VALUE OF DEPOSIT].*

*Payments are to be made through bank transfer in terms of the following details:*

<i>Name of Account Holder</i>	<i>Cashier Malta Government</i>
<i>Name of Bank</i>	<i>Central Bank of Malta</i>
<i>Address of Bank</i>	<i>Castille Place, Valletta</i>
<i>Account Number</i>	<i>40001EUR-CMG5-001-H</i>
<i>BIC</i>	<i>MALT MT MT</i>
<i>IBAN Code</i>	<i>MT55MALT011000040001EURCMG5001H</i>
<i>Bank Code</i>	<i>01100</i>

*The official schedule can be accessed on the website: [www.etenders.gov.mt](http://www.etenders.gov.mt).*

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Therefore all future objections by Economic Operators, whether prior the closing of a call for competition or as indicated in the letter to unsuccessful tenderers, are to be filed electronically on [info.pcrb@gov.mt](mailto:info.pcrb@gov.mt) against payment as per above bank details.

## **Contacts**

Contracting Authorities are encouraged to submit any queries to their respective Ministry's Procurement Section or to their Ministerial Procurement Unit (MPU), as the case may be.

In addition, Contracting Authorities, Economic Operators and the General Public may also submit any requests on the following generic email addresses which are to be utilised as follows when contacting the Department of Contracts:

General queries and submission of new tenders for vetting/requests by all Ministerial Procurement Units/Contracting Authorities	<a href="mailto:info.contracts@gov.mt">info.contracts@gov.mt</a>
Queries related to the electronic Public Procurement System (ePPS)	<a href="mailto:etenders@gov.mt">etenders@gov.mt</a>
Compliance matters including statistical returns	<a href="mailto:compliance.contracts@gov.mt">compliance.contracts@gov.mt</a>
Modifications	<a href="mailto:variations.contracts@gov.mt">variations.contracts@gov.mt</a>

Direct telephone lines at the Department of Contracts shall continue to be active as usual. On the other hand, the generic line of the department is +356 21220212.

Due to the special circumstances currently prevailing, the cooperation of those involved in the management of Public Procurement is solicited in order to ensure a smooth continuation of business processes.

Anthony Cachia  
Director General (Contracts)