

Department of Contracts  
Notre Dame Ravelin  
FLORIANA

To Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

01 November 2023

**FURTHER TO: CONSTRUCTION INDUSTRY LICENSING REGULATIONS -  
PROOF OF APPLICATION**

Reference is being made to Schedule 1 of the Construction Industry Licensing Regulations S.L. 623.09 which lists the Service Activities for which a licence is required:

- Demolition
- Excavation and Piling
- Construction

Additional information to Contracts Circular N° 17/2023 (dated 09 October 2023) specifically in relation to the **Proof of Application vis-à-vis the Service Activities Licence/s**, is being brought to the attention of all Stakeholders, namely the Contracting Authorities / Entities and Economic Operators.

Further to Contracts Circular N° 17/2023, it shall be noted that the proof of the new Selection Criteria requirement for Procurement / Concession Public Contracts involving the above Service Activities is being revised. To this end, Economic Operators are only required to submit the Acknowledgement that the Service Activity Licence Application/s was / were received. The Acknowledgement document shall indicate at least the:

- (i) Building and Construction Authority Email Address originating from the System
- (ii) Submission Date
- (iii) Unique Reference Number which includes the Service Activity Licence Type
- (iv) Identification of the Applicant.

Contractors who have already submitted the Service Activity Licence Application/s by 31 October 2023, the aforementioned acknowledgement of Application suffices.

However, Contractors who apply for a Service Activity Licence from 01 November 2023 and up to 31 May 2024, in addition to the Acknowledgement, it is important that a Copy of the Provisional Clearance<sup>1</sup> [in line with Regulation 3(5) of S.L. 623.09] issued by the respective Building and Construction Authority Board is also to be submitted.

In the eventuality that Economic Operators would already be in receipt of the Service Activity Licence/s, it is expected that the relevant Economic Operators submit the Licence Certificate/s as issued by the Building and Construction Authority, instead of the Service Activity Licence Application/s.

**It is also being emphasised that in order for Contractors to continue engaging in their respective Service Activity/ies while the relevant Licence Application is being processed, the above requirements are to be adhered to.**

Furthermore, it is being clarified that Contractors who apply for any Service Activities Licences from 01 June 2024 onwards cannot work until the actual Licence/s is / are issued by the Building and Construction Authority.

**Contracting Authorities / Entities are being advised that the above Proof of Application requirements supersede the requirements forming part of Contracts Circular N° 17/2023.**

For avoidance of doubt, it is being reiterated that Economic Operators in their capacity as bidders, are not required to submit a copy of the relevant Service Activity Licence Application/s. The Acknowledgement shall suffice. Therefore, the Recommendation of Award of the Public Procurement / Concession Contract shall not be revoked if the Service Activity Licence Application/s per se is not submitted.

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<sup>1</sup> Provisional Clearance in S.L. 623.09 means 'a clearance issued by the Authority with respect to applications for licence submitted from the 01 November 2023 until the 31 May 2024, which clearance shall temporarily authorise the applicant to exercise any of the service activities in respect of which the application relates pending the determination of the application'.

Accordingly, Contracting Authorities / Entities across the Public Administration shall take the necessary action to ascertain that the revised Proof of Application of the Service Activities Licence is reflected in all stages of the Public Procurement / Concession Award Procedure, as applicable.

All the remaining content of the original Contracts Circular N° 17/2023 remain applicable.

### **Contact**

Contracting Authorities / Entities may submit any queries in relation to the generic content of this Circular to the Department of Contracts' Customer Care service on [info.contracts@gov.mt](mailto:info.contracts@gov.mt) or by calling on +356 2378 1001.

However, regarding specific queries vis-a-vis the Service Activities Licence Applications and the Construction Industry Licensing Regulations S.L. 623.09 (including any provisions emanating from it) as well as any other technical difficulties, all interested parties (including Contracting Authorities / Entities and Contractors) are to contact the Building and Construction Authority on [info@bca.org.mt](mailto:info@bca.org.mt) or +356 8004 9000.

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