

Department of Contracts  
Notre Dame Ravelin  
FLORIANA

To Permanent Secretaries  
Directors General  
Directors  
Heads of Public Sector Organisations

06 January 2022

**SUBMISSION OF THE PROCUREMENT STATISTICAL REPORT BY ALL MINISTRIES FOR STATISTICAL PERIOD 2021 – 2023**

The Director of Contracts is responsible for the submission of the Procurement Statistical Report which outlines both the EU-Funded and the Locally-Funded procurement activities. The requirements of this reporting exercise are set out in the European Union Directives as well as in Local Legislations:

Directives 2014/23/EU: Concession Contracts Regulations S.L. 601.09 (LN353/2016)

Directives 2014/24/EU: Public Procurement Regulations S.L. 601.03 (LN352/2016)

Directives 2014/25/EU: Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations S.L. 601.05 (LN351/2016)

The third (3rd) Procurement Statistical Report shall once again cover a period of three (3) years and the Director of Contracts shall then forward to the European Commission such a statistical report covering the following awarding periods:

- 01 January 2021 till 31 December 2021
- 01 January 2022 till 31 December 2022
- 01 January 2023 till 31 December 2023

The Department of Contracts has simplified the collection of the required data from its Contracting Authorities in relation to the Procurement Statistical Reporting.

***To this end, this Circular repeals Contracts Circular No 13/2017, Contracts Circular No 14/2018 and Contracts Circular No 01/2019.***

It is important to highlight that the simplified process still requires that each Contracting Authority prepares an individual report, although the information to be compiled is less voluminous. Furthermore, each Ministry shall still be required to collate, validate and submit a consolidated Statistical Report, based on the individual reports of all the Contracting Authorities (except Schedule 3) under its remit. Therefore, the said consolidated report shall not include Statistical Data by Contracting Authorities classified as Schedule 3 under the Public Procurement Regulations S.L. 601.03.

### **Content and Compilation of the Procurement Statistical Report**

The simplification process ensued in relation to this specific Procurement Statistical Report enables the Department of Contracts to extract most of the information and data from Government's e-procurement platform (electronic Public Procurement System - ePPS). Nonetheless, Contracting Authorities are still expected to provide their contribution as detailed in this Circular.

*Traditional Procurement:* The Statistical Data to be submitted shall refer to all Procurement Calls **NOT** published on the electronic Public Procurement System (ePPS), having a Contract Value exceeding Euro5,000 excluding VAT. The Statistical Data shall relate to Traditional Procurement in relation to the following Procurement Procedures and Aggregation Tools:

- Open Procedure
- Restricted Procedure
- Design Contest
- Innovation Partnership
- Competitive Procedure with Negotiation
- Competitive Dialogue
- Negotiated Procedure with prior Call for Competition
- Framework Agreement
- Dynamic Purchase Systems
- Electronic Auctions

Therefore, the Statistical Data shall refer to *Calls for Quotations* and *Calls for Tenders*.

*Direct Orders:* This exercise shall also necessitate that data in relation to Direct Contracts not exceeding Euro10,000 excluding VAT, ensued at the discretion of the Head of the Contracting Authority (in line with the provisions and requirements established in the relevant Procurement Regulations) is also to be submitted.

With specific regard to *Contracting Authorities classified under Schedule 3* (except Local Councils), the Statistical Data shall include all Direct Contracts below the applicable local departmental threshold. In addition, any Negotiated Procedures without prior Publication, whether issued traditionally or published on ePPS, shall also form part of this Procurement Statistical Report.

*Modifications / Variations:* The Statistical Data to be submitted shall include the Financial Modification/s to any Contract carried out through the ePPS as well as those carried out traditionally. It is to be noted that all Financial Modifications, irrespective of the value and the year in which the contract was awarded shall be recorded. Therefore, there shall be instances wherein the Original Contract Value would have been awarded prior to 2021 but modifications carried out during 2021, 2022 and 2023 shall form part of the 3rd Procurement Statistical Report.

Pursuant to the above, the Department of Contracts, at Annex I, is providing the Procurement Statistical Report Template in order to assist Contracting Authorities with the compilation of data. It is imperative that Contracting Authorities compile the data only in the format provided as this will facilitate the integration of each individual Ministry submission into a comprehensive all-inclusive report to be submitted by the Department of Contracts to the European Commission.

