



IMPORTANT NOTICE TO PROSPECTIVE BIDDERS

PROSPECTIVE BIDDERS ARE TO REGISTER THEIR RESPECTIVE CONTACT DETAILS AT INFO.CONTRACTS@GOV.MT SO THAT ANY CLARIFICATIONS / COMMUNICATIONS PERTAINING TO THIS TENDER PROCEDURE ARE COMMUNICATED TO THEM IN DUE TIME AS PER TENDER DOCUMENTS. ANY CLARIFICATIONS OR ADDENDA TO THE TENDER DOCUMENT WILL BE UPLOADED ON THE SAME WEBSITE. THE CENTRAL GOVERNMENT AUTHORITY SHALL NOT BE HELD RESPONSIBLE FOR ANY MISDEMEANOUR IF THIS CONDITION IS NOT ADHERED TO.



ADVERT NUMBER: CT/A/025/2014

REFERENCE NUMBER: CT3195/2014

**SUPPLY AND DELIVERY OF
REFERENCE BOOKS
TO THE
MALTA COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY**

Closing Date: 18 NOV 2014 at 10:00am CET

Date Published: 07 OCT 2014

Participation is free of charge



Operational Programme II – Cohesion Policy 2007-2013
Empowering People for More Jobs and a Better Quality of Life
Project part financed by the European Union
European Social Fund (ESF)
Co-financing rate: 85% EU Funds; 15% National Funds



Investing in your future

IMPORTANT:

- No Bid Bond is requested for this tender

IMPORTANT

Clarifications shall be uploaded and will be available to view/download from www.contracts.gov.mt

DEPARTMENT OF CONTRACTS

Notre Dame Ravelin, Floriana FRN 1600, Malta. Tel: (356) 2122021. Fax: (356) 21247681. Email: info.contracts@gov.mt

TENDER FOR THE SUPPLY AND DELIVERY OF REFERENCE BOOKS TO THE MALTA COLLEGE OF ARTS, SCIENCE AND TECHNOLOGY

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# VOLUME 1 SECTION 1 - INSTRUCTIONS TO TENDERERS

## A. GENERAL PART

### 1. General Instructions

- 1.1 In submitting a tender, the tenderer accepts in full and in its entirety, the content of this tender document, including subsequent Clarifications issued by the Central Government Authority, whatever his own corresponding conditions may be, which he hereby waives. Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this tender document.

No account can be taken of any reservation in the tender as regards the tender document; any disagreement, contradiction, alteration or deviation shall lead to the tender offer not being considered any further.

The Evaluation Committee shall, after having obtained approval by the Director General Contracts, request rectifications in respect of incomplete/non-submitted information pertinent to the documentation as outlined in sub-Clause 16.1(a), 16.1(b), and 16.1(c) of these Instructions to Tenderers. Such rectification/s must be submitted within five (5) working days from notification, and will be subject to a non-refundable administrative penalty of €50: failure to comply shall result in the tender offer not being considered any further.

No rectification shall be allowed in respect of the documentation as outlined in sub-Clause 16.1(d), 16.1(e) and 16.1(f) of these Instructions to Tenderers. Only clarifications on the submitted information in respect of the latter may be eventually requested.

- 1.2 The subject of this tender is the supply and delivery of reference books.
- 1.3 The place of acceptance of the supplies shall be one or more of the various MCAST Libraries located at the following locations:
- Institute of Agri Business at Triq Ħal Luqa, Qormi;
  - Institute of Art and Design at Misraħ l-Għonoq, Targa Gap, Mosta;
  - Institute of Building and Construction Engineering at T/Ġ fi Triq il-Kbira, Naxxar;
  - MCAST Gozo Center at Triq JF De Chambray , Għajnsielem;
  - MCAST Main Campus at Triq it-Telgħa ta' Kordin, Raħal Ġdid,
- the time-limits for delivery shall be 8 calendar weeks, and the INCOTERM<sup>2000</sup> applicable shall be **Delivery Duty Paid (DDP)**.
- 1.4 This is a unit-price contract.
- 1.5 The tenderer will bear all costs associated with the preparation and submission of the tender. The Central Government Authority will in no case be responsible or liable for such costs, whatever the conduct or outcome of the procedure.
- 1.6 The Central Government Authority retains ownership of all tenders received under this tender procedure. Consequently, tenderers have no right to have their tenders returned to them.

## 2. Timetable

|                                                                                                                    | DATE                           | TIME*    |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------|----------|
| Clarification Meeting/Site Visit<br>(Refer to Clause 9.1)                                                          | N/A                            | N/A      |
| Deadline for request for any additional information from the Contracting Authority                                 | 3 <sup>rd</sup> November 2014  | 23.45hrs |
| Last date on which additional information are issued by the Contracting Authority                                  | 12 <sup>th</sup> November 2014 | 17.00hrs |
| Deadline for submission of tenders / Tender Opening Session<br>(unless otherwise modified in terms of Clause 11.3) | 18 <sup>th</sup> November 2014 | 10.00hrs |

\* All times Central European Time (CET)

## 3. Items

- 3.1 This tender is divided into various items. Tenderers may submit an offer for one item / several items / all of the items.
- 3.2 Each item or group of items awarded to a particular tenderer will form a separate contract.
- 3.3 Contracts will be awarded on an item by item basis.

## 4. Financing

- 4.1 The project is *co-financed* by the European Union/Government of Malta, in accordance with the rules of the European Social Fund (ESF) programme.
- 4.2 The beneficiary of the financing is the Malta College of Arts, Science and Technology (MCAST).

## 5. Eligibility

- 5.1 Participation in tendering is open on equal terms to all natural and legal persons of the Member States of the European Union, the beneficiary country, any other country in accordance with Regulation 69 of the Public Procurement Regulations.
- 5.2 Natural persons, companies or undertakings who fall under any of the conditions set out in Regulation 50 of the Public Procurement Regulations, 2010 (Legal Notice 296 of 2010) may be excluded from participation in and the award of contracts. Tenderers or candidates who have been guilty of making false declarations will also incur financial penalties representing 10% of the total value of the contract being awarded.
- 5.3 Tenders submitted by companies forming a joint venture/consortium must also fulfil the following requirements:
  - One partner must be appointed lead partner and that appointment confirmed by submission of powers of attorney signed by legally empowered signatories representing all the individual partners. The tender must include a preliminary agreement or letter of intent stating that all partners assume joint and several liability for the execution of the contract, that the lead partner is authorised to bind, and receive instructions for and on behalf of, all partners, individually and collectively.
  - All partners in the joint venture/consortium are bound to remain in the joint venture/consortium until the conclusion of the contracting procedure. The consortium/joint venture winning this contract must include the same partners for the whole performance period of the contract other than as may be permitted or required by law.
- 5.4 All materials, equipment and services to be supplied under the contract must originate in an eligible country. For these purposes, "origin" means the place where the materials and/or equipment are mined, grown, produced or manufactured and/or from which services are

provided.

## **6. Selection Criteria**

- 6.1 In order to be considered eligible for the award of the contract, tenderers must provide evidence that they meet or exceed certain minimum qualification criteria described hereunder.

**In the case of a joint venture, the joint venture as a whole must satisfy the minimum qualifications required below.**

- 6.1.1 No evidence of economic and financial standing is required.
- 6.1.2 Information about the tenderer's technical capacity.

*(An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the execution of the contract, for example, by producing an undertaking by those entities to place the necessary resources at the disposal of the economic operator)*

This information must follow the form in Volume 1, Section 7, Form 3 - Sub Contracting of the tender documents and include:

- Data concerning subcontractors and the percentage of works to be subcontracted.

The maximum amount of subcontracting must not exceed 49% of the total contract value. The main contractor must have the ability to deliver at least 51 % of the supplies by his own means.

## **7. Multiple Tenders**

- 7.1 A tenderer may submit multiple tender offers.
- 7.2 A company may not tender for a given contract both individually and as a partner in a joint venture/consortium.
- 7.3 A company may not tender for a given contract both individually/partner in a joint venture/consortium, and at the same time be nominated as a subcontractor by any another tenderer, or joint venture/consortium.
- 7.4 A company may act as a subcontractor 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.

## **8. Tender Expenses**

- 8.1 The tenderer will bear all costs associated with the preparation and submission of the tender.
- 8.2 The Central Government Authority will neither be responsible for, nor cover, any expenses or losses incurred by the tenderer through site visits and inspections or any other aspect of his tender.

## **9. Clarification Meeting/Site Visit**

- 9.1 No clarification meeting/site visit is planned.

## **B. TENDER DOCUMENTS**

### **10. Content of Tender Document**



- 10.1 The set of tender documents comprises the following documents and should be read in conjunction with any clarification notes issued in accordance with Clause 24:
- Volume 1 Instructions to Tenderers
  - Volume 2 Draft Contract
    - General Conditions (available online from [www.contracts.gov.mt/conditions](http://www.contracts.gov.mt/conditions))
    - Special Conditions
  - Volume 3 Technical Specifications
  - Volume 4 Model Financial Bid/Bill of Quantities
- 10.2 Tenderers bear sole liability for examining with appropriate care the tender documents, including those design documents available for inspection, and any clarification notes to the tender documents issued during the tendering period, and for obtaining reliable information with respect to conditions and obligations that may in any way affect the amount or nature of the tender or the execution of the works. In the event that the tenderer is successful, no claim for alteration of the tender amount will be entertained on the grounds of errors or omissions in the obligations of the tenderer described above.
- 10.3 The tenderer must provide all documents required by the provisions of the tender document. All such documents, without exception, must comply strictly with these conditions and provisions and contain no alterations made by the tenderer.

