

Department of Contracts
Notre Dame Ravelin
FLORIANA

11 March 2021

To Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

SECTORAL PROCUREMENT DIRECTORATE

Legal Notice 56 of 2021 brings into force various changes in the Public Procurement Regulations S.L. 601.03 took place. Contracting Authorities and Public Procurers are solicited to familiarise themselves with the said Legal Notice effective as of the 15 March 2021.

The updated consolidated Public Procurement Regulations S.L. 601.03 may be accessed through the website <https://legislation.mt/>.

The main changes are as follows:

1. Contracting Authorities not listed under any Schedule

Contracting Authorities are hereby being informed that in terms of Regulation 18, any Contracting Authority not listed under any Schedule shall now automatically fall under Schedule 16. Annex I attached to this circular includes a list of the Contracting Authorities forming part of Schedule 16.

2. Establishment of the Sectoral Procurement Directorate

The Ministerial Procurement Units (MPUs) shall be replaced by Sectoral Procurement Directorate (SPD) within the Office of the Prime Minister (OPM). The Sectoral Procurement Directorate shall be responsible for the administration, evaluation and recommendation (on behalf of Contracting Authorities listed under Schedule 16) of Calls for Tenders published under an Open or Restricted procedure where the Procurement Estimated Value of such calls exceeds ten thousand euro (€10,000) excluding VAT, but does not exceed the threshold of seven hundred and fifty thousand euro (€750,000) excluding VAT.

The Sectoral Procurement Directorate shall be responsible for the allocation of the resources that are necessary for the processing of the tenders per Contracting Authority and in general the carrying out of its duties. Annex I directs the Contracting Authorities on how they are to communicate with the SPD.

3. Director Sectoral Procurement

The Director Sectoral Procurement shall be responsible for the administration and management of the said Sectoral Procurement Directorate. In line with Regulation 79(2), the functions of the Director Sectoral Procurement shall be:

- (a) to ensure that these regulations are abided by;
- (b) to observe and abide by any instruction issued by the Director of Contracts;
- (c) to ensure that each contracting authority listed under Schedule 16 is assisted in the publication of a call for tenders issued under the open or restricted procedure;
- (d) to manage and administer the Sectoral Procurement Directorate;
- (e) to monitor the procurement activities of contracting authorities listed under Schedule 16, as administered and managed by the Sectoral Procurement Directorate, with the aim of ensuring timely processing and award of such calls;
- (f) to provide information and guidance to contracting authorities listed under Schedule 16, whilst ensuring that such information and guidance are aligned with direction, policies and instructions given by the Director of Contracts;
- (g) to publish, unless otherwise provided for in these regulations, through Government's e-procurement platform, as well as open in public, all calls for tenders with an estimated value which does not exceed seven hundred and fifty thousand euro (€750,000);
- (h) to take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators;
- (i) to indicate in their procurement documents that the award of the contract is subject to the review procedure as set forth in these regulations and to include an extract of the relevant part of the appeals process in the said documents for the guidance of economic operators;
- (j) to inspect and approve, with or without amendments, tender documents, before these are issued and published;
- (k) to publish every six (6) months in the Government Gazette the following:
 - (i) a list of contracts recommended for award by the Sectoral Procurement Directorate;
 - (ii) a list of modifications to contracts which exceed the contract value by more than five percent (5%) provided that the estimated value of the call exceeds

ten thousand euro (€10,000) but is below one hundred thirty nine thousand euro (€139,000);

- (iii) a list of all modifications to contracts which had an estimated value meeting or exceeding one hundred thirty nine thousand euro (€139,000) but not exceeding seven hundred and fifty thousand euro (€750,000);
- (l) to forward the recommendations for the award of contracts to the Departmental Contracts Committee;
- (m) to make recommendations in the name of the contracting authorities according to what is provided for under these regulations;
- (n) to consider an extension or the cancellation of a procurement procedure; and
- (o) to send a copy of the contract to the Director of Contracts when he so requests.

The Director Sectoral Procurement may decide to cancel any Procurement Procedure even if an Evaluation Process has not been concluded by the end of the Validity Period of the submitted bids.

4. Contract Agreement and Management

Although the Sectoral Procurement Directorate is responsible for the management of certain Procurement Procedures (on behalf of Contracting Authorities listed under Schedule 16) up to the relevant threshold, pursuant to Regulation 79(4) of S.L. 601.03, the contracts which result from a Call for Tenders published by the Sectoral Procurement Directorate shall be signed by the Head of the Contracting Authority or another person who is delegated by him in writing on whose behalf the call has been published. Moreover, Contract Management is the sole responsibility of the Contracting Authority.

5. Departmental Contracts Committee

Further to the revised threshold remit of the Sectoral Procurement Directorate, in case of Call for Tenders published by the said directorate, the Departmental Contracts Committee's responsibility shall increase to Procurement Procedures that have an Estimated Procurement Value which does not exceed seven hundred and fifty thousand euro (€750,000) excluding VAT.

