

Department of Contracts
Notre Dame Ravelin
FLORIANA

To Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

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POST-CONTRACT PHASE ON ePPS: NEW CONTRACT MANAGER ROLE

The Department of Contracts is in the process of implementing a Contracts Register; a Management Tool which also includes an online repository platform detailing information about the complete Life Cycle of Public Contracts. In fact, through a common data model, the Contracts Register shall constitute of an Open Contracting Data Standard incorporating structured and unstructured data, thus, enabling disclosure of information and documents at all stages of the Procurement Contracting Process.

The scope of a Contracts Register is to standardise processes as well as support Contracting Authorities to be able to manage Procurement Contracts in an efficient and effective manner. Furthermore, it shall enhance contracting transparency, improve accountability and capture salient statistics, thus, allowing in-depth analysis of contracting data.

The successful implementation of the Contracts Register shall be dependent on the completion of tasks related to the Post-Contract Phase of each Procurement Procedure. Thus, the Government's e-Procurement Platform (Electronic Public Procurement System – ePPS) now includes a new module, which shall be updated by Contracting Authorities and specifically by a newly created role of a Contract Manager (CM) who shall be required to compile information in relation to the Post-Contract.

The Post-Contract Phase is a crucial step towards the implementation of the Contracts Register adopting the Open Contracting Data Standard on the live environment. In this regard, it is imperative that all Contracting Authorities cooperate and complete all the applicable tasks. Non-compliance shall be

considered as a grave shortcoming since it is regarded as hindrance to the Department of Contracts' monitoring and regulatory role. To this effect, failure to adhere to the requirements of the Contract Manager Role by any Contracting Authority may be reported to the Permanent Secretary of the respective Ministry.

1. Applicability and Commencement of the Post-Contract Phase

The tasks for the Post-Contract Phase shall appear for all Procurement Calls and for all types of competitive Procurement Procedures, however, it shall be mandatory to complete such tasks for any Public Call / Concession whereby the Contract Value exceeds ten thousand euro (€10,000) excluding VAT.

The Post-Contract Phase shall commence after the Contract Award Notice (or the Procurement Call Status changes to 'Awarded') is published. Accordingly, a new task 'Create Contracts' will appear as part of the ePPS process for each Procurement Call / Concession. In case of lots, a contract for each lot shall be created.

Contracting Authorities are encouraged to start compiling all applicable contract information as of the date of this Contracts Circular. However, in order to allow enough time for the necessary familiarisation with the new module, it shall only be mandatory to compile the Post-Contract tasks for any contracts awarded as of Monday, 14 September 2020. For the purpose of this task, the Contract Award Date shall be deemed to be the last Signature of the Contract Agreement.

2. Contract Manager Role

Prior to the publication of a Procurement Call, Contract Authorities shall nominate and appoint a Contract Manager (as well as her / his substitutes) through the appropriate channels. The Contract Manager nominee shall be a Public Service / Sector officer with an active ePPS account. The nominations shall be submitted along with the appointment of the Evaluation Committee. Thus, the Contract Manager nominees (and their respective approval) shall follow the same procedure accordingly.

It is to be noted that from a systems point of view, the officer (hailing from the authority responsible for the procurement process) associated as Tender Coordinator (TC) during the Evaluation Process Stage shall be responsible to establish the ‘Create Contracts’ page; once this page is saved, the Tender Coordinator’s role will automatically be changed to Contract Manager.

The Tender Coordinator may assign and / or delegate further the Contract Manager role as necessary and applicable. In fact, additional Contract Managers (as long as they have the appropriate active ePPS account) may be associated from the Contracts Page (Show Contract Menu) under ‘Associated Contract Managers’. The Contracts Page may be accessed from the left vertical menu, under ‘CA Contracts’¹ and / or ‘My Contracts’², both located under the tab reading ‘CA Administration’. The authority responsible for the procurement process (through the Contract Manager Role) shall associate the approved Contract Manager/s and her / his / their substitutes. In turn, the newly assigned Contract Manager/s may associate the said role to other officers within their respective Contracting Authority.

