



CT2061/2015

3 November 2015

To All Prospective Bidders

**Competitive Dialogue: Pre-Qualification Questionnaire (PQQ) for the Restoration, Operation & Maintenance of the Triton Fountain, Valletta City Gate, Malta**

Clarification Note No. 2

Reference is made to the above-captioned tender for which the deadline for submission of offers is the 10 November 2015 at 10:00 am.

Hereunder please find a set of Clarifications which are construed to form an integral part of the Prequalification Questionnaire.

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**Question 1:** Form B2.1.2 Artistic Bronze Foundry Specialised Staff - B2.1.2 (page 49) - The Artistic Bronze Foundry Specialised Staff - A bronze conservator/restorer is also being requested but there no form referring to this key expert. Is it necessary to present documentation about the (1) bronze conservator/restorer?

**Answer 1:** Works proposed are strictly of a foundry nature, thus the key expert is the Master Founder, and not the Conservator. Since the works involved revolve around the treatment of a Listed Building - also known as Scheduled Grade 1 - the Concessionaire must engage a professional Conservator to ensure that he/she works in liaison with the Master Founder and other key experts to undertake works as per approved RMS.

The CV of the professional Conservator may be presented, but the lack of such a document shall not result in a reduction in marks.

**Question 2:** A qualified Structural Engineer (page 73) - Is a consultancy contract with a Structural Engineer (with Maltese Warrant or similar Warrant by an EU Engineers Board) and the foundry sufficient?

**Answer 2:** The Structural Engineer does not need to be an employee of the Foundry. A formal agreement between the Structural Engineer and the Foundry is sufficient.

The Concessionaire may employ on the project a qualified Structural Engineer who does not possess a Perit Warrant issued by the Malta Periti Warranting Board. However, the Concessionaire must also and always employ a Structural Engineer who shall have a Bachelors Degree in Structural Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent, who shall have a Perit Warrant issued before 1st January 2005 by the Malta Periti Warranting Board and listed in The Malta Government Gazette, and who shall be held entirely accountable and responsible for the relevant works.

**Question 3:** Structural Engineer (reference to page 74). Is an engineer (not a Maltese citizen) with a Bachelors Degree in Structural Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent, and having a Warrant or similar by an EU Engineers Board before

1 st January 2005 sufficient? Or is it a must to have a Perit Warrant issued before 1st January 2005 by the Malta Periti Warranting Board and listed in The Malta Government Gazette"?

**Answer 3:** The Concessionaire may employ on the project a qualified Structural Engineer who does not possess a Perit Warrant issued by the Malta Periti Warranting Board. However, the Concessionaire must also and always employ a Structural Engineer who shall have a Bachelors Degree in Structural Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent, who shall have a Perit Warrant issued before 1st January 2005 by the Malta Periti Warranting Board and listed in The Malta Government Gazette, and who shall be held entirely accountable and responsible for the relevant works.

**Question 4:** Mechanical Engineer (reference to page 79 B3.4.1 Key Expert (Mechanical) Technical Capacity ) – May a non- Maltese citizen having a Bachelors Degree in Mechanical Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent and having a Warrant or similar by an EU Engineers Board before 1 st January 2005 sufficient or it must be "a Mechanical Engineer's Warrant issued before 1 st January 2005 by the Malta Engineering Profession Board and listed in The Malta Government Gazette"?

**Answer 4:** The Concessionaire may employ on the project a qualified Mechanical Engineer who does not possess a Mechanical Engineer's Warrant issued by the Malta Engineering Profession Board. However, the Concessionaire must also and always employ a Mechanical Engineer who shall have a Bachelors Degree in Mechanical Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent, who shall have a Mechanical Engineer's Warrant issued before 1st January 2005 by the Malta Engineering Profession Board and listed in The Malta Government Gazette, and who shall be held entirely accountable and responsible for the relevant works.

**Question 5:** Mechanical Engineer (reference to page 82 B3.5.1 Key Expert (Electrical) Technical Capacity) – May a non-Maltese citizen having a Bachelors Degree in Electrical Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent and having a Warrant or similar issued by an EU Engineers Board before 1 st January 2005 sufficient or is it necessary to have "an Electrical Engineer's Warrant issued before 1 st January 2005 by the Malta Engineering Profession Board and listed in The Malta Government Gazette"?

**Answer 5:** Form B3.5.1 page 82 refers to an Electrical Engineer, and not to a Mechanical Engineer, as indicated at the beginning of the question.

In any case, the Concessionaire may employ on the project a qualified Electrical Engineer who does not possess an Electrical Engineer's Warrant issued by the Malta Engineering Profession Board. However, the Concessionaire must also and always employ an Electrical Engineer who shall have a Bachelors Degree in Electrical Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent, who shall have an Electrical Engineer's Warrant issued before 1st January 2005 by the Malta Engineering Profession Board and listed in The Malta Government Gazette, and who shall be held entirely accountable and responsible for the relevant works.