Procurement Documentation

In order to assist Contracting Authorities to fully adhere to the requirements emanating from the applicable regulations as well as standardise procurement documentation, the Department of Contracts shall be updating the relevant Standard Operating Procedures,

Guidance Notes, Procurement Policy Notes, e-Templates and any other Procurement Policy Documentation, thus, reflecting the changes ensued in the Legal Notice 56 of 2021.

Until the aforementioned exercise is concluded, Contracting Authorities are to take note that any reference to the Ministerial Procurement Units is being replaced by the Sectoral Procurement Directorate, *mutatis mutandis*.

Contact

Contracting Authorities may submit any queries to the Office of the Director Sectoral Procurement on +356 22001905/8. Alternatively, guidance can be sought through the Ministry's Procurement Section or with the Sectoral Procurement Directorate.

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

Anthony Cachia
Director General (Contracts)

ANNEX 1

Communication with Sectorial Procurement Directorate

Education and Employment Email: spd1.opm@gov.mt Contact Number: 25982411	
Ministry for Education/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for Research, Innovation and the Co-Ordination of Post COVID-19 Strategy/ Permanent Secretary's Office/ Department responsible for Corporate Services
Aġenzija Żgħażaġh	Malta Collage of Arts, Science and Technology (MCAST)
Education Malta	Malta Council for Science and Technology
Employment Commission	Malta Further and Higher Education Authority
English Language Teaching Council	Malta Libraries
Esplora	Malta National Commission for UNESCO
Examinations	Mediterranean Academy for Diplomatic Studies
Foundation for Educational Services	National Book Council
Foundation for Tomorrow's Schools	National Employment Authority
Industrial and Employment Relations	National Literacy Agency
Institute for Education	Office of the Commissioner for Voluntary Organisations
Jobs Plus	SportMalta
Junior Collage	University of Malta

Home Affairs and Tourism Email: spd2.opm@gov.mt Contact Number: 25689321	
Ministry for Home Affairs, National Security and Law Enforcement/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for Tourism and Consumer Protection/ Permanent Secretary's Office/ Department responsible for Corporate Services
Academy for Discipline Forces	International Protection Agency Tribunal
Agency for the Welfare and Asylum Seekers	Institute for Tourism Studies
Armed Forces of Malta	Local Enforcement Systems Agency
Aviation Security	Malta Electronic Certification Services Ltd (MECS)
Civil Protection Department	Malta Film Commission
Commissioner for Refugees	Malta-Libya Co Ordination Centre
Community Malta Agency	Malta Residence Visa Agency
Conventions Malta	Malta Secret Service
Correctional Services Agency	Malta Tourism Authority
Critical Infrastructure Directorate	Medicines Authority
Defence Matters Directorate	Mediterranean Conference Centre
Department of Probation and Parole	National Coordinating Committee on Combating Money Laundering and Funding Terrorism
Detention Services	Office of the Regulator IIP
Film Finance Malta Ltd	Police Department
Foundation for Tourism Zone Development	Safe City Ltd
Identity Malta	Victim Support Agency

MGOZ	
Email: spd3.opm@gov.mt	
Contact Number: 22156272	
Ministry for Gozo/ Permanent Secretary's Office/ Department responsible for Corporate Services	
Corporate Services Directorate	Office of the Chief Information Officer (Gozo)
Cultural Heritage Directorate	Operations Division Gozo
EcoGozo Directorate	Policy Development and Implementation Directorate
Gozo Channel (Holdings) Ltd	Rural Gozo Directorate
Gozo Channel (Operations) Ltd	Services Gozo Directorate
Gozo Fibre Optic Cable Co Ltd	Strategy and Support Division
Gozo Heliport	Tourism and Economic Development Directorate
Gozo Regional Development Authority	Wild Birds Regulations Unit
Maintenance and Restoration Directorate	

Inclusion, Equality and Social Welfare	
Email: spd4.opm@gov.mt	
Contact Number: 25903529	
Ministry for Social Justice and Solidarity, the Family and Children's Rights/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for Social Accommodation/ Permanent Secretary's Office/ Department responsible for Corporate Services
Ministry for Senior Citizens and Active Ageing/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for Inclusion and Social Wellbeing/ Permanent Secretary's Office/ Department responsible for Corporate Services
Aġenzija Appoġġ	National Commission for the Promotion of Equality for Men and Women
Aġenzija Support	National Commission on Active Ageing
Commission for the Rights of Persons with Disability	National Development and Social Fund Agency
Commission on Gender Based Violence and Domestic Violence	Office of the Commissioner for the Children
Department of Active Ageing and Community Care	Office of the Commissioner for the Older Persons
Foundation for Social Welfare Services	Sedqa
Housing Authority	Social Care Standards Authority
Housing Maintenance and Embellishment Co Ltd	Social Project Management Ltd
Human Rights Directorate	Social Security Department
Income Support and Compliance Division	St Vincent de Paul Residence (SVPR)
Leap	Welfare Committee
Malta Foundation for the Wellbeing of Society	

