

CT2123/2014

18 September 2014

To all prospective bidders,

Clarification Note Number 2

Framework Agreement, for the execution of Responsive Structural and other Repair Works in Government Tenements in different localities in Malta and Gozo

Reference is made to the above-mentioned Tender, for which deadline for submission of offers is the 21st October 2014 at 10.00am.

Please find below replies to requests for clarifications received which are construed to form an integral part of the Tender document.

Clarification Meeting Minutes

Minutes of Meetings - MALTA

Site: Conference Hall, Malta Enterprise

Date: 09 & 10th September 2014 at 10:00am

Attendees: Housing Authority Representatives and prospective bidders and/or their representatives.

The following was discussed during the meetings held:

The scope of the seminars was to provide an overview of the mechanism of tenders with a specific focus on the tender 'The Execution of Responsive Structural and Other Repair Works in Government Tenements in different localities in Malta and Gozo' (CT File Re: CT 2123/2004).

The attendees were informed that the works shall be carried out in Government property including apartments and common parts in various localities in Malta and Gozo.

A presentation showing how interested bidders may access the document from the website of the Department of Contracts (www.contracts.gov.mt/tenders) was given.

Bidders were informed that they have to register their details online on info.contracts@gov.mt. The questions are replied to each bidder and not just to the one who posed the question, provided that all the bidders have registered online.

The rates of each of the items in the Bill of Quantities are already established by the Housing Authority and bidders will be accepting these rates in submitting their offer.

All bidders who submit their offer shall be committed to carry out all the works mentioned in Volume 4 – Schedule of Rates and shall have the personnel available as mentioned in Form 6 – Overview of Tenderer's Personnel. Otherwise, bidders have the option for subcontracting, which amounts to 80%, to make up for all the trades and/or personnel required.

There is no fixed value or limit for the works allocated to every contractor as this depends on the number of successful bidders who are engaged in this framework agreement. This also depends on how quick the contractor completes the job orders assigned to him/her satisfactorily. However, a budget of €1 million for the works is envisaged for every year.

Information on submission of tenders was provided.

Bidders must make sure that they have appropriate and valid licenses for certain trades where applicable.

Bidders must submit the technical specifications of the required products in the Literature - Form 8.

Successful bidders shall sign a contract with the Department of Contracts in which they are bound to abide by all the conditions stated in this contract agreement.

A bank guarantee of €1,000 is effective for additional two (2) years after expiry of the contract which will be used to make good for any defects that may arise during this period. It will be released if no defects are found in the works completed and certified by the Housing Authority.

Following the signing of the contract agreement, bidders shall liaise with the Housing Authority for any matter regarding this Framework Agreement.

Contractors shall not assign any given task/s to other contractors in the same Framework Agreement for any reason.

Upon completion of works, the contractors shall send an email to the project leader and copy the executive head and procurement with the date of completion of works. An email shall also be sent in cases where an extension of time would be required. In such circumstances, a justification for the extension/delay and required amount of extension shall also be sent through an email to the above-mentioned officers/section.

The attendees were informed that the Malta Enterprise is organising one-to-one meeting for those interested bidders who may find difficulties in the filling in of the document. The Malta Enterprise may be contacted on 144 or by email info@businessfirst.com.mt.

Minutes of Meeting - GOZO

Site: Ministry for Gozo

Date: 11th September 2014 at 10:00am

Attendees: Ing. Caruana, Malta Enterprise and prospective bidders.

The following was discussed during the meeting held:

The intention of this presentation which was held at the Ministry for Gozo on Thursday, 11th September, 2014, was to provide an overview of the mechanism of tenders with a specific focus on the tender 'The Execution of Responsive Structural and Other Repair Works in Government Tenements in different localities in Malta and Gozo' (CT File Re: CT 2123/2004).

Ing. Caruana made it clear that the tender is available online and that it is extremely important to adhere to and include all the requested information in the tender. In view of this fact, he invited the participants to print out the tender document, go through it carefully and in case of any problems they could send their queries through an email to the department concerned in due time.

He claimed that 7 steps are required for the tender process to be complete. The tender is issued and then the review of the tender and clarifications take place. Tenders are then submitted which is followed by the opening of the tenders. The Board selects the bidder/s. The participants will be able to appeal for an established period of time following which the signing of the contract takes place.

The tender is issued. It can be found online and there is a period of time during which one can ask questions. The questions are replied to each bidder and not just to the one who posed the question, provided that all the bidders have registered online on info.contracts@gov.mt. However there is a deadline for the questions which normally is two weeks before the tender is closed.

Once the tender is closed, the names and their respective costs are published. However in this case, all the bidders who qualify for these works are going to be chosen and the projects are divided amongst all these qualifying bidders.

Yet those who do not qualify have an appeal's period to check why they have not been selected. This comes at a cost and normally this will amount to a percentage of the tender. The bidder can take a lawyer and/or an architect to assist them in their case. However, the decision still remains at the discretion of the board.

To find this particular tender, one has to Google Dept of Contracts Malta,

- click on View Tenders tab,
- click on Filter Tenders tab (Procurer – Housing Authority; Keyword-repairs; No of tender – CT 2123/2014)
- click on More Details tab to get the tender document and the notice to tenderers document.

Ing. Caruana has also highlighted some important issues which the bidders need to consider. First of all the bidder needs to register online. Moreover clarifications will be available to view/download from www.contracts.gov.mt/tenders. Another important thing is the closing date, which in this case is 21st October 2014 at 10hrs in the morning. This tender is free of charge and there is no Bid Bond required, which was described as the guarantee required till the processing of the tender. In this tender, some details have already been inputted. Therefore in this case, the only thing which the bidder needs to do is to agree to do the work required at the fixed price which has been established by the Authority concerned.

