

CT 2225/2012

24 February 2014

To all Prospective Bidders:

Corporate Financial Management Solution for the Government of Malta.

Clarification Number 3

Reference is made to the above-mentioned tender with closing date being 10th April 2014 at 10.00hrs.

Enclosed herewith please find the clarification meeting minutes as well as other clarification requests as posed by potential bidders; which are construed to form an integral part of the Tender Document.

CFMS Clarifications during Briefing Session (Clarification meeting held on the 29th January 2014):

Question 1: Can you explain how the technical section will be evaluated?

Reply 1: The tender has a lowest cost award criteria, however the technical section is split into two:-

- The Mandatory Section - The Tenderer needs to meet all requirements within the Mandatory Section. Non compliance to one or more of these requirements will result in disqualification. The Tenderer is not to answer any of the questions with a Yes 'but' answer. This section should only contain a compliance answer, otherwise it will result in disqualification.
- The Technical Requirements - The Technical Requirements will be evaluated in accordance with the marks allocated for each criteria. In order for the Tenderer to proceed to Package 3, the thresholds detailed in Article 29.4 of Volume 1, Section 1 of the Tender document has to be met. Failure to meet these thresholds will result in disqualification. The marks for this section will not be carried forward to the evaluation of the financial criteria.

Question 2: The Bid Bond's validity is of how long?

Reply 2: The Bid Bond's validity should be of 18 months from the closing date of the tender, and therefore valid up to the 10th October 2015. This was explicitly addressed in Clarification 2 issued on the 31st January 2014.

Question 3: How can we fill in the Tender if only a pdf version has been uploaded.

Reply 3: A word format version was provided by the Department of Contracts together with Clarification 2. The Tenderer is only required to submit the required documents and response sections as detailed in the Tender, and does not need to submit the other documentation within the tender document.

Question 4: Since the closing date of the Tender has been extended, will the clarification period be extended as well?

Reply 4: Yes, as already indicated in Clarification 2, the clarification period will be extended. The dates are as follows:

- Deadline for request for any additional information from the Contracting Authority 25th March 2014 23.45hrs
- Last date on which additional information are issued by the Contracting Authority 4th April 2014 17.00hrs

Question 5: Form 1.4.3.1 Declaration of Individual Experts states that the Candidate is making a declaration that he is not a candidate to any other Tenderer submitting a tender to this tender procedure. However in Article 7.4 of Volume 1, Section 1, a subcontractor can be present in more than one tender submissions. This is contradicting since a sub contractor can be one of the Key Experts as well. Kindly clarify.

Reply 5: As per the same Article 7.4 please note that "A company may act as a sub-contractor for any number of Tenderers, and joint ventures/consortia, *provided that it does not participate individually or as part of a joint venture/consortium, and that the nominations do not lead to a conflict of interest, collusion, or improper practice.*"

Question 6: The Tender Form requests that the Tenderer (if a joint venture/consortium) is to list each partner and the proportion of responsibilities from the work being done by the Joint Venture / Consortium (in total of a minimum of 60%). The Tenderer can also nominate sub contractors further below in the form (in total of a maximum of 40%). There is a note stating that the "Proposed proportion of responsibilities between partners (in %) with indication of the type of the works to be performed by each partner (the company acting as the lead partner in a joint venture/consortium, they must have the ability to carry out at least 50% of the contract works by its own means. If a company is another partner in a joint venture/consortium (i.e. not the lead partner) it must have the ability to carry out at least 10% of the contract works by its own means)" Meaning that from the minimum 60% of the total works to be performed by the Consortium, the lead bidder is to carry out 50% of the total works done by the Consortium. Kindly clarify whether the total works relate to the total responsibility (supply and services) provided by the Consortium or whether the "works" mean the actual service/effort provided by the Consortium.

Reply 6: From the minimum 60% of the total works to be performed by the Consortium, the lead bidder is to carry out 50% of the contract works done by the Consortium. The contract works relate to the actual requirements falling under this procurement.

Question 7: On page 113 of the tender documents it is stated that "The proposed Solution is to be of an Enterprise Resource Planning (ERP) category of International Standard that has been implemented in at least one European Union member state other than Malta, within an organisation comparable to the Malta Government as outlined in Volume 5, Section 1A and Section 1B." This requirement affects the ability for companies outside the EU with proven public financial management solutions that have been implemented in organizations comparable to the Malta Government, to participate

in the bidding process. We request that the requirement for the proposed solution to have been "implemented in at least one European Union member state other than Malta" be modified to include similar experience in countries outside the European Union or that the requirement be considered a scored or rated component and not grounds for disqualification.

Reply 7: The requirement 14c in Volume 3, Section 1 is to remain as originally published in the tender.

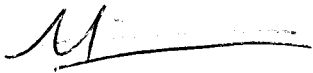
Other Clarifications as posed by tenderers through info.contracts@gov.mt :

Question 8: Please provide a definition for 'Contracting Authority', 'The Contracting Authority' and 'Central Government Authority' referred to in the Glossary Section (Volume 1, Section 5).

Reply 8: Both 'Contracting Authority' and 'The Contracting Authority' refer to the final beneficiary of the tender, in this case being the Ministry of Finance. The term 'Central Government Authority' refers to the Department of Contracts.

Any pending clarification requests will be addressed shortly through the next set of clarifications.

All other tender documents, conditions and requirements, which are not superseded by this Clarification, remain in place.



Ms. Lorraine Mangion Duca
f/Director General (Contracts)