## **11. Explanations/Clarification Notes Concerning Tender Documents**

- 11.1 Tenderers may submit questions in writing to the Central Government Authority through:
- sending an email to [info.contracts@gov.mt](mailto:info.contracts@gov.mt)
  - online from the Registered Users' Questions and Answers facility within the tender's page
  - through [www.contracts.gov.mt/contact-us](http://www.contracts.gov.mt/contact-us)
  - fax number +356 21247681
- up to 16 calendar days before the deadline for submission of tenders. The Central Government Authority must reply to all tenderers' questions, and amend the tender documents by publishing clarification notes, up to at least 6 calendar days before the deadline for submission of tenders.
- 11.2 Questions and answers, and alterations to the tender document will be published as a clarification note on the website of the Department of Contracts ([www.contracts.gov.mt/tenders](http://www.contracts.gov.mt/tenders)) within the respective tender's page, under the subheading "Preview & Free Tender Documents, and Clarifications". Clarification notes will constitute an integral part of the tender documentation, and it is the responsibility of tenderers to visit this website and be aware of the latest information published online prior to submitting their Tender.
- 11.3 The Central Government Authority may, at its own discretion, as necessary and in accordance with Clause 24, extend the deadline for submission of tenders to give tenderers sufficient time to take clarification notes into account when preparing their tenders.

## **12. Labour Law**

- 12.1 Particular attention is drawn to the conditions concerning the employment of labour in Malta and the obligation to comply with all regulations, rules or instructions concerning the conditions of employment of any class of employee.

## **13. Law**

- 13.1 By submitting their tenders, tenderers are accepting that this procedure is regulated by Maltese Law, and are deemed to know all relevant laws, acts and regulations of Malta that may in any way affect or govern the operations and activities covered by the tender and the resulting contract.

## C. TENDER PREPARATION

### 14. Language of Tenders

- 14.1 The tender and all correspondence and documents related to the tender exchanged by the tenderer and the Central Government Authority must be written in English.
- 14.2 Supporting documents and printed literature furnished by the tenderer may be in another language, provided they are accompanied by an accurate translation into English. For the purposes of interpretation of the tender, the English language will prevail.

### 15. Presentation of Tenders

- 15.1 Tenders must satisfy the following conditions:
- (a) All tenders must be submitted in one original, clearly marked “original”, and one identical copy (including all documentation as in the original) signed in the same way as the original and clearly marked “copy”.
  - (b) Both documents are to be separately sealed and placed in another sealed envelope/package so that the bid can be identified as one tender submission. Following the tender opening session, the copy shall be kept, unopened, at the Department of Contracts, for verification purposes only should the need arise.
  - (c) All tenders must be received by date and time indicated in the timetable at Clause 2 and deposited in the tender box at the entrance of the Department of Contracts, Notre Dame Ravelin, Floriana, FRN 1600, Malta.
  - (d) All packages, as per (b) above, must bear only:
    - (i) the above address;
    - (ii) the reference of the invitation to tender concerned;
    - (iii) the name of the tenderer.

### 16. Content of Tender (Single-Envelope System)

- 16.1 The tender must comprise the following duly completed documents, inserted in a single, sealed envelope (unless their volume requires a separate submission):
- (a) No Bid Bond is required<sup>(Note 1)</sup>
  - (b) *General/Administrative Information*<sup>(Note 2)</sup>
    - (i) Statement on Conditions of Employment (Volume 1, Section 4, Form 1)
    - (ii) Power of Attorney (Volume 1, Section 7, Form 1) (where applicable)
    - (iii) Data on Joint Venture/Consortium (Volume 1, Section 7 Form 2) (where applicable)
- Selection Criteria*
- (c) *Financial and Economic Standing*<sup>(Note 2)</sup>
    - (i) No Evidence of economic and financial standing is required
  - (d) *Technical Capacity*<sup>(Note 3)</sup>
    - (i) Sub-Contracting (Volume 1, Section 7, Form 3) (where applicable)
  - (e) *Evaluation Criteria/Technical Specifications*<sup>(Note 3)</sup>
    - (i) Tenderer’s Technical Offer in response to specifications (Volume 3) which should include:
      - (a) Declaration by the Tenderer stating that he/she is offering all the books which are priced in the Financial Bid;
      - (b) Declaration by the Tenderer stating that he/she will supply new and unused books having the latest edition published by the closing date/time of tender at no extra cost;
      - (c) Declaration by the Tenderer stating that where available he/she will deliver books which will have a hard cover;
      - (d) Declaration by the Tenderer stating that for those books which are available both as a hard copy or a hard copy with CD/additional support media, he/she will supply the version having also the CD/support media.

- (f) *Financial Offer/Bill of Quantities*<sup>(Note 3)</sup>
- (i) The Tender Form in accordance with the form provided in Volume 1, Section 2; a separate Tender Form is to be submitted for each option tendered, each form clearly marked 'Option 1', 'Option 2' etc.;
  - (ii) A financial bid calculated on a basis of **Delivered Duty Paid (DDP)** for the supplies tendered in the form provided in Volume 4.

**Notes to Clause 16.1:**

1. *Tenderers will be requested to clarify/rectify, within five working days from notification, the tender guarantee only in the following two circumstances: either incorrect validity date, and/or incorrect value.*
2. *Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete documentation, and/or submit any missing documents within five working days from notification.*
3. *No rectification shall be allowed. Only clarifications on the submitted information may be requested.*

Tenderers must indicate where the above documentation is to be found in their offer by using an index. All documentation is to be securely bound/filed.

Tenderers are NOT required NOR expected to submit, with their offer, any components of the tender document except those specifically mentioned in Clause 16.

## **17. Tender Prices**

- 17.1 Tenderers will be deemed to have satisfied themselves, before submitting their tender, to its correctness and completeness, to have taken account of all that is required for the full and proper performance of the contract, and to have included all costs in their rates and prices.
- 17.2 The tender must be submitted in Euro (€).
- 17.3 Tenderers must quote all components of the price **inclusive** of taxes, customs and import duties and any discounts. Tenderers not registered with the VAT authority in Malta, must **still** include in their financial offer any VAT that the contracting authority may have to pay either in Malta or the country where the tenderer is registered irrespective of the reverse charge mechanism. The financial offer will be considered as the total financial cost to the contracting authority including any VAT that may have to be paid not through the winning tenderer. Except as may otherwise be provided for in the contract, no payment will be made for items which have not been costed.
- 17.4 Different options are to be clearly identifiable in the technical and financial submission; a separate Tender Form (as per Volume 1, Section 2) marked 'Option 1', 'Option 2' etc. for each individual option clearly outlining the price of the relative option is to be submitted.
- 17.5 If the tenderer offers a discount, the discount must be absorbed in the rates of the Bill of Quantities/Financial Statement.
- 17.6 For contracts over €500,000, where VAT is not an eligible cost, and whose output VAT is liable to be paid in Malta, such VAT will be paid directly to the VAT Department in Malta by the Final Beneficiary.
- 17.7 The prices for the contract must include all of the works to be provided. The prices quoted are fixed and not subject to revision or escalation in costs, unless otherwise provided for in the Special Conditions.

## **18. Currencies of Tender and Payments**

- 18.1 The currency of the tender is the Euro (€). All sums in the breakdown of the overall price, in the questionnaire and in other documents must be expressed in Euro (€), with the possible exception of originals of bank and annual financial statements.
- 18.2 Payments will be made upon certification of supplies by the Contracting Authority, based on

the invoice issued by the Contractor, in accordance with the timeframes, terms and conditions of the contract.

- 18.3 All correspondence relating to payments, including invoices and interim and final statements, must be submitted as outlined in the contract.

### ***19. Period of Validity of Tenders***

- 19.1 Tenders must remain valid for a period of 150 days after the deadline for submission of tenders indicated in the contract notice, the tender document or as modified in accordance with Clauses 11.3 and/or 24. Any tenderer who quotes a shorter validity period will be rejected.
- 19.2 In exceptional circumstances the Central Government Authority may request that tenderers extend the validity of tenders for a specific period. Such requests and the responses to them must be made in writing. A tenderer may refuse to comply with such a request without forfeiting his tender guarantee (Bid Bond). However, his tender will no longer be considered for award. If the tenderer decides to accede to the extension, he may not modify his tender.
- 19.3 The successful tenderer must maintain his tender for a further 60 days from the date of notification of award.

### ***20. Tender Guarantee (Bid Bond)***

- 20.1 No tender guarantee (bid bond) is required.

### ***21. Variant Solutions***

- 21.1 No variant solutions will be accepted. Tenderers must submit a tender in accordance with the requirements of the tender document.

### ***22. Preparation and Signing of Tenders***

- 22.1 All tenders must be submitted in one original, clearly marked "original", and one identical copy (including all documentation as in the original) signed in the same way as the original and clearly marked "copy". Tenders must comprise the documents specified in Clause 16 above.

It is the responsibility of the tenderers to ensure that both the original and the copy are an identical representation of one another.

- 22.2 The tenderer's submission must be typed in, or handwritten in indelible ink. Any pages on which entries or corrections to his submission have been made must be initialled by the person or persons signing the tender. All pages must be numbered consecutively by hand, machine or in any other way acceptable to the Central Government Authority.
- 22.3 The tender must contain no changes or alterations, other than those made in accordance with instructions issued by the Central Government Authority (issued as clarification notes) or necessitated by errors on the part of the tenderer. In the latter case, corrections must be initialled by the person signing the tender.
- 22.4 The tender will be rejected if it contains any alteration, tampering, addition or deletion to the tender documents not specified in a clarification note issued by the Central Government Authority.

## **D. SUBMISSION OF TENDERS**

### ***23. Sealing and Marking of Tenders***

- 23.1 The tenders must be submitted in English and deposited in the Department's tender box **before** the deadline specified in Clause 2 or as otherwise specified in accordance with Clause 11.1 and/or 24.1. They must be submitted:

EITHER by recorded delivery (official postal/courier service) or hand delivered to:

**Department of Contracts,  
Notre Dame Ravelin,  
Floriana, FRN 1600  
Malta**

Tenders submitted by any other means will not be considered.

- 23.2 Tenderers must seal the original and the copy of their tender as outlined in Clause 15.
- 23.3 If the outer envelope is not sealed and marked as required in Sub clause 15.1, the Central Government Authority will assume no responsibility for the misplacement or premature opening of the tender.