Another issue which has been tackled regarded the tasks required by Contractors. These were of utmost importance since some of these things take time and their respective permits and licenses need to be attached to the document in order for them to be eligible. For instance, a truck which is used to carry trash needs to be licensed accordingly. Moreover, it is of the utmost importance to abide by and adhere to health and safety regulations. All the bidders should be aware of these rules since they should already apply them to their day-to-day business. Yet they still need to check and ensure that they will apply them accordingly, such as hard hats and safety shoes to mention a few. Apart from Health and Safety, there is also the Environment Management Construction Site Regulations which can be collected from the MEPA offices such as requirements for scaffolding. Construction and finishing of works also known as the job content relate to the period of time, place and cost which all need to be according to the signed agreement. The work conducted has to be guaranteed for two years, during which the contractor can be asked to do the work again if it has not been done properly. Site upkeep is also important since one has to clean up once he completes the work. It is also the responsibility of the contractor to carry out any remedial measures to the completed works such as adequate signage. Eg. In case tiles have just been laid to prevent people from stepping on until it is ready to be used.

Works to be covered by this tender relate to general construction and finishing of work in occupied residential premises and common areas of apartment blocks, repair and replacement work and any ancillary work required, and all this work is to be conducted under the direct supervision of the

architect appointed by the Housing Authority. The execution of the works need to take place between 7am and 4pm, from Monday to Saturday, inclusive of both days.

To be eligible for this particular tender, the bidder needs to be able to do all the work within a particular building, and therefore this may call for a consortium or a joint venture or sub contracting. The main contractor has to be able to do at least 20% of the works and the other 80% can be sub contracted. In case of a consortium or a joint venture there are certain things which one has to do. For instance, a representative of the consortium or the joint venture has to be chosen in the presence of a notary. This will ensure a smoother and better communication between the consortium/joint venture and the authority. Joint ventures and consortia have to remain active till the end of the working period.

Job Orders may also be awarded on a rotation basis. In this case it is extremely important that the job is done according to agreement since if less is done they will not pay the contractor as much as he should have been and on the other hand, if he does more, he will have to incur the burden of the extra costs himself. The Framework Agreement shall run for a minimum of 2 years and a maximum potential extension to 3 years. The General and Special Conditions can be downloaded from www.contracts.gov.mt/conditions.

Technical Specifications have also been dealt with. It has been stressed the importance to adhere to all the requested requirements and specifications. For instance, the paint if it is going to be used on the exterior it has to be specified. Ing Caruana also made reference to the point that if Pantone Colour 25 is for the exterior has been established by the Housing Authority, then that has to be used and if the phrase differs due to different brands of paint, then the shop needs to give you in writing that it is equivalent.

Specifications from other non-English speaking countries need to accompanied by an accurate translation in English. Currencies need to be in Euro inclusive of all costs incurred. Tenders need to be handed in as a hard copy, one original and one copy, in two individually sealed envelopes enclosed in another envelope. The only information which need to be on the envelopes relate to the department of contracts address, reference (advert number and ct file number) and name of tenderer. It could be submitted either by hand or through registered mail.

There are 12 forms to be filled in. These include also technical details such as the representative of health and safety, the list of employees who will embark on this project, the list of tools and equipment to be utilised, literature of material as provided by the supplier and green public procurement declaration.

The validity of the tender is of 150 days. The Authority can ask the bidders if they would like to apply an extension in which the tenderer may not modify his Tender. However, the latter may decide not to accept the extension and this will mean that he will not be awarded any works from this tender.

Clarifications

Question 1:

With reference to tender in caption please further clarify if bidders can limit their bid to works to be carried out in Malta or Gozo?

Answer 1:

Tenderers shall not limit their bid to Malta or Gozo; work shall be carried out in both Malta and Gozo.

Question 2:

Clause 15.1d - shall individual envelopes (for copy and original tender) contain the same information as the outer envelope.

Answer 2:

Yes individual envelopes for copy and original tender must contain the same information as the outer envelope.

Question 3:

Clause 15.1d - What is the reference to the invitation to tender - is it the CT number?

Answer 3:

The reference for the invitation to tender is CT2123/2014.

Question 4:

Clause 1.1 states that rectifications to sub clauses 16.1 a-e shall be submitted within 2 working days from notification whereas Clause 30.2 states that they shall be submitted within 5 working days. Which one is correct?

Answer 4:

Clarifications/rectifications should be submitted within 5 working days.

Question 5:

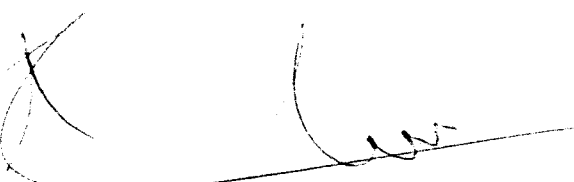
Ref for payments if we finish a lot ,does we need to wait as per(Article 43: Payments: General Principles) Do we have to wait this long term between 1 month and 60 days to get paid ,how we are going to continue other lot without being paid for the last one .

If work is certificate and measured by arch why wait for a month or 60 days? Can arch work they bill in 1-2 weeks to continue with other works without getting stopped.

Answer 5:

As soon as the works are completed, the contractor is advised to send an email to the Project Leader copying the Procurement Section and Executive Head to commence the procedure for the verification of the completed works and to issue a new job order. Article 43 states the HA's maximum period of time (60 days) to issue a payment however the Authority has the intention to expedite payments as soon as possible and much earlier than the maximum stated period.

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



Anthony Cachia
Director General (Contracts)

