

Department of Contracts
Notre Dame Ravelin
FLORIANA

To Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

05 August 2020

ONLINE AUTOMATED EVALUATION REPORT SUMMARY

Evaluation Committees are appointed with the purpose of evaluating the offers submitted by the bidders in response to a Procurement Call and subsequently make recommendations through an Evaluation Report.

1. Compilation of an Evaluation Report

Pursuant to Regulation 17 of the Public Procurement Regulations S.L. 601.03 and Regulation 36 of Utilities Procurement S.L. 601.05¹, the Evaluation Committee shall communicate and address the said Evaluation Report to the responsible body, namely the Director of Contracts or the Departmental Contracts Committee or the Ministerial Procurement Unit or the Head of the Contracting Authority, as the case may be.

In line with Regulation 51(1) of the Concession Contracts Regulations S.L. 601.09, the role of the Evaluation Committee shall be that of evaluating the submissions as established in the concession documents and to make recommendations to the Head of the Contracting Authority / Entity or the Special Contracts Committee as the case maybe.

Further to the above, all Evaluation Reports, prior to being presented to the responsible awarding body, shall be endorsed through the respective Head of the Contracting Authority.

An Evaluation Report shall (*but not be limited to*) include the following information:

- Name and address of the Contracting Authority

¹ Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors.

- Subject-matter and Value of the recommended Awardee
- Results of the Qualitative Selection (where applicable) including:
 - (i) The Names of the Selected Bidder/s and the Reasons for their selection, and
 - (ii) The Names of the Rejected or Excluded bidders and the Reasons for their rejection / exclusion
- Reasons for the Rejection of Offers found to be Abnormally Low (if applicable)
- Name of the Successful Bidder and the Reasons why the offer was selected
- Share of the contract which the Successful Bidder intends to subcontract to third parties (if known and if applicable)
- Name/s of the Main Contractor's Subcontractors (if known and if applicable)
- Reasons why there was no award of a Contract (where applicable)

Further to the above, Contracting Authorities are encouraged to review Regulations 113 and 241 of S.L 601.03 / Regulations 87 and 172 of S.L. 601.05 for a more comprehensive description of what shall be included in the Evaluation Report.

Moreover, Contracting Authorities shall record the progress of each Procurement Procedure as well as ensure that they retain sufficient documentation to justify decisions and actions taken in all stages of the Evaluation Process.

2. Evaluation Process Enhancements

Government's e-Procurement Platform (better known as the Electronic Public Procurement System – ePPS) necessitates an online Evaluation Process. In order to hasten the said process, the system has been enhanced with new functionalities.

Once the unlocking of offers takes place, through an online 'Declaration of Impartiality and Confidentiality', the associated Evaluation Committee (specifically those with the ES / ESR roles) members shall be required to confirm that they do not have any Conflict of Interest with the bidders of the Procurement Call in question.

The Chairperson's (ESR) role has now been given more prominence. In fact, s/he shall be required to provide comments / justifications at the end of each Evaluation Process Stage for each bidder. In case a Procurement Call includes Lots, the Chairperson shall be required to input comments for each Lot. All the information shall be included in a Dialogue Box titled 'Summary'.

The Chairperson is expected to provide a resume of the collated comments of all the Evaluators (ES) per bidder.

In addition to any tasks currently being carried out by the Secretary of the Evaluation Committee, it shall now also be her / his remit to assist the Chairperson when completing the tasks on the ePPS.

Once all the Evaluation Process Stages are finalised, the Chairperson shall input the 'Final Recommendation', wherein s/he shall recommend an award (or cancellation), amongst others, specifying the name of the bidder and the value of the offer as well as providing applicable justifications. Thereafter, an improved and user-friendly online Evaluation Report is generated.

Evaluation Process Enhancement Guide

For a more detailed explanation of the system enhancements in relation to the online Evaluation Process (including a step-by-step guide of how the Evaluation Clarification / Rectification 5-day window shall be operating), Contracting Authorities are encouraged to review the 'Evaluation Enhancements' Guidance Notes prepared by the IT Unit forming part of the Administration Directorate and published through a Manual Notification. Contracting Authorities are reminded that all Manual Notifications are accessible to all ePPS account holders, grouped in a repository folder, through the 'Resources' section of the ePPS.