#### ***24. Extension of Deadline for Submission of Tenders***

- 24.1 The Central Government Authority may, at its own discretion, extend the deadline for submission of tenders by issuing a clarification note in accordance with Clause 11. In such cases, all rights and obligations of the Central Government Authority and the tenderer regarding the original date specified in the contract notice will be subject to the new date.

#### ***25. Late Tenders***

- 25.1 All tenders received after the deadline for submission specified in the contract notice or these instructions will be kept by the Central Government Authority. The associated guarantees will be returned to the tenderers.
- 25.2 No liability can be accepted for late delivery of tenders. Late tenders will be rejected and will not be evaluated.

#### ***26. Alterations and Withdrawal of Tenders***

- 26.1 Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after the deadline for submission.
- 26.2 Any notification of alteration or withdrawal must be prepared, sealed, marked and submitted in accordance with Clause 23, and the envelope must also be marked with "alteration" or "withdrawal".
- 26.3 The withdrawal of a tender in the period between the deadline for submission and the date of expiry of the validity of the tender will result in forfeiture of the tender guarantee provided for in Clause 20.

### **E. OPENING AND EVALUATION OF OFFERS**

#### ***27. Opening of Tenders***

- 27.1 Tenders will be opened in public session on the date and time indicated in the timetable at Clause 2 (or as otherwise specified in accordance with Clause 11.1 and/or 24.1) at the Department of Contracts, Notre Dame Ravelin, Floriana, FRN 1600, Malta by the General Contracts Committee. They will draw up a 'Summary of Tenders Received' which will be published on the notice board at the Department of Contracts and shall also be available to view on the Department's website, [www.contracts.gov.mt/tenders](http://www.contracts.gov.mt/tenders).
- 27.2 At the tender opening, the tenderers' names, the tender prices, written notification of alterations and withdrawals, the presence of the requisite tender guarantee and any other information the Central Government Authority may consider appropriate will be published.
- 27.3 Envelopes marked "withdrawal" will be read out first and returned to the tenderer.
- 27.4 Reductions or alterations to tender prices made by tenderers after submission will not be taken into consideration during the analysis and evaluation of tenders.

## **28. Secrecy of the Procedure**

- 28.1 After the opening of the tenders, no information about the examination, clarification, evaluation or comparison of tenders or decisions about the contract award may be disclosed before the notification of award.
- 28.2 Information concerning checking, explanation, opinions and comparison of tenders and recommendations concerning the award of contract, may not be disclosed to tenderers or any other person not officially involved in the process unless otherwise permitted or required by law.
- 28.3 Any attempt by a tenderer to approach any member of the Evaluation Committee/Central Government Authority directly during the evaluation period will be considered legitimate grounds for disqualifying his tender.

## **29. Clarification of Tenders**

- 29.1 When checking and comparing tenders, the evaluation committee may, after obtaining approval from the General Contracts Committee, ask a tenderer to clarify any aspect of his tender.
- 29.2 Such requests and the responses to them must be made by e-mail or fax. They may in no circumstances alter or try to change the price or content of the tender, except to correct arithmetical errors discovered by the evaluation committee when analysing tenders, in accordance with Clause 31.

## **30. Tender Evaluation Process**

- 30.1 The following should be read in conjunction with Clause 27.

### **30.2 Part 1: Administrative Compliance**

The Evaluation Committee will check the compliance of tenders with the instructions given in the tender document, and in particular the documentation submitted in respect of Clause 16.

The Evaluation Committee shall, after having obtained approval by the Director General Contracts, request rectifications in respect of incomplete/non-submitted information pertinent to the documentation as outlined in sub-Clause 16.1(a), 16.1(b), and 16.1(c) of these Instructions to Tenderers. Such rectification/s must be submitted within five (5) working days from notification, and will be subject to a non-refundable administrative penalty of €50: failure to comply shall result in the tender offer not being considered any further. No rectification shall be allowed in respect of the documentation as outlined in sub-Clause 16.1 (d), 16.1(e), and 16.1(f) of these Instructions to Tenderers. Only clarifications on the submitted information in respect of the latter may be eventually requested.

### **30.3 Part 2: Eligibility and Selection Compliance**

Tenders which have been considered administratively compliant shall be evaluated for admissibility as outlined below:

#### *(i) Eligibility Criteria*

- Tender Form (Volume 1, Section 2)

#### *(ii) Selection Criteria*

- Evidence of technical capacity (sub-Clause 6.1.2)

### **30.4 Part 3: Technical Compliance**

At this step of the evaluation process, the Evaluation Committee will analyse the administratively-compliant tenders' technical conformity in relation to the technical specifications (Volume 3, and the documentation requested by the Contracting Authority as per sub-Clause 16(e)), classifying them technically compliant or non-compliant.

## 30.5 Part 4. Financial Evaluation

The financial offers for items which were not eliminated during the technical evaluation (i.e., those found to be technically compliant) will be evaluated.

The Evaluation Committee will check that the financial offers contain no arithmetical errors as outlined in Clause 31. Financial offers are compared for each item. The financial evaluation will identify the cheapest administratively and technically compliant offer for each item.

### ***31. Correction of Arithmetical Errors***

- 31.1 Admissible tenders will be checked for arithmetical errors by the Evaluation Committee. Errors will be corrected as follows:
- (a) where there is a discrepancy between amounts in figures and in words, the amount in words will prevail;
  - (b) where there is a discrepancy between a unit price and the total amount derived from the multiplication of the unit price and the quantity, the unit price as quoted will prevail.
- 31.2 The amount stated in the tender will be adjusted by the Evaluation Committee in the event of error, and the tenderer will be bound by that adjusted amount. In this regard, the Evaluation Committee shall seek the prior approval of the General Contracts Committee to communicate the revised price to the tenderer. If the tenderer does not accept the adjustment, his tender will be rejected and his tender guarantee forfeited.
- 31.3 When analysing the tender, the evaluation committee will determine the final tender price after adjusting it on the basis of Clause 31.1.

## **F. CONTRACT AWARD**

### ***32. Criteria for Award***

- 32.1 The sole award criterion will be the price. The contract will be awarded on a book by book basis to those Tenderer/Tenderers who submitted the cheapest price for that particular item and who have also satisfied the administrative and technical criteria.

Should more than one Tenderer who is both administratively and technically compliant, offer the cheapest price for a particular item, the latter item will be awarded to that Tenderer who has offered the highest quantity of cheapest priced reference books.

### ***33. Right of The Central Government Authority to Accept or Reject Any Tender***

- 33.1 The Central Government Authority reserves the right to accept or reject any tender and/or to cancel the whole tender procedure and reject all tenders. The Central Government Authority reserves the right to initiate a new invitation to tender.
- 33.2 In the event of a tender procedure's cancellation, tenderers will be notified by the Central Government Authority. If the tender procedure is cancelled before the outer envelope of any tender has been opened, the sealed envelopes will be returned, unopened, to the tenderers.
- 33.3 Cancellation may occur where:
- (a) the tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all;
  - (b) the economic or technical parameters of the project have been fundamentally altered;
  - (c) exceptional circumstances or force majeure render normal performance of the project impossible;
  - (d) all technically compliant tenders exceed the financial resources available;
  - (e) there have been irregularities in the procedure, in particular where these have prevented fair competition.

**In no circumstances will the Central Government Authority be liable for damages, whatever their nature (in particular damages for loss of profits) or relationship to the**

cancellation of a tender, even if the Central Government Authority has been advised of the possibility of damages. The publication of a contract notice does not commit the Central Government Authority to implement the programme or project announced.

### **34. Notification of Award, Contract Clarifications**

- 34.1 Prior to the expiration of the period of validity of tenders, the Central Government Authority will notify the successful tenderer/tenderers, in writing, that his/their tender has been recommended for award by the General Contracts Committee, pending any appeal being lodged in terms of Part XIII of the Public Procurement Regulations (being reproduced in Volume 1, Section 6).
- 34.2 Unsuccessful bidders shall be notified with the outcome of the evaluation process, and will be provided the following information:
- (i) the criteria for award;
  - (ii) the name of the successful tenderer/tenderers;
  - (iii) the recommended price of the successful bidder/bidders;
  - (iv) the reasons why the tenderer/tenderers did not meet the technical specifications/ notification that the offer was not the cheapest (if applicable);
  - (v) the deadline for filing a notice of objection (appeal);
  - (vi) the deposit required if lodging an appeal.
- 34.3 The recommendations of the General Contracts Committee shall be published on the Notice Board of the Department of Contracts, and published online on the Department's website, [www.contracts.gov.mt/gcc](http://www.contracts.gov.mt/gcc).

### **35. Contract Signing and Performance Guarantee**

- 35.1 After the lapse of the appeals period, and pending that no objections have been received and/or upheld, the successful tenderer may be invited to clarify certain contractual questions raised therein. Such clarification will be confined to issues that had no direct bearing on the choice of the successful tender. The outcome of any such clarifications will be set out in a Memorandum of Understanding, to be signed by both parties and incorporated into the contract.
- 35.2 Within 15 calendar days of receiving the contract (against acknowledgment of receipt) from the Central Government Authority, the successful tenderer will sign and date the contract and return it to the Central Government Authority with the performance guarantee and the Financial Identification Form (if applicable). On signing of the contract by the Central Government Authority, the successful tenderer will become the Contractor and the contract will enter into force.
- 35.3 Before the Central Government Authority signs the contract with the successful tenderer, the successful tenderer may be requested to provide the documentary proof or statements required to show that it does not fall into any of the exclusion situations listed in Clause 7 of the Tender Form (Volume 1, Section 2). The above mentioned documents must be submitted by every member of a Joint Venture/Consortium (if applicable).
- 35.4 If the selected tenderer fails to sign and return the contract, other required documentation, and any guarantees required within the prescribed 15 calendar days, the Central Government Authority may consider the acceptance of the tender to be cancelled without prejudice to the Central Government Authority's right to seize the guarantee, claim compensation or pursue any other remedy in respect of such failure, and the successful tenderer will have no claim whatsoever on the Central Government Authority.
- The tenderer whose tender has been evaluated as [second cheapest/second most economically advantageous] may be recommended for award, and so on and so forth.
- 35.5 Only the signed contract will constitute an official commitment on the part of the Central Government Authority, and activities may not begin until the contract has been signed by the Central Government Authority and the successful tenderer.
- 35.6 Tender guarantees (bid bonds) provided by tenderers who have not been selected shall be released within 30 calendar days from the signing of the contract. The tender guarantee of the



successful tenderer shall be released on the signing of the contract, and on submission of a valid performance guarantee.

