

**NOTES TO COMPILER**

- i. Contracting Authorities who moved from one Ministry to another shall split their Procurement Statistical Reporting in such a way so as to make a distinction between ministries; the report shall be presented to the concerned Ministry depending on the reporting period.
- ii. In the event that any section/subsection of the template does not apply to a particular Contracting Authority, a nil reply is to be submitted within the said section/subsection/template.
- iii. The templates (except Template 1) shall gather statistics about Classic Procurement, and if applicable about Utilities and Concession Procurement.

# **TEMPLATES**

## **Template 1 – List of Contracting Authorities**

- i. Each ministry shall list all the Contracting Authorities within its remit and indicate with a 'YES' or a 'NO' whether the said Contracting Authority submitted the Procurement Statistical Report.

## **Template 2 – Individual Procurement Statistics**

- i. Each Contracting Authority shall provide specific details pertaining to each procurement procedure, i.e. statistics per procurement affected (whether it is a CfQ, CfT, Direct Order or otherwise).
- ii. Template 2 is divided into Classic, Utilities and Concession Procurement; each of these sections is further subdivided into five (5) segments, each representing the different local procurement thresholds (excluding VAT), as follows:
  - Call for Quotations: €5,000 to €10,000
  - Call for Tenders – Departmental: Above €10,000 to €144,000
  - Call for Tenders – Through DoC: Above €144,000
  - Call for Tenders – Through MPU: Above €10,000 to €250,000
  - Call for Tenders – Through DoC for MPUs: Above €250,000
- iii. If a reply is in the affirmative, '1' should be denoted in the template. Examples as follows:

## **Type of Procedure**

Type of Procedure						
Open Procedure	Restricted Procedure	Competitive Dialogue	Competitive Procedure with Negotiation	Negotiated Procedure without prior Publication	Other: [Innovation Partnership / Design Contest / Reserved Contracts / Social Services / Specific Services]	'Other' Procedure
1						
				1		
	1					
			1			
		1				
					1	Innovation Partnership
					1	Design Contest
					1	Reserved Contract
					1	Social Services
					1	Specific Service
					1	Negotiated Procedure with prior call for competition

*A justification to be provided if procurement procedure adopted was Negotiated Procedure without prior Publication*

**Award Mechanism**

Award Mechanism		
Price	Cost	BPQR
1		
		1
	1	

*A justification to be provided if procurement utilised the BPQR award mechanism*

**Type of Funding**

Type of Funding	
Locally Funded	EU Funded
	1
1	

**Nature of Contract**

Nature of Contract		
Works	Services	Supplies
	1	
1		
		1

- iv. Direct Contracts; If a procurement falls within the CfQ / CfT – Departmental threshold, however, a Direct Contract was ultimately awarded, the ‘Direct Contracts’ statistics needs to be filled-in.

**Template 3 – Aggregate Procurement Statistics**

- i. Each Contracting Authority shall provide aggregate procurement statistics reflecting the summation of data, split by procurement thresholds.
- ii. Contracting Authorities may utilise the ‘totals’ as per Template 2 in order to compile Template 3.

**Template 4 – SME Statistics**

- i. Each Contracting Authority shall provide statistics relating to the participation and award of public contracts/procurement to Small and Medium Sized Enterprises.
- ii. Statistics collection shall be split between ‘above’ and ‘below’ EU threshold procurement.

**Template 5 – EU Threshold Procurement Statistics**

- i. Each Contracting Authority shall provide aggregate procurement statistics reflecting the summation of data, split by the Nature of the Contract (Works/Services/Supplies).
- ii. Statistics shall pertain to both ‘above’ and ‘below’ EU threshold procurement.

## **GLOSSARY**

### **Classic Procurement:**

The Classic Contracts Directive 2014/24/EU transposed into National Law through the Public Procurement Regulations (LN 352/2016), the scope of which is to establish and regulate all the procurement of works, supplies and services, carried out by Contracting Authorities.

### **Utilities Procurement:**

The Utilities Contracts Directive 2014/25/EU transposed into National Law through the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations (LN 351/2016), the scope of which is to establish and regulate procurement for the above-mentioned utilities sectors, carried out by Utilities Contracting Authorities.

### **Concession Procurement:**

The Concession Contracts Directive 2014/23/EU transposed into National Law through the Concession Contracts Regulations (LN 353/2016), the scope of which is to establish and regulate public concessions carried out by Contracting Authorities.