3. Online Automated Evaluation Report Summary

In addition to the online 'Evaluation Report', a new file titled 'Evaluation Report Summary' is generated by the ePPS; it displays a very short overview of the Evaluation Process outcome, including the evaluation scores (where applicable) as well as the Summary and the Final Recommendation comments inputted by the Chairperson (ESR). The 'Evaluation Report Summary' is a system file and thus cannot be edited. However, if the Evaluation Report itself is rejected (through the 'Reject and Request Re-evaluation' tab on the system), a new report is generated as a result of necessary amendments. Accordingly, a new Evaluation Report Summary is created.

This new functionality on the system is applicable to all Procurement / Concession Regulations, across the different Procurement Procedures. Moreover, for any call (including quotations) published on the ePPS, the system will automatically necessitate an online evaluation

including the completion of the aforementioned tasks. Thus, an Online Automated Evaluation Report Summary shall be generated accordingly.

4. Utilisation of the Online Automated Evaluation Report Summary

The Evaluation Report Summary shall be replacing the MS Word Evaluation Report Template. Nonetheless, the salient content of the current Evaluation Report Template shall still be reflected in the Evaluation Report Summary.

In addition, when presenting the Evaluation Report to the responsible body, any applicable annexes and documentary evidence (such as, but not limited to Opened Tender Details / Minutes of Tenders' Opening I Appendix, Exchange of Rectification and / or Clarification correspondence, Summary of Justifications / Decisions that shall be communicated to the relevant Bidders and Log Sheet of Samples) shall still be an integral part of the Evaluation Report. Thus, it is recommended that a printed copy of all documentation is presented to the responsible body.

With specific regard to any Procurement Calls published, administered and determined by the Director of Contracts (on behalf of a Contracting Authority), shall necessitate that the respective Evaluation Report Summary (including any applicable documentation) be printed and submitted to the Department of Contracts accordingly.

The utilisation of the Online Automated Evaluation Report Summary shall be mandatory for all Procurement / Concession Calls wherein the Estimated Value exceeds Euro5,000 excl VAT. Its obligatory utilisation shall specifically commence for all Evaluation Reports submitted to the relevant awarding body as of 01 January 2021. However, Contracting Authorities are encouraged to familiarise themselves with the system since the deployment shall be enabled as of Thursday, 06 August 2020. In fact, during the current year, Contracting Authorities are at liberty to either use the MS Word Evaluation Report Template or the online Automated Evaluation Report Summary.

Moreover, it is to be noted that any Procurement Documentation that makes reference to the MS Word Evaluation Report Template shall automatically also be referring to the Online Automated Evaluation Report Summary. In tandem, the 'Standard Operating Procedures - Guidelines for Tender Evaluation Committees' has been amended to reflect the functionalities of the Online Automated Evaluation Report Summary and any relevant enhancements to the system.

Additional Information, Verifications and Documentation

It is the duty and function of the Director of Contracts to establish and regulate the procedure to be followed during meetings of the Evaluation Committee as well as Evaluation of Offers.

To this effect, at Annex I, the Department of Contracts is publishing an Instructions Manual to assist Contracting Authorities when compiling the Online Automated Evaluation Report Summary. Moreover, it illustrates sample text that needs to be adapted as necessary and incorporated in the Evaluation Report Summary accordingly. The 'Instructions Manual' also makes reference to additional documentation that shall be uploaded in the Restricted Area of the ePPS. Moreover, at Annex II, the Department is also providing a guided 'Evaluation Report Checklist' (including any Additional Verifications and Documentation) that the Evaluation Committee is expected to attend to and validate accordingly.

5. Evaluation Process Duration

In line with the General Rules Governing Tenders, an offer shall remain valid for a period of 90days after the Deadline for Submission of Offers. However, such a timeframe does not refer to the period allowed for the Submission of Evaluation Reports. The Validity Period is merely the duration that the bidders are bound to adhere to and honour what they have essentially pledged in their offer/s.

Therefore, in view of the new Online Automated Evaluation Report Summary, Contracting Authorities are encouraged, as and where applicable, to submit the Evaluation Report to the responsible body within four (4) weeks from the Date of Unlocking of Offers.

6. Contact

Contracting Authorities are encouraged to submit any queries to their respective Ministry's Procurement Section or to their Ministerial Procurement Unit (MPU), as the case may be. In addition, Contracting Authorities may also submit any queries to the Department of Contracts' Customer Care service on info.contracts@gov.mt or +356 21220212.

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