- 35.7 The performance guarantee referred to in the General Conditions is set at 10% of the amount of the contract and must be presented in the form specified in Volume 2, Section 4, to the tender document. The performance guarantee shall be released within 30 days of the signing of the Final Statement of Account (Final Bill), unless the Special Conditions provide otherwise.

### ***36. Period of Delivery***

- 36.1 The period of delivery indicated in Clause 1.3 of the Instructions to Tenderers commences from 5 calendar days from last signature of contract.
- 36.2 The Contractor must inform the Central Government Authority's representative by return that he has received the notice.

## **G. MISCELLANEOUS**

### ***37. Ethics Clauses***

- 37.1 Any attempt by a candidate or tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the committee or the Central Government Authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his candidacy or tender and may result in administrative penalties.
- 37.2 Without the Central Government Authority's prior written authorisation, the Contractor and his staff or any other company with which the Contractor is associated or linked may not, even on an ancillary or subcontracting basis, supply other services, carry out works or supply equipment for the project. This prohibition also applies to any other programmes or projects that could, owing to the nature of the contract, give rise to a conflict of interest on the part of the Contractor.
- 37.3 When putting forward a candidacy or tender, the candidate or tenderer must declare that he is affected by no potential conflict of interest, and that he has no particular link with other tenderers or parties involved in the project.
- 37.4 The Contractor must at all times act impartially and as a faithful adviser in accordance with the code of conduct of his profession. He must refrain from making public statements about the project or services without the Contracting Authority's prior approval. He may not commit the Contracting Authority in any way without its prior written consent.
- 37.5 For the duration of the contract, the Contractor and his staff must respect human rights and undertake not to offend the political, cultural and religious morals of Malta.
- 37.6 The Contractor may accept no payment connected with the contract other than that provided for therein. The Contractor and his staff must not exercise any activity or receive any advantage inconsistent with their obligations to the Contracting Authority.
- 37.7 The Contractor and his staff are obliged to maintain professional secrecy for the entire duration of the contract and after its completion. All reports and documents drawn up or received by the Contractor are confidential.
- 37.8 The contract governs the Parties' use of all reports and documents drawn up, received or presented by them during the execution of the contract.
- 37.9 The Contractor shall refrain from any relationship likely to compromise his independence or that of his staff. If the Contractor ceases to be independent, the Central Government Authority may, regardless of injury, terminate the contract without further notice and without the Contractor having any claim to compensation.
- 37.10 The tender(s) concerned will be rejected or the contract terminated if it emerges that the award or execution of a contract has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the main contract or not stemming from a properly concluded contract referring to the main contract, commissions not paid in

return for any actual and legitimate service, commissions remitted to a tax haven, commissions paid to a recipient who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

### ***38. Data Protection and Freedom of Information***

- 38.1 Any personal data submitted in the framework of the procurement procedure and/or subsequently included in the contract shall be processed pursuant to the Data Protection Act (2001). It shall be processed solely for the purposes of the performance, management and follow-up of the procurement procedure and/or subsequent contract by the Central Government Authority/Contracting Authority without prejudice to possible transmission to the bodies charged with a monitoring or inspection task in conformity with National and/or Community law.
- 38.2 The provisions of this contract are without prejudice to the obligations of the Central Government Authority in terms of the Freedom of Information Act (Cap. 496 of the Laws of Malta). The Central Government Authority, prior to disclosure of any information in relation to any provisions of this contract which have not yet been made public, shall consult the contractor in accordance with the provisions of the said Act, pertinent subsidiary legislation and the Code of Practice issued pursuant to the Act. Such consultation shall in no way prejudice the obligations of the Central Government Authority in terms of the Act.

### ***39. Gender Equality***

- 39.1 In carrying out his/her obligations in pursuance of this contract, the tenderer shall ensure the application of the principle of gender equality and shall thus 'inter alia' refrain from discriminating on the grounds of gender, marital status or family responsibilities. Tenderers are to ensure that these principles are manifest in the organigram of the company where the principles aforementioned, including the selection criteria for access to all jobs or posts, at all levels of the occupation hierarchy are amply proven. In this document words importing one gender shall also include the other gender.

## VOLUME 1 SECTION 2 - TENDER FORM

(A separate, distinct Tender Form must be submitted for EACH OPTION - if applicable - submitted)

Publication Name: Supply and Delivery of Reference Books to the Malta College of Arts, Science and Technology CT Ref: CT 3195/2014

|                                                                                |                                                                   |                                                   |  |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------|--|
| <b>A. TENDER SUBMITTED BY :</b>                                                | <i>(This will be included in the Summary of Tenders Received)</i> |                                                   |  |
| <b>In case of a Joint Venture/Consortium:<br/>Name(s) of Leader/Partner(s)</b> | <b>Nationality</b>                                                | <b>Proportion of Responsibilities<sup>2</sup></b> |  |
| Leader <sup>1</sup>                                                            |                                                                   |                                                   |  |
| Partner <sup>1</sup>                                                           |                                                                   |                                                   |  |
| Etc ...                                                                        |                                                                   |                                                   |  |

1. Add/delete additional lines for partners as appropriate. Note that a sub-contractor is not considered to be a partner for the purposes of this tender procedure. If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as 'leader' (and all other lines should be deleted)

2. 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).

|     | Supply intended to be sub-contracted | Name and details of sub-contractors | Value of sub-contracting as percentage of the total cost <sup>3</sup> |
|-----|--------------------------------------|-------------------------------------|-----------------------------------------------------------------------|
| 1   |                                      |                                     |                                                                       |
| 2   |                                      |                                     |                                                                       |
| (.) |                                      |                                     |                                                                       |

3. The maximum amount of sub-contracting must not exceed 49% of the total contract value. The main contractor must have the ability to carry out at least 51% of the contract supplies by his own means.

### B. CONTACT PERSON (for this tender)

|                  |                         |                |              |
|------------------|-------------------------|----------------|--------------|
| <b>Name</b>      |                         | <b>Surname</b> |              |
| <b>Telephone</b> | (____) _____            | <b>Fax</b>     | (____) _____ |
| <b>Address</b>   | .....<br>.....<br>..... |                |              |
| <b>E-mail</b>    |                         |                |              |

### C. TENDERER'S DECLARATION(S)

To be completed and signed by the tenderer (including each partner in a consortium).

In response to your letter of invitation to tender for the above contract, we, the undersigned, hereby declare that:

- 1 We have examined, and accept in full and in its entirety, the content of this tender document (including subsequent Clarifications Notes issued by the Central Government Authority) for invitation to tender No [\_\_\_\_\_/\_\_\_\_\_] of [...../...../.....]. We hereby accept the contents thereto in their entirety, without reservation or restriction. We also understand that any disagreement, contradiction, alteration or deviation shall lead to our tender offer not being considered any further.
- 2 We offer to provide, in accordance with the terms of the tender document and the conditions and time limits laid down, without reserve or restriction, the following supplies as indicated in the Financial Offer.
- 3 The total price of our tender (inclusive of duties, VAT, other taxes and any discounts) is:  
.....
- 4 This tender is valid for a period of 150 days from the final date for submission of tenders.
- 5 If our tender is accepted, we undertake to provide a performance guarantee of 10% of the contract value as required by the General Conditions.
- 6 We are making this application in our own right and [as partner in the consortium led by < name of the leader / ourselves >] for this tender. We confirm that we are not tendering for the same contract in any other form. [We confirm, as a partner in the consortium, that all partners are jointly and severally liable by law for the performance of the contract, that the lead partner is authorised to bind, and receive instructions for and on behalf of, each member, and that all partners in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract's performance]. We are fully aware that, in the case of a consortium, the composition of the consortium cannot be modified in the course of the tender procedure.
- 7 We are not bankrupt or under an administration appointed by the Court, or under proceedings leading to a declaration of bankruptcy. We also declare that we have not been convicted criminally, or found guilty of professional misconduct. Furthermore, we are up-to-date in the payment of social security contributions and other taxes.
- 8 We accept that we shall be excluded from participation in the award of this tender if compliance certificates in respect of declarations made under Clause 7 of this declaration are not submitted by the indicated dates.
- 9 We agree to abide by the ethics clauses of the instructions to tenderers and, in particular, have no potential conflict of interests or any relation with other candidates or other parties in the tender procedure at the time of the submission of this application. We have no interest of any nature whatsoever in any other tender in this procedure. We recognise that our tender may be excluded if we propose key experts who have been involved in preparing this project or engage such personnel as advisers in the preparation of our tender.
- 10 We will inform the Central Government Authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any false, inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the Government of Malta and the European Communities.
- 11 Our tender submission has been made in conformity with the Instructions to Tenderers, and in this respect we confirm having included in the appropriate packages as required, the following documentation:
  - (a) **Tender Guarantee** <sup>(Note 1)</sup>
    - (i) No Bid Bond is required<sup>(Note 1)</sup>
  - (b) **General/Administrative Information** <sup>(Note 2)</sup>
    - (i) Statement on Conditions of Employment (Volume 1, Section 4, Form 1)
    - (ii) Power of Attorney (Volume 1, Section 7, Form 1) (where applicable)
    - (iii) Data on Joint Venture/Consortium (Volume 1, Section 7 Form 2) (where applicable)
  - (c) **Financial and Economic Standing** <sup>(Note 2)</sup>
    - (i) No Evidence of economic and financial standing is required.