Concessions are defined as contracts for financial interest, concluded in writing, by means of which one or more Contracting Authorities/Entities assign the execution of works/services to one or more Economic Operators, where the consideration for the works/services to be carried out consists either solely in the right to exploit the works/services that are the subject of the contract, or in that right to exploit together with payment.

In a public concession, a Contracting Authority grants a private entity a right to provide an asset or service. Rather than pay for providing the asset or service, the Contracting Authority transfers the opportunity to exploit the market to the private entity, along with the demand risk (the risk that there will be little or no market to exploit). Revenue from fees paid by third party users (normally the general public) to the private entity are then used to meet the costs incurred and to make a profit.

<b>Ministerial Procurement Unit:</b>	An entity that is established under each Ministry which processes, publishes, administers and recommends the award of a call for tenders published under the open procedure, where the estimated value exceeds ten thousand Euro (€10,000 excl. VAT) but does not exceed two hundred and fifty thousand Euro (€250,000 excl. VAT).
<b>Domestic Bidders:</b>	Bidders who are Maltese Nationals.
<b>Non-Domestic Bidders:</b>	Bidders who are non-Maltese Nationals.
<b>Sole Bidder:</b>	Bidding for a public contract results in having only one Economic Operator that submits a bid.
<b>Small &amp; Medium Sized Enterprise:</b>	Economic Operators having less than 250 persons employed and an annual turnover of up to Euro 50 million or a balance sheet total of no more than Euro 43 million.
<b>Award Mechanism:</b>	The award criterion utilised for each specific procurement, which shall be identified on the basis of Price, Cost or the Best Price Quality Ratio (BPQR).
<b>Financial Value:</b>	Monetary / Pecuniary Value; a distinction shall be made between the Estimated Procurement Budget, the Contract Procurement Award Value and the Final Contract Value (which shall include variations, if applicable).
<b>Type of Procedure:</b>	Each procurement shall follow any of the allowed procedures as defined by the regulations.
<b>Type of Tool:</b>	A procurement procedure may utilise a tool to perform the required procurement, ie a means to an end.

## **ACRONYMS**

<b>DoC:</b>	Department of Contracts
<b>MPU:</b>	Ministerial Procurement Unit
<b>CfQ:</b>	Call for Quotations
<b>CfT:</b>	Call for Tenders
<b>VAT:</b>	Value Added Tax
<b>BPQR:</b>	Best Price Quality Ratio
<b>SME:</b>	Small and Medium Sized Enterprise
<b>CA:</b>	Contracting Authority
<b>DPS:</b>	Dynamic Purchasing System

# THRESHOLDS

## Local Thresholds

	SUPPLIES	SERVICES	WORKS
Hand Quotations (Minimum x3)	> € 5,000	> € 5,000	> € 5,000
Call for Quotations (ePPS - Mandatory)	€ 5,000 > € 10,000	€ 5,000 > € 10,000	€ 5,000 > € 10,000
Call for Tenders (ePPS - Mandatory)	€ 10,000 > € 144,000	€ 10,000 > € 144,000	€ 10,000 > € 144,000
Call for Tenders (ePPS - Mandatory)  For MPUs (Decentralised Ministries)	€ 10,000 > € 250,000	€ 10,000 > € 250,000	€ 10,000 > € 250,000
Call for Tenders thru DoC (ePPS - Mandatory)  For MPUs (Decentralised Ministries)	≤ €250,000	≤ €250,000	≤ €250,000
Call for Tenders thru DoC (ePPS - Mandatory)  For <u>Non-Decentralised</u> Ministries	≤ €144,000	≤ €144,000	≤ €144,000

## EU Thresholds

		SUPPLIES	SERVICES	DESIGN CONTESTS	WORKS
<b>CLASSICAL PROCUREMENT LN 352-2016</b>	Call for Tenders through DoC and MPUs (Decentralised Ministries)	From € 144,000	From € 144,000	From € 144,000	From € 5,548,000
	Call for Tenders by Subcentral & Schedule 3 Entities	From € 221,000	From € 221,000	From € 221,000	From €5,548,000
<b>UTILITIES LN 352-2016</b>	Utility Authorities	From € 443,000	From € 443,000	From € 443,000	From €5,548,000
<b>CONCESSIONS LN 353-2016</b>		/	From €5,548,000	/	From €5,548,000

***The above thresholds are applicable for all procurement, thus, no distinction between locally-funded and EU-funded shall be made.***

***Estimated Contract Values are Excluding VAT***