**Question 6:** Engineer (reference to page 93 B3.6.1 Key Expert (Civil) Technical Capacity ) – May a non-Maltese citizen having a Bachelors Degree in Civil Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent, and having a Warrant or similar by an EU Engineers Board before 1 st January 2005 sufficient or he must have a Perit Warrant issued before 1st January 2005 by the Malta Periti Warranting Board and listed in The Malta Government Gazette"?

**Answer 6:** The Concessionaire may employ on the project a qualified Civil Engineer who does not possess a Perit Warrant issued by the Malta Periti Warranting Board. However, the Concessionaire must also and always employ a Civil Engineer who shall have a Bachelors Degree in Civil Engineering at MQF Level 6 or above from the University of Malta or from an institution recognised as equivalent, who shall have a Perit Warrant issued before 1st January 2005 by the Malta Periti Warranting Board and listed in The Malta Government Gazette, and who shall be held entirely accountable and responsible for the relevant works.

**Question 7:** We would like to know if a nominated key expert can be employed with the public administration but will be taking part in this project in their personal capacity and have no conflict of interest.

**Answer 7:** Public employees may be recruited as experts as long as it is ascertained through the attached self-declaration; that they do not fall in any of the provisions laid down in the Public Administration Act - Chapter 497 of the Laws of Malta (First Schedule Code of Ethics Article 5).

**8. A conflict of interest may be defined as a situation in which a public employee has a private or personal interest sufficient to influence or appear to influence the objective exercise of his or her official duties.**

**9. Public employees shall avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of their duties.**

**10. In many cases only the individual employee will be aware of the potential for conflict.**

**Therefore, the onus is on the employee to disclose to his or her senior if a potential or actual conflict of interest arises.**

**11. This includes the notification of all relevant personal, financial, business or other interests, in particular:**

**(a) any directorship, partnership, agency or any shareholding;**

**(b) any interest in any activity or business in which or with which the organisation is engaged;**

**(c) any interest in goods or services recommended or supplied to the organisation.**

**12. Public employees shall notify the head of the organisation in writing within a week whenever any of the above interests arise namely, upon assuming office, change in duties or due to a change in circumstances**

This self-declaration is to be endorsed by all Key Experts (who are also Public Employees). Form is attached to this clarification note

Key experts nominated by the Candidate, who are employed as Public Officers, are to fill the *Declaration Form* attached, and insert the filled form right after the respective CV to be included as part of the submitted PQQ documentation.

While Public Officers may be nominated as key experts, the Contracting Authority shall expect and the Candidate shall ascertain that: (i) all nominated key experts are fully committed to this project, and (ii) all nominated key experts are available in person whenever required by the Contracting Authority. A situation where nominated key experts fail to consistently supervise the works under their responsibility, or where key experts are unavailable in person whenever required by the Contracting Authority, or where key experts are represented by their delegates, shall not be accepted. Throughout the duration of the Project, the Contracting Authority shall deal only with the Project Leader and with the Key Experts.

**Question 8:** Please confirm that as established on page 42 "Audit Opinion Evaluation Marks Assignment", Unqualified Audited Financial Statements will receive 5 marks and Qualified Audited Financial Statements will receive 2 marks. Can you confirm?

**Answer 8:** Confirmed. Please note that the above is written on Page 41.

**Question 9:** Can you clarify what is necessary to submit, when the tenderer is a Joint Venture, in FORM A1 page 26 - CANDIDATE INFORMATION - A1.2 Candidate Information and A1.3 Candidate Registered Office?

**Answer 9:** If the Tenderer is a Joint-Venture, the Joint-Venture must have a name, which shall be included in Form A1.1. If the Joint-Venture has an office, telephone number, e-mail address, etc., then this information shall be included in Form A1.2. If the Joint-Venture has converted itself into a registered civil partnership, which is actually not required unless the Joint-Venture is awarded the Contract, relative information shall be inserted in Form A1.3. Information pertaining to individual companies making up the Joint-Venture should be included in Form A2.

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



Jacqueline Gili  
f/Director General (Contracts)

**Declaration Form**

**TO BE COMPLETED BY EACH INDIVIDUAL KEY EXPERT/PERSONNEL WHO IS EMPLOYED WITH THE PUBLIC ADMINISTRATION**

**PUBLICATION REF: \_\_\_\_\_**

I, the undersigned, hereby declare that I do not have any Conflict of Interest as defined in the Public Administration Act, Chapter 497 of the Laws of Malta - First Schedule, Code of Ethics, Article 5.

I also declare that, I am not engaged in another project or in a position which may give rise to a possible private or personal interest sufficient to influence or appear to influence the objective exercise of my duties as public employee.

By making this declaration, I understand that as a public employee I shall avoid any financial or other interest or undertaking, which could directly or indirectly compromise the performance of my duties as public employee.

I am fully aware that the onus to disclose any possible conflict of interest lies solely on me and I shall be responsible to disclose any foreseen conflict of interest to my seniors/head of organization within one week from when the need arises as well as inform the Contractor accordingly.

Furthermore, I confirm that I shall also abide by the provisions laid down in Article 21 - Ethics Clauses of the General Rules Governing Tendering version 1.11.

Name of Key Expert: .....

Signature: .....

Date: .....