- (d) **Technical Capacity** <sup>(Note 3)</sup>
- (i) Sub-Contracting (Volume 1, Section 7, Form 3) (where applicable)
- (e) **Evaluation Criteria/Technical Specifications** <sup>(Note 3)</sup>
- (i) Tenderer's Technical Offer in response to specifications (Volume 3) which should include:
- (a) Declaration by the Tenderer stating that he/she is offering all the books which are priced in the Financial Bid;
- (b) Declaration by the Tenderer stating that he/she will supply new and unused books having the latest edition published by the closing date/time of tender at no extra cost;
- (c) Declaration by the Tenderer stating that where available he/she will deliver books which will have a hard cover;
- (d) Declaration by the Tenderer stating that for those books which are available both as a hard copy or a hard copy with CD/additional support media, he/she will supply the version having also the CD/support media.
- (f) **Tender Form, and Financial Offer/Bill of Quantities** <sup>(Note 3)</sup>
- (i) The Tender Form in accordance with the form provided in Volume 1, Section 2; a separate Tender Form is to be submitted for each option tendered, each form clearly marked 'Option 1', 'Option 2' etc.;
- (ii) A financial bid calculated on a basis of **Delivered Duty Paid (DDP)** for the supplies tendered in the form provided in Volume 4.

**Notes:**

1. *Tenderers will be requested to clarify/rectify, within five working days from notification, the tender guarantee only in the following two circumstances: either incorrect validity date, and/or incorrect value.*
2. *Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete documentation, and/or submit any missing documents within five working days from notification.*
3. *No rectification shall be allowed. Only clarifications on the submitted information may be requested.*

12 I acknowledge that the Central Government Authority and/or Contracting Authority shall request rectifications in respect of incomplete/non-submitted information pertinent to the documentation listed in Clause 11(a), 11(b), and 11(c) of this Tender Form. We understand that such rectification/s must be submitted within five (5) working days, and will be subject to a non-refundable administrative penalty of €50, and that failure to comply shall result in our offer not being considered any further.

13 We note that the Central Government Authority is not bound to proceed with this invitation to tender and that it reserves the right to cancel or award only part of the contract. It will incur no liability towards us should it do so.

Name and Surname: \_\_\_\_\_

I.D. / Passport Number: \_\_\_\_\_

Signature of tenderer: \_\_\_\_\_

Duly authorised to sign this tender on behalf of: \_\_\_\_\_

Company/Lead Partner VAT No: \_\_\_\_\_  
(if applicable)

Stamp of the firm/company: \_\_\_\_\_

Place and date: \_\_\_\_\_

# VOLUME 1 SECTION 4 - TENDERER'S STATEMENTS

## *Form 1- Statement on Conditions of Employment*

|                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Tenderers are to ensure that self-employed personnel are not engaged on this contract.<br/>Non-compliance will invalidate the contract.</b></p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|

It is hereby declared that all employees engaged on this contract shall enjoy working conditions such as wages, salaries, vacation and sick leave, maternity and parental leave as provided for in the relative Employment Legislation. Furthermore, we shall comply with Chapter 424 of the Laws of Malta (Occupational Health and Safety Authority Act) as well as any other national legislation, regulations, standards and/or codes of practice or any amendment thereto in effect during the execution of the contract.

In the event that it is proved otherwise during the execution of the contract it is hereby being consented that the contract is terminated with immediate effect and that no claim for damages or compensation be raised by us.

Signature: .....

*(the person or persons authorised to sign on behalf of the tenderer)*

Date: .....

## VOLUME 1 SECTION 5 - GLOSSARY

### Definitions

*Note: the present definitions are given here for convenience only, in the context of the tender procedure. The definitions set out in the contract as concluded are determining for the relations between the parties to the contract.*

**Administrative order:** Any instruction or order issued by the Project Manager to the Contractor in writing regarding the execution of the contract.

**Breakdown of the overall price:** A heading-by -heading list of the rates and costs making up the price for a lump-sum contract.

**Central Government Authority:** means the Department of Contracts

**Contracting Authority:** means the final beneficiary.

**Conflict of interest:** Any event influencing the capacity of a candidate, tenderer or supplier to give an objective and impartial professional opinion, or preventing him, at any moment, from giving priority to the interests of the Central Government Authority and the Contracting Authority. Any consideration relating to possible contracts in the future or conflict with other commitments, past or present, of a candidate, tenderer or supplier, or any conflict with his own interests. These restrictions also apply to subcontractors and employees of the candidate, tenderer or supplier.

**Contract value:** The total value of the contract to be paid by the Contracting Authority in terms of the agreed terms and conditions.

**Contractor:** The successful tenderer, once all parties have signed the contract.

**Day:** Calendar day.

**Dayworks:** Varied work inputs subject to payment on an hourly basis for the Contractor's employees and plant.

**Defects Notification Period:** The period stated in the contract immediately following the date of provisional acceptance, during which the Contractor is required to complete the works and to remedy defects or faults as instructed by the Engineer.

**Drawings:** Drawings provided by the Contracting Authority and/or the Engineer, and/or drawings provided by the Contractor and approved by the Engineer, for the carrying out of the works.

**Engineer's representative:** Any natural or legal person, designated by the Engineer as such under the contract, and empowered to represent the Engineer in the performance of his functions, and in exercising such rights and/or powers as have been delegated to him. In this case, references to the Engineer will include his representative.

**Equipment:** Machinery, apparatus, components and any other articles intended for use in the works

**Evaluation Committee:** a committee made up of an odd number of voting members (at least three) appointed by the Central Government Authority and possessing the technical, linguistic and administrative capacities necessary to give an informed opinion on tenders.

**Final acceptance certificate:** Certificate(s) issued by the Engineer to the Contractor at the end of the defects notification period stating that the Contractor has completed his obligations to construct, complete, and maintain the works concerned.

**Final Beneficiary:** The Department/Entity or other government body on whose behalf the Department of Contracts has issued this tender.

**Foreign currency:** Any currency permissible under the applicable provisions and regulations other than the Euro, which has been indicated in the tender.

**General conditions:** The general contractual provisions setting out the administrative, financial, legal and technical clauses governing the execution of contracts.

**General damages:** The sum not stated beforehand in the contract, which is awarded by a court or an arbitration tribunal, or agreed between the parties, as compensation payable to an injured party for a breach of the contract by the other party.

**In writing:** This includes any hand-written, typed or printed communication, including fax transmissions and electronic mail (e-mail).

**Liquidated damages:** The sum stated in the contract as compensation payable by the Contractor to the Contracting Authority for failure to complete the contract or part thereof within the periods under the contract, or as payable by either party to the other for any specific breach identified in the contract.

**Modification:** An instruction given by the Engineer which modifies the works.

**National currency:** The currency of the country of the Contracting Authority.

**Period:** A period begins the day after the act or event chosen as its starting point. Where the last day of a period is not a working day, the period expires at the end of the next working day.

**Plant:** appliances and other machinery, and, where applicable under the law and/or practice of the state of the Contracting Authority, the temporary structures on the site required to carry out the works but excluding equipment or other items required to form part of the permanent works.

**Project Manager:** The legal or natural person responsible for monitoring the execution of the contract on behalf of the Contracting Authority, where the latter is not the Central Government Authority.

**Provisional sum:** A sum included in the contract and so designated for the execution of works or the supply of goods, materials, plant or services, or for contingencies, which sum may be used in whole or in part, or not at all, as instructed by the Engineer.

**Site:** The places provided by the Contracting Authority where the works are to be carried out and other places stated in the contract as forming part of the site.

**Special conditions:** The special conditions laid down by the Contracting Authority as an integral part of the tender document, amplifying and supplementing the general conditions, clauses specific to the contract and the terms of reference (for a service contract) or technical specifications (for a supply or works contract).

**Supervisor/Engineer:** The legal or natural person responsible for administering the contract on behalf of the Contracting Authority.

**Tender document/s:** The dossier compiled by the Contracting Authority and containing all the documents needed to prepare and submit a tender.

**Tender price:** The sum stated by the tenderer in his tender for carrying out the contract.

**Works:** Works of a permanent or temporary nature executed under the contract.

**Written communications:** Certificates, notices, orders and instructions issued in writing under the contract.



## VOLUME 1 SECTION 6 - EXTRACTS FROM THE PUBLIC PROCUREMENT REGULATIONS

### *Part II - Rules governing public contracts whose value does not exceed one hundred and twenty thousand euro (€120,000)*

The procedure for the submission of appeals is stipulated in Part II of the Public Procurement Regulations (Legal Notice 296/2010), reproduced hereunder for ease of reference.

- 21(1) Where the estimated value of the public contract exceeds twelve thousand euro (€12,000) and is issued by an authority listed in Schedule 1, any tenderer or candidate concerned shall have a right to make a complaint to the Review Board in accordance with this regulation.
- (2) (a) The contracting authority shall be obliged to issue a notice and affix an advertisement, in a prominent place at its premises, indicating the awarded public contract, the financial aspect of the award and the name of the successful tenderer. The contracting authority shall, by electronic means or by fax, inform the tenderer or candidate concerned of the publication of the award. The contracting authority shall be precluded from concluding the contract during the period allowed for the submission of appeals.  
(b) The award process shall be completely suspended if an appeal is eventually submitted.
- (3) Any tenderer or candidate concerned who is aggrieved by the award indicated by the contract authority may, within five working days from the publication of the notice, file a letter of objection, together with a deposit, with the contracting authority, clearly setting forth any reason for his complaint. The deposit to be paid in respect of tenders valued at less than forty-seven thousand euro (€47,000) shall be four hundred euro (€400), while those between forty-seven thousand euro (€47,000) and one hundred and twenty thousand euro (€120,000) shall be 0.5% of the estimated value of the tender, with a minimum deposit of four hundred euro (€400). The letter by the complaining tenderer shall be affixed on the notice board of the contracting authority and shall be brought to the attention of the recommended tenderer.
- (4) After the expiry of the period allowed for the submission of a complaint, the contracting authority shall deliver the letter of complaint, the deposit receipt and all documents relating to the public contract in question to the Review Board who shall examine the matter in a fair and equitable manner. In its deliberation the Review Board shall have the authority to obtain, in any manner it deems appropriate, any other information not already provided by the contracting authority. The Review Board shall determine the complaint by upholding or rejecting it. The written decision of the Review Board shall be affixed on the notice board of the contracting authority and copies thereof shall be forwarded to the Director of Contracts and all the parties involved.
- (5) (a) Any tenderer or candidate who feels aggrieved by a decision taken by the Review Board may appeal to the Court of Appeal (Superior Jurisdiction) as constituted in accordance with article 41(1) of the Code of Organization and Civil Procedure by means of an application filed in the registry of that court within twenty calendar days from the decision on which that decision has been made public.  
(b) A copy of the appeal application shall be served on the Contracting Authority and on the recommended tenderer, if any, who may file a written reply within twenty days from the date of service.  
(c) The Court of Appeal shall set down the cause for hearing at an early date, in no case later than two months from the date on which the appeal is brought before it and shall cause notice of such date to be given to the parties who, on their part, shall assume the responsibility to visit the court registry and be aware of the latest information regarding the appointment for the hearing of the case.  
(d) After appointing the application for hearing, and after listening to the oral submissions made by all parties, the Court shall decide the application on its merits, within the shortest time possible but not any later than four months from the day when the appeal had been filed and the parties have been duly notified. Pending the decision of the Court, the process of the call for tenders shall be suspended.