It is to be noted that the remit of the authority responsible for the procurement process (Department of Contracts, Ministerial Procurement Unit or the Contracting Authority, as applicable) shall only be the establishment of the ‘Create Contracts’ page. Thereafter, the concerned Contracting Authority shall populate and fill-in all the required fields of the Post-Contract Phase.

Although the page is saved by the authority responsible for the procurement process, the Contracting Authority may revisit the said page and edit the content / information (unless auto-populated by the system) throughout the lifetime of the Contract.

All the Contract Managers’ Name and Surname will be auto-populated by the system and listed in a field titled ‘Contract Manager / Representative Name and Contact’. Nonetheless, such information shall not be made public.

¹ CA Contracts shows all the contracts created by the Contracting Authority / Authority responsible for the Procurement Process

² My Contracts shows all the contracts for which the user is associated as a Contract Manager

3. Compilation of the Fields in the Post-Contract Phase

The Post-Contract Module contains the following four (4) main sections, whereby each section is further subdivided into smaller segments and / or fields:

- Dates
- Modifications
- Contractors
- Attachments

The following fields (which are not necessarily in the same section) shall be auto-populated by the system:

- Contract Title
- Contract Number
- Description
- Supplies / Services / Works (CPV) Codes
- Contract Amount
- Lot Number (if applicable)
- Lot Name (if applicable)
- Total Value of Modification (if applicable)
- Contract Manager / Representative Name and Contact

In addition, the Contract Manager is required to complete tasks in relation to the ‘Payments and Milestones’ section, wherein the system separates them through two (2) different tabs. For each tab, the Contract Manager shall ‘Add Milestone’ or ‘Add Payment’, as applicable. Once completed, the system allows the user to View, Edit or Delete the entry. Moreover, it is also possible to add another milestone and / or payment.

It is to be noted that, unless marked with an asterisk, all other fields (which are not auto-populated) shall not be mandatory via the system. However, the Department of Contracts is requesting that each Contracting Authority completes certain fields which it deems as salient in order to attain a holistic overview of the contract execution during the Implementation Stage.

The compilation of the aforementioned sections contains a mixture of fields wherein the Contract Manager shall be required to provide descriptive text, numerical values and dates, as well as the uploading of documents, as applicable.

To this effect, for standardisation and simplification, at Annex 1, this Office is providing a ‘Guidance Sheet’ which includes the description of each field to assist Contracting Authorities when compiling the information. In addition, unless auto-populated, the Guidance Sheet specifies whether it is Mandatory or Optional for the Contract Manager to complete that particular field.

Additional Information to the Contract

On the right-hand side drop-down menu, through the ‘Show Contract Menu’, there are six (6) options as follows:

- Contract Information
- Contract Information Data
- Contract Agreement
- Associated Contract Managers
- Restricted Area
- Auditing Reports

The ‘Contract Information’ provides access to the (4) main sections of the Post-Contract Phase, namely: Dates, Modifications, Contractors and Attachments. On the other hand, ‘Contract Information Data’ links to other parts of the life cycle of the contract, specifically to the ‘Payments and Milestones’ section.

The ‘Associated Contract Managers’ tab is another option that a Contract Manager may utilise in order to associate additional Contract Managers to a particular contract.

The ‘Contract Agreement’ allows the authority responsible for the procurement process to upload the full signed scanned Contract, in PDF format, and this will be available only to the concerned Contracting Authority and the Awardee.

Furthermore, the Contracting Authority may include additional information by uploading relevant documentation on the ‘Restricted Area’. The ‘Auditing Reports’ tab includes customary functionalities.

4. Post Contracts Guidance Note

For an explanation of the operational module from an ePPS perspective, at Annex II, the IT Unit forming part of the Administration Directorate has prepared a

comprehensive 'Post Contract Guidance Note' detailing each task to be compiled by the Contract Manager.

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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