Justice, Culture and Regional Affairs	
Email: spd5.opm@gov.mt	
Contact Number: 23279085	
Ministry for Justice, Equality and Governance/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for the National Heritage, the Arts and Local Government/ Permanent Secretary's Office/ Department responsible for Corporate Services
Arts Council Malta	Malta Council for Culture and Arts
Asset Recovery Bureau	Malta International Contemporary Arts Space
Attorney General	Malta Mediation Centre
Kottonera Foundation	Manoel Theatre
Court Services Agency	National Archives
Department for Local Government	National Orchestra
Festivals Malta Agency	Notary to Government
Fondazzjoni għaċ-Ċelebrazzjonijiet Nazzjonali Maltin	Permanent Commission against Corruption
Fondazzjoni Ċentru għal Kreattività`	Restoration Directorate
Fondazzjoni Patrimonju Malti	Spazju Kreattiv (St James Cavalier)
Heritage Malta	Superintendence of Cultural Heritage
Information and Data Protection Commissioner	State Advocate
Justice Department	Valletta Cultural Agency
Legal Aid Malta	Żfin Malta
Malta Arbitration Centre	

Transport and Energy	
Email: spd6.opm@gov.mt	
Contact Number: 22927454	
Ministry for Transport, Infrastructure and Capital Projects/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for Energy, Enterprise and Sustainable Development/ Permanent Secretary's Office/ Department responsible for Corporate Services
Authority for Transport in Malta	Malta Air Traffic Services Ltd
Automated Revenue Management Services Ltd	Mediterranean Offshore Bunkering Co Ltd
Building Industry Consultative Council	Melita TransGas Co Ltd
Building Regulation Board	Office of the Chief Information Officer (MTIP)
Building and Construction Agency	Petromal Co Ltd
Bureau of Air Accident Investigation	Projects Malta
Energy and Water Agency	Projects Plus Ltd
Engineering Resourcing Ltd	Property Malta Foundation
International Energy Service Centre	Property Management Services Ltd
International Engineering Service Ltd	Public Works Department
Joint Office	Regulator for Energy and Water Services
Land Registration Agency	Strategy and Support Services Division
Lands Authority	Yachting Malta Ltd

Finance, Economy, OPM and Foreign Affairs Email: spd7.opm@gov.mt Contact Number: 25998288	
Ministry for Finance and Employment/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for the Economy and Industry/ Permanent Secretary's Office/ Department responsible for Corporate Services
Office of the Prime Minister/ Principal Permanent Secretary/ Permanent Secretary's Office/ Department responsible for Corporate Services	Minister within the Office of the Prime Minister/ Permanent Secretary's Office/ Department responsible for Corporate Services
Ministry for Foreign and European Affairs/ Permanent Secretary's Office/Department responsible for Corporate Services	
Board of Management and Administration of the Office of the Arbiter for Financial Services	Malta Business Registry
Broadcasting Authority	Malta Communications Authority
Casma Ltd	Malta Competition and Consumer Affairs Authority
Central Bank of Malta	Malta Development Bank
Central Business District Foundation	Malta Digital Innovation Authority
Commerce Department	Malta Enterprise
Continental Shelf Department	Malta Financial Services Authority
Cooperatives Board	Malta Gaming Authority
Customs Department	Malta Space Task Force
Department of Information	Malta Statistics Authority
Directorate Sectorial Procurement	Malta Stock Exchange
Electoral Office	Malta Council for Economic and Social Development
eSkills Malta Foundation	Malta – EU Steering and Action Committee Agency
European Union Programme Agency	Management Efficiency Unit
Finance Malta	National Blockchain Strategy Foundation
Financial Intelligence Analysis Unit	Planning and Priorities Co-ordination Division
Financial Services Tribunal	Public Broadcasting Services Ltd
Foundation for Information Technology Accessibility	Public Contracts Review Board
Funds and Programmes Agency	Public Service Commission
Gaming Malta Foundation	Privatisation Unit
Government Printing Press	Resource Support Services Ltd
Institute for the Public Services	Responsible Gaming Foundation
Internal Audit and Investigation Directorate	Servizz.gov Agency
IP Holding	Start-up Malta Foundation
Kordin Grain Terminal Co Ltd	Trade Malta
Malpro Ltd	Treasury Department

Environment, Agriculture and FisheriesEmail: spd8.opm@gov.mt

Contact Number: 23316339

Ministry for the Environment, Climate Change and Planning/ Permanent Secretary's Office/ Department responsible for Corporate Services	Ministry for Agriculture, Fisheries, Food and Animal Rights/ Permanent Secretary's Office/ Department responsible for Corporate Services
Agriculture and Rural Payments Agency	Pitkalija Ltd
Ambjent Malta and Parks	Planning Authority
Animal Health and Welfare Department	Plant Protection Directorate
Cleansing and Maintenance Department	Public Abattoir
Department of Fisheries and Aquaculture	Resources, Recovery and Recycling Agency
Environment and Resources Authority	Rural Affairs Department
Governance of Agricultural Bioresources Agency	Tisbiħ Malta
Malta Resources Authority	WasteServ (Malta) Ltd
Office of the Chief Information Officer (MAFA)	