- (6) Tender documents issued in terms of this Part shall include a clause informing tenderers that the award of the contract is subject to the right of recourse as provided for in this regulation, a copy of which should be reproduced in the documents.
- (7) The Minister shall have the authority by order to extend the provisions of this regulation in order that recourse as provided in this regulation be made available also by authorities listed in Schedule 3 and to prescribe the procedure by which such recourse is to be granted.

### ***Part XIII - Appeals***

The procedure for the submission of appeals is stipulated in Part XIII of the Public Procurement Regulations (Legal Notice 296/2010), reproduced hereunder for ease of reference.

- (1) Any tenderer or candidate concerned, or any person, having or having had an interest or who has been harmed or risks being harmed by an alleged infringement or by any decision taken including a proposed award in obtaining a contract or a cancellation of a call for tender, may file a notice of objection with the Review Board.

The notice shall be filed within ten calendar days following the date on which the contracting authority has by fax or other electronic means sent its proposed award decision.

The communication to each tenderer of the proposed award shall be accompanied by a summary of the relevant reasons relating to the rejection of the tender as set out in regulation 44(3), and by a precise statement of the exact standstill period.

The notice of objection shall only be valid if accompanied by a deposit equivalent to 0.75 per cent of the estimated value of the whole tender prior to publication or if the tender is divided into lots according to the estimated of the tender for each lot submitted by the tenderer, provided that in no case shall the deposit be less than one thousand and two hundred euro (€1,200) or more than fifty-eight thousand euro (€58,000). The Secretary of the Review Board shall immediately notify the Director that an objection had been filed with his authority there by immediately suspending the award procedure. The Department of Contracts or the contracting authority involved, as the case may be, shall be precluded from concluding the contract during the period of ten calendar days allowed for the submission of appeals. The award process shall be completely suspended if an appeal is eventually submitted.

- (2) The procedure to be followed in submitting and determining complaints as well as the conditions under which such complaints may be filed shall be the following:
  - (a) any decision by the General Contracts Committee (or a Special Contracts Committee) and by a contracting authority, shall be made public at the Department of Contracts or at the office of the contracting authority prior to the award of the contract;
  - (b) the notice of objection duly filed in accordance with sub-regulation (1) shall be made public by the Review Board not later than the next working day following its filing;
  - (c) within three working days of the publication of the replies the Secretary of the Review Board shall prepare a report (the Analysis Report) analysing the letter of objection. This report shall be circulated to the persons who file an objection and interested parties. After the preparatory process is duly completed, the Head of the contracting authority shall forward to the Chairman of the Review Board all documentation pertaining to the call for tenders in question including files, tenders submitted, copies of deposit receipts, any motivated letter, who shall then proceed as stipulated in Part XIV;
  - (d) the Director or the Head of the contracting authority shall publish a copy of the decision of the Review Board at his department or at the premises of the relevant contracting authority, as the case may be.

Copies of the decision shall be forwarded by the Secretary of the Board to the complaining tenderer, any persons who had registered or had an implied interest, the Director of Contracts and to the contracting authority concerned.

## VOLUME 1 SECTION 7 - QUESTIONNAIRE

### Forms to be filled in by the Tenderer:

- Form 1 - Power of Attorney (Where applicable)
- Form 2 - Data on Joint Venture/Consortium (Where applicable)
- Form 3 - Sub-Contracting (Where applicable)

### *Notes to Tenderers*

1. All questions contained in the forms must be answered by the tenderer.
2. Additional sheets may be attached as necessary.
3. If a question does not apply to the tenderer, “not applicable” should be entered alongside with a brief explanation of why.
4. Every single page of each form must be numbered consecutively in the bottom right-hand corner.
5. Financial data and declarations presented by the tenderer must be given in Euro. Original bank statements may be also attached for reference.
6. Attached documentation/certificates must always be accompanied by a relevant translation in the language of the procedure.
7. Each partner in a joint venture/consortium must fill in and submit every form.
8. The person signing this questionnaire guarantees the truthfulness and accuracy of all the statements made.
9. The accuracy of the answers to the questionnaire, their completeness and the attached documentation will be taken into account in the tender evaluation. Please refer to Clause 1.1 of the Instructions to Tenderers.

**Form 1 - Power of Attorney**

Please attach here the power of attorney empowering the signatory of the tender and all related documentation.

Signature: .....  
*(the person or persons authorised to sign on behalf of the tenderer)*

Date: .....

**Form 2 - Data on Joint Venture/Consortium (Where applicable)**

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                        |  |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--|
| 1 | Name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | .....                                                                  |  |
| 2 | Managing Board's Contact Details                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Address: .....<br>.....<br>Telephone: ..... Fax: .....<br>Email: ..... |  |
| 3 | Agency in the state of the Contracting Authority, if any<br><i>(in the case of a Joint Venture/Consortium with a foreign lead partner)</i>                                                                                                                                                                                                                                                                                                                                                    | Address: .....<br>.....<br>Telephone: ..... Fax: .....<br>Email: ..... |  |
| 4 | Names of Partners                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | (i) .....<br>(ii) .....<br>(iii) .....<br>(iv) .....                   |  |
| 5 | Name of Lead Partner                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | .....                                                                  |  |
| 6 | Agreement governing the formation of the Joint Venture/Consortium<br><i>(Enclose Joint Venture/ Consortium Agreement)</i>                                                                                                                                                                                                                                                                                                                                                                     |                                                                        |  |
|   | Place of Signature:                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Date of Signature:                                                     |  |
|   | .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | .....                                                                  |  |
| 7 | Proposed proportion of responsibilities between partners (in %) with indication of the type of the works to be performed by each*<br>* 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 |                                                                        |  |
|   | ..... - .....%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ..... - .....%                                                         |  |
|   | ..... - .....%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ..... - .....%                                                         |  |

Signature: .....  
 (the person or persons authorised to sign on behalf of the tenderer)

Date: .....



## VOLUME 2

### VOLUME 2 SECTION 1 - DRAFT CONTRACT FORM

Financed by: ..... [Specify Source of Financing]

Project: ..... [Title and Number]

Contract Number: **CT 3195/2014**

This contract is concluded between:

Department of Contracts  
Notre Dame Ravelin  
Floriana FRN 1600  
Malta

(hereinafter called "The Central Government Authority") on behalf of [name of Contracting Authority and address]  
on the one part, and

[Name of Contractor]  
[Address]

(hereinafter called "The Contractor") on the other part,

Whereas the Central Government Authority is desirous that certain supplies should be [supplied, manufactured, delivered, installed, commissioned, maintained, etc.] by the Contractor, viz.:

[Contract Title]

and has accepted a tender by the Contractor for the provision of such supplies and the remedying of any defects therein.

**It is hereby agreed as follows:**

1. In this contract words and expressions shall have the meanings assigned to them in the contractual conditions set out below.
2. The place of acceptance of the supplies shall be [.....], the time limits for delivery shall be [.....], and the INCOTERM<sup>2000</sup> applicable shall be delivery duty paid (DDP).
3. The following documents shall be deemed to form and be read and construed as part of this contract, in the following order of precedence:
  - (a) this contract,
  - (b) the Special Conditions,
  - (c) the General Conditions,
  - (d) the technical specifications and design documentation,
  - (e) the Contractor's technical offer (including any clarifications made during adjudication),
  - (f) the financial offer (after arithmetical corrections)/breakdown,
  - (g) the tender form,
  - (h) any other documents forming part of the contract.

Addenda shall have the order of precedence of the document they are modifying.

4. In consideration of the payments to be made by the Contracting Authority to the Contractor as hereinafter mentioned, the Contractor undertakes to deliver all supplies, and remedy defects therein in full compliance with the provisions of the contract.

5. The Contracting Authority hereby agrees to pay the Contractor in consideration of the execution and completion of the works and remedying of defects therein the amount of:
- Contract price (*excluding/including* VAT/other taxes): €.....
  - Contract price in words:..... Euro
- or such other sum as may become payable under the provisions of the contract at the times and in the manner prescribed by the contract. VAT shall be paid in compliance with National Law (in particular the VAT Act 1998, the Act No X of 2003 and relevant Legal Notices).
6. The Contractor hereby agrees to submit a performance guarantee amounting to €..... equivalent to 10% of the contract value together with the signed contract.
7. The provisions of this contract are without prejudice to the obligations of the Central Government Authority in terms of the Freedom of Information Act (Cap. 496 of the Laws of Malta). The Central Government Authority, prior to disclosure of any information to a third party in relation to any provisions of this contract which have not yet been made public, shall consult the contractor in accordance with the provisions of the said Act, pertinent subsidiary legislation and the Code of Practice issued pursuant to the Act. Such consultation shall in no way prejudice the obligations of the Central Government Authority in terms of the Act.
8. In witness whereof the parties hereto have signed the contract. This contract shall take effect on the date on which it is signed by the last party.

Done in English in three originals: one for the Central Government Authority, one for the Contracting Authority, and one for the Contractor.

**Central Government Authority:**

**Contractor:**

Signed by :

Signed by :

.....

.....

In the capacity of:

In the capacity of:

.....

.....

Being fully authorized by and acting on behalf of

Being fully authorized by and acting on behalf of

.....

.....

Date: .....

Date: .....



## VOLUME 2 SECTION 2 - GENERAL CONDITIONS

The full set of General Conditions for Supply Contracts (Version 1.02 dated 1 December 2011) can be viewed/downloaded from:

**[www.contracts.gov.mt/conditions](http://www.contracts.gov.mt/conditions)**

It is hereby construed that the tenderers have availed themselves of these general conditions, and have read and accepted in full and without reservation the conditions outlined therein, and are therefore waiving any standard terms and conditions which they may have.

These general conditions will form an integral part of the contract that will be signed with the successful tenderer/s.

## VOLUME 2 SECTION 3 - SPECIAL CONDITIONS

These conditions amplify and supplement, if necessary, the General Conditions governing the contract. Unless the Special Conditions provide otherwise, those General Conditions remain fully applicable. The numbering of the Articles of the Special Conditions is not consecutive but follows the numbering of the Articles of the General Conditions. Other Special Conditions should be indicated afterwards.

### ***Article 2: Law Applicable***

- 2.1 The laws of Malta shall apply in all matters not covered by the provisions of the contract.
- 2.2 The language used shall be English.

### ***Article 4: Communications***

Unless otherwise agreed in writing, communication between the Contractor and the Contracting Authority shall be between each respective entity's representative namely the Contractor's Contact Person and a Project Manager appointed by the Contracting Authority. All communication shall be in English.

### ***Article 7: Supply of Documents***

As per General Conditions

### ***Article 8: Assistance with Local Regulations***

As per General Conditions

### ***Article 9: The Contractor's Obligations***

- 9.6 Where so stipulated in the Contract, and/or if so instructed by the Project Manager, the Contractor shall take the necessary measures to ensure the visibility of the European Union co-financing. These measures must comply with the rules laid down and published by the Commission on the visibility of external operation.

### ***Article 10: Origin***

- 10.1 As per General Conditions

### ***Article 11: Performance Guarantee***

- 11.1 The Contractor shall, within 15 days of receipt of the contract for signature, furnish the CGA/CA with a guarantee for the full and proper performance of the contract. The amount of the guarantee shall be 10% of the amount of the contract price, including any amounts stipulated in addenda to the contract. In the case that the value of the contract does not exceed €10,000, no performance guarantee is required.
- 11.3 The performance guarantee shall be in the format given in Section 5 and shall be provided in the form of a bank guarantee.

### ***Article 12: Insurance***

- 12.1 Supplies shall be insured until provisional acceptance.

### ***Article 13: Performance Programme (Timetable)***

The Contractor shall submit a performance programme outlining delivery dates within 5 calendar days from such request.

### ***Article 14: Contractor's Drawings***

- 14.1 Not Applicable  
14.7 Not Applicable

### ***Article 15: Tender Prices***

- 15.1 As per General Conditions

### ***Article 16: Tax and customs arrangements***

- 16.1 As per General Conditions  
16.2 As per General Conditions

### ***Article 17: Patents and Licences***

- 17.1 As per General Conditions

### ***Article 18: Commencement Order***

- 18.1 The performance of the contract shall commence 5 calendar days from **last signature of the Contract**.

### ***Article 19: Period of Execution of Tasks***

- 19.1 The contract period shall be 8 calendar weeks from commencement date.

### ***Article 22: Variations***

- 22.1 Subject to the provisions of Regulation 78 of the Public Procurement Regulations 2010, the CGA/CA reserves the right to vary the quantities specified for each contract. The total value of the supplies may not rise or fall as a result of the variation in the quantities by more than 20% of the contract price. The unit prices used in the tender shall be applicable to the quantities procured under the variation.

### ***Article 24: Quality of Supplies***

- 24.2 As per General Conditions

### ***Article 25: Inspection and Testing***

- 25.2 The supplies are to be delivered to the locations as indicated by the Project Manager. Books are to be delivered to one or more of the various MCAST Libraries located at the following locations:
- Institute of Agri Business at Triq Ħal Luqa, Qormi;
  - Institute of Art and Design at Misraħ l-Għonoq, Targa Gap, Mosta;
  - Institute of Building and Construction Engineering at T/Ġ fi Triq il-Kbira, Naxxar;
  - MCAST Gozo Center at Triq JF De Chambray , Għajnsielem;
  - MCAST Main Campus at Triq it-Telgħa ta' Kordin, Raħal Ġdid.
- Inspection of books shall be carried out at any of the above addresses.

### ***Article 26: Methods of Payment***

- 26.1 Payments will be made in Euro.

Payments shall be authorized by the Contracting Authority, and paid by the Treasury Department.

- 26.3 The maximum period in which payments are to be effected is 60 days, failing which the provisions of the Late Payments Directive will come into effect.
- 26.5 The Payments shall be made as follows:  
a) 100% of the contract price following provisional acceptance subsequent to delivery and certification as per technical specifications.
- 26.9 This contract does not include a price revision clause.

### ***Article 28: Delayed Payments***

- 28.1 The Contracting Authority shall pay the Contractor sums due within 60 days of the date on which an admissible payment is registered, in accordance with Article 26 of these Special Conditions. This period shall begin to run from the approval of these documents by the competent department referred to in Article 26.1 of these Special Conditions. These documents shall be approved either expressly or tacitly, in the absence of any written reaction in the 30 days following their receipt accompanied by the requisite documents.
- 28.2 Once the deadline laid down in Article 28.1 has expired:  
the Contractor may, within two months of late payment, claim late-payment interest: meaning simple interest for late payment at a rate which is equal to the sum of the reference rate and at least eight percent (8%); on the first day of the month in which the deadline expired. The late-payment interest shall apply to the time which elapses between the date of the payment's deadline (exclusive) and the date on which the Contracting Authority's account is debited (inclusive).

### ***Article 29: Delivery***

- 29.1 The Contractor shall bear all risks relating to the goods until provisional acceptance at destination. The supplies shall be packaged so as to prevent their damage or deterioration in transit to their destination.
- 29.2 As per General Specifications.
- 29.3 The packaging shall become the property of the recipient subject to respect for the environment.
- 29.5/6 Each delivery is to be accompanied by a delivery note outlining the books being delivered. Markings on the packaging shall include the book names/references.

### ***Article 31: Provisional Acceptance***

As per General Conditions

### ***Article 32: Warranty***

- 32.1 Not Applicable

### ***Article 33: After-Sales Service***

- 33.1 As per General Conditions

### ***Article 35: Breach of Contract***

- 35.3 Without prejudice to the Government's right to dissolve 'ipso jure' the contract in the case of infringement of any condition thereunder and apart from the deduction established for delay in delivery, any such infringement shall render the contractor, in each case, liable to a deduction by way of damages of 5 per cent of the value of the contract, unless the Government elects, with regard to each particular infringement, but not necessarily with regard to all infringements, to claim actual damages incurred.

### ***Article 41: Dispute Settlement by Litigation***

Any dispute between the Parties that may arise during the performance of this contract and

that has not been possible to settle otherwise between the Parties shall be submitted to the arbitration of the Malta Arbitration Centre in accordance with the Arbitration Act (Chapter 387) of the Laws of Malta.

This law is based on “Model Law” which is the Model Law on International Commercial Arbitration adopted on June 21, 1985 by the United Nations Commission on International Trade Law reproduced in the First Schedule of the Arbitration Act.

# VOLUME 2 SECTION 4 - SPECIMEN PERFORMANCE GUARANTEE

**(LETTERHEAD OF THE REGISTERED FINANCIAL INSTITUTION PROVIDING THE GUARANTEE)**

Malta College of Arts, Science and Technology  
MCAST Main Campus  
Corradino Hill  
Paola PLA 9032  
Malta

**[Date]**

Dear Sir,

Our Guarantee Number ..... for €.....

Account: **[Account Holder's Name]**

In connection with the contract entered into between yourself on behalf of the Director of Contracts and **[Name and Address of Contractor]** hereinafter referred to as “the Contractor” as per the latter’s tender and your acceptance under **[CT 3195/2014]**, whereby the contractor undertook the **[title of contract]** in accordance with Article 11 of the Special Conditions the **[works/services/supplies]** as mentioned, enumerated or referred to in the Specification and/or Bills of Quantities forming part of the contract documents, we hereby guarantee to pay you on demand a maximum sum of **€[amount in words and numbers]** in case the obligations of the above-mentioned contract are not duly performed by the Contractor.

This guarantee will become payable on your first demand and it shall not be incumbent upon us to verify whether such demand is justified.

For avoidance of doubt it is hereby declared that although this instrument gives rise to legal relations between the guarantor and the beneficiary, it is hereby specifically declared for all intents and purposes of law that this guarantee does not exempt the above-mentioned Contractor from any obligations, acts of performance or undertaking assumed under the tender documents as ratified in the contract.

Any payments due to the contractor in respect of the obligations entered into under the contract above referred to shall be made through this Bank.

This guarantee expires on the **[expiry date]** and unless it is extended by us or returned to us for cancellation before that date any demand made by you for payment must be received in writing not later than the aforementioned expiry date.

This document should be returned to us on utilization or expiry or in the event of the guarantee being no longer required.

After the expiry date and in the absence of a written demand being received by us before such expiry date, this guarantee shall be null and void, whether returned to us or not, and our liability hereunder shall terminate.

This guarantee is personal to you, and is not transferable or assignable.

Yours Faithfully,

.....  
**[Signatory on behalf of Guarantor]**

## VOLUME 2 SECTION 5 - SPECIMEN PREFINANCING PAYMENT GUARANTEE

(LETTERHEAD OF THE REGISTERED FINANCIAL INSTITUTION PROVIDING THE GUARANTEE)

Malta College of Arts, Science and Technology  
MCAST Main Campus  
Corradino Hill  
Paola PLA 9032  
Malta

[Date]

[Tender Reference]

Dear Sir,

We the undersigned, [*name, company name, address*], hereby declare that we will guarantee, as principal debtor, to [*Central Government Authority's name and address*] on behalf of [*Contractor's name and address*], the payment of [*indicate the amount*], corresponding to the guarantee mentioned in Article 26.5 of the Special Conditions without dispute, on receipt of a first written request from the beneficiary.

We further agree that no change or addition to or other modification of the terms of the contract or of the works to be performed thereunder or of any of the contract documents which may be made between you and the Contractor shall in any way release us from any liability under this guarantee. We hereby waive notice of any such change, addition or modification.

The guarantee will enter into force and take effect from the [*indicate the date of payment of the pre-financing*] and shall be valid until the equivalent value of [*works/services/supplies*] has been certified by the Contracting Authority.

We note that you will release the guarantee and notify us of the fact at the latest within thirty days of this date.

Done at ....., ..../..../..

Name and first name: ..... On behalf of: .....

Signature: .....

[stamp of the body providing the guarantee]

## VOLUME 3 - TECHNICAL SPECIFICATIONS

*Part 1 - To be specified by the Contracting Authority in the tender document*

**Note:**

Where in this tender document a standard is quoted, it is to be understood that the Contracting Authority will accept equivalent standards. However, it will be the responsibility of the respective bidders to prove that the standards they quoted are equivalent to the standards requested by the Contracting Authority.



## 1.0 Reference Books

### 1.0.1 General Description

Reference books are to be supplied and delivered to the Malta College of Arts, Science and Technology in accordance to the requirements of the technical specifications enlisted hereunder.

### 1.0.2 Delivery

1.0.2.1 The Contractor is to deliver all the reference books included in the contract, to the location indicated by the Project Manager. The Contractor may be instructed to deliver books in one or more of the following locations:

- Institute of Agri Business at Triq Ħal Luqa, Qormi;
- Institute of Art and Design at Misraħ l-Għonoq, Targa Gap, Mosta;
- Institute of Building and Construction Engineering at T/Ġ fi Triq il-Kbira, Naxxar;
- MCAST Gozo Center at Triq JF De Chambray , Għajnsielem;
- MCAST Main Campus at Triq it-Telgħa ta' Kordin, Raħal Ġdid.

1.0.2.2 The Contractor is to deliver all the books included in the contract within 8 calendar weeks from commencement date.

1.0.2.3 The supplies shall be delivered on any working day during normal working hours at the agreed place of delivery.

### 1.0.3 Reference Books Requirements

1.0.3.1 Where available books delivered are to have a hard cover.

1.0.3.2 Should the reference book be available as a hard copy and a hard copy with CD/ additional support media, the Contractor is to supply the version showing also the CD/support media.

1.0.3.4 Should more than one edition for the same reference book be available, the Contractor is to deliver the latest edition published by the date/time of tender at no extra cost.

1.0.3.5 All books are to be supplied in the title language of the reference book.

1.0.3.6 Only original books will be accepted and no duplicate/defective/photocopied of these shall be entertained. Books delivered are to be new and unused.

### 1.04 List of Reference books required

The books required by the Malta College of Arts Science and Technology are enlisted in Volume 4 - Financial Bid.

***Part 2 -The Contractor's Technical Offer***

**VOLUME 4 - FINANCIAL BID**  
Breakdown of Costs

Tender Title: Supply and Delivery of Reference Books to the Malta College of Arts, Science and Technology  
CT Ref: 3195/2014

| Item No. | Description                                                                                                                                                                                                                                                                                                                      | Quantity                                                                                                                                                                                  | Unit Cost including VAT, Duties & Other Taxes/Charges (Delivered Duty Paid-DDP)<br>€ | Total excluding VAT, and including Duties & Other Taxes/Charges (Delivered Duty Paid-DDP)<br>€ | Total including VAT, Duties & Other Taxes/Charges (Delivered Duty Paid-DDP)<br>€ |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
|          | <b>Notes:</b><br>Where the <i>Unit Cost</i> and/or <i>Total</i> cell adjacent to a particular book is left empty or <i>Not Applicable</i> is written it shall be deemed that no offer is being made for the particular book. If <i>0</i> is written it shall be deemed that the book is being priced and offered free of charge. |                                                                                                                                                                                           |                                                                                      |                                                                                                |                                                                                  |
|          | The following reference books are to be supplied in accordance with the requirements of Volume 3 - Technical Specifications:                                                                                                                                                                                                     |                                                                                                                                                                                           |                                                                                      |                                                                                                |                                                                                  |
|          | <b>ISBN</b>                                                                                                                                                                                                                                                                                                                      | <b>TITLE/AUTHOR</b>                                                                                                                                                                       |                                                                                      |                                                                                                |                                                                                  |
| 1        | 9781592535743                                                                                                                                                                                                                                                                                                                    | 1,000 Ideas by 100 Graphic Designers by Matteo Cossu                                                                                                                                      | 1                                                                                    |                                                                                                |                                                                                  |
| 2        | 9781592531882                                                                                                                                                                                                                                                                                                                    | 100 Habits of Successful Graphic Designers: Insider Secrets from top Designers on Working Smart and Staying Creative by Plazm, Joshua Berger and Sarah Dougher                            | 1                                                                                    |                                                                                                |                                                                                  |
| 3        | 9781592534821                                                                                                                                                                                                                                                                                                                    | 1000 Type Treatments: From Script to Serif, Letterforms used to Perfection by Wilson Harvey                                                                                               | 1                                                                                    |                                                                                                |                                                                                  |
| 4        | 9780953107322                                                                                                                                                                                                                                                                                                                    | 12 Rules of Creativity by Michael Atavar                                                                                                                                                  | 2                                                                                    |                                                                                                |                                                                                  |
| 5        | 9781592532780                                                                                                                                                                                                                                                                                                                    | 30 Essential Typefaces for a Lifetime by Lmin Pao                                                                                                                                         | 1                                                                                    |                                                                                                |                                                                                  |
| 6        | 9781592537372                                                                                                                                                                                                                                                                                                                    | 365 Habits of Successful Graphic Designers: Insider Secrets From Top Designers on Working Smart and Staying Creative by Laurel Saville, Joshua Berger, Steve Gordon Jr. and Sarah Dougher | 1                                                                                    |                                                                                                |                                                                                  |
| 7        | 9781592001163                                                                                                                                                                                                                                                                                                                    | Inspired 3D Advanced Rigging and Deformations by Brad Clark, Joe Harkins and John Hood                                                                                                    | 1                                                                                    |                                                                                                |                                                                                  |
| 8        | 0201758679                                                                                                                                                                                                                                                                                                                       | 3D User Interfaces: Theory and Practice by Doug A. Bowman, Ernst Kruijff, Joseph J. LaViola Jr. and Ivan Poupyrev                                                                         | 1                                                                                    |                                                                                                |                                                                                  |
| 9        | 9780240816067                                                                                                                                                                                                                                                                                                                    | 3DS Max Modeling for Games: Insider's Guide to Stylised Modelling: Volume 2 by Andrew Gahan                                                                                               | 1                                                                                    |                                                                                                |                                                                                  |
| 10       | 9780240815824                                                                                                                                                                                                                                                                                                                    | 3DS Max Modeling for Games: Insider's Guide to Game Character, Vehicle, and                                                                                                               | 1                                                                                    |                                                                                                |                                                                                  |

|    |               |                                                                                                                                                                                            |   |  |  |  |
|----|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|--|--|
|    |               | Environment Modeling: Volume 1 by Andrew Gahan                                                                                                                                             |   |  |  |  |
| 11 | 9780988236233 | 50 Brainstorming Methods: For team and individual ideation by Robert A. Curedale                                                                                                           | 2 |  |  |  |
| 12 | 9781497393837 | GameMaker Studio Book - A Beginner's Guide To GameMaker Studio by Ben Tyers                                                                                                                | 1 |  |  |  |
| 13 | 9781627554671 | A Theory of Human Motivation by Abraham Maslow                                                                                                                                             | 2 |  |  |  |
| 14 | 9780321834591 | Adobe After Effects CS6 Visual Effects and Compositing Studio Techniques by Mark Christiansen                                                                                              | 1 |  |  |  |
| 15 | 9780321822512 | Adobe Flash Professional CS6 Classroom in a Book by Adobe Creative Team                                                                                                                    | 1 |  |  |  |
| 16 | 9780321618528 | Agile Game Development with Scrum by Clinton Keith                                                                                                                                         | 1 |  |  |  |
| 17 | 9780735619937 | Agile Project Management with Scrum by Ken Schwaber                                                                                                                                        | 1 |  |  |  |
| 18 | 9781584505587 | AI and Artificial Life in Video Games by Guy Lecky-Thomson                                                                                                                                 | 1 |  |  |  |
| 19 | 9781592535545 | Anatomy of Design: Uncovering the Influences and Inspiration in Modern Graphic Design by Steven Heller and Mirko Ilic                                                                      | 1 |  |  |  |
| 20 | 9780486272795 | Anatomy: A Complete Guide for Artists by Joseph Sheppard                                                                                                                                   | 1 |  |  |  |
| 21 | 9781118394151 | Android Design Patterns: Interaction Design Solutions for Developers by Greg Nudelman                                                                                                      | 1 |  |  |  |
| 22 | 9780470904329 | Android Development with Flash: Your Visual Blueprint for Developing Mobile by Julian Dolce                                                                                                | 1 |  |  |  |
| 23 | 9781849514484 | Android User Interface Development: Beginner's Guide by Morris Jason                                                                                                                       | 1 |  |  |  |
| 24 | 9781909414006 | Art Fundamentals: Color, Light, Composition, Anatomy, Perspective and Depth by Gilles Beloeil                                                                                              | 1 |  |  |  |
| 25 | 9781592536641 | Atlas of Graphic Designers by Elena Stanic and Lipavsky Corina                                                                                                                             | 1 |  |  |  |
| 26 | 9780123983312 | Audio Production Worktext: Concepts, Techniques and Equipment by Samuel J. Sauls                                                                                                           | 1 |  |  |  |
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