#### Template Content for Traditional Procurement and Modifications

The Procurement Statistical Report has now been streamlined to one (1) spreadsheet Template composed of three (3) sheets, as follows:

- Sheet 1 titled Part 1 – Ministries
- Sheet 2 titled Part 2 – Contracting Authorities
- Sheet 3 titled Part 3 – Schedule 3 Contracting Authorities

Each sheet includes a set of tables split by the relevant applicable regulations as follows:

- Public Procurement S.L. 601.03 (**Table 1A, 1B, 1C**)
- Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations S.L. 601.05 (**Table 2A, 2B, 2C**)
- Concession Contracts Regulations S.L. 601.09 (**Table 3**)

In the eventuality that a specific regulation and / or a specific table is not applicable, it is expected that Ministries / Contracting Authorities input a N/A across the relevant regulation and / or table.

*Thresholds:* The Procurement Statistical Report Template specifies the applicable Thresholds for Contracts awarded in the relevant year. It is to be noted that the thresholds for Year 2022 and Year 2023 differ to those of Year 2021. Accordingly, when compiling the Statistical Data for Year 2022 and Year 2023, the relevant new thresholds shall apply. It is expected that Ministries / Contracting Authorities utilize the correct Thresholds.

For ease of reference and perusal, the Thresholds for all the three (3) years under review are being displayed as per the tables below.

*Year 2021*

	<b>Estimated Procurement Value Thresholds - 2021</b>		
	<b>Supplies</b>	<b>Services</b>	<b>Works</b>
<b>S.L. 601.03</b>	€ 139,000	€ 139,000	€ 5,350,000
<b>S.L. 601.05</b>	€ 428,000	€ 428,000	€ 5,350,000
<b>S.L. 601.09</b>	/	€ 5,350,000	€ 5,350,000

*Year 2022 / Year 2023*

	<b>Estimated Procurement Value Thresholds – 2022/2023</b>		
	<b>Supplies</b>	<b>Services</b>	<b>Works</b>
<b>S.L. 601.03</b>	€ 140,000	€ 140,000	€ 5,382,000
<b>S.L. 601.05</b>	€ 431,000	€ 431,000	€ 5,382,000
<b>S.L. 601.09</b>	/	€ 5,382,000	€ 5,382,000

Template Compilation for Traditional Procurement and Modifications

Ministries / Contracting Authorities shall compile the Procurement Statistical Report as detailed in this Circular and as specified in the Template itself. In the eventuality that part of, or all the data being requested is not applicable, it is expected that Ministries / Contracting Authorities input a N/A entry, as and where necessary to provide clear information.

Contracting Authorities are not expected to submit any Statistical Data which does not form part of the requested information within the Procurement Statistical Report Template.

The Procurement Statistical Report Template shall be compiled as follows:

- Sheet 1 titled *Part 1 – Ministries*

Each Ministry shall receive Sheet 2 compiled by the respective Contracting Authorities within their remit. Accordingly, the Ministry is expected to review and validate the Statistical Data submitted to them. Thereafter, the Ministry shall consolidate all the returns received and compile the required information in Sheet 1 of the Procurement Statistical Report. For avoidance of doubt, it is reiterated that Sheet 2 is not to be sent to the Department of Contracts.

In addition, each Ministry is required to list all the Contracting Authorities under its remit for the specific year under review. Such information may be provided at the bottom of Sheet 1 or as a separate MS Word Document.

- Sheet 2 titled *Part 2 – Contracting Authorities*

Each Contracting Authority shall prepare the required Statistical Data in Sheet 2 and submit it to its respective line Ministry.

Sheet 2 shall be compiled by the following Contracting Authorities / Entities:

- Contracting Authorities classified under Schedule 2 and 16 of the Public Procurement S.L. 601.03
- Contracting Entities operating under the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations S.L. 601.05
- Contracting Authorities classified under Schedule 1 of the Concession Contracts Regulations S.L. 601.09

- Sheet 3 titled *Part 3 – Schedule 3 Contracting Authorities*

Each specific Contracting Authority (excluding Local Councils) classified under Schedule 3 of S.L. 601.03 shall compile the required Statistical Data in Sheet 3 and submit it directly to the Department of Contracts. Such information is not to be sent to the line Ministry.

The above compilation shall take place for each year under review, namely Year 2021, Year 2022 and Year 2023.

### **Submission of the Procurement Statistical Report**

Each Ministry, as well as Contracting Authorities classified under Schedule 3 of S.L. 601.03, shall submit the Procurement Statistical Report to the Compliance and Monitoring Unit (CMU) within the Department of Contracts at [compliance.contracts@gov.mt](mailto:compliance.contracts@gov.mt), by not later than one (1) month from expiry of the allocated time frames.

Accordingly, the Compliance and Monitoring Unit is expecting to receive the submission of the said report as detailed below:

<b>Contract Award Period</b>	<b>Submission to CMU</b>
01 January 2021 till 31 December 2021	31 January 2022
01 January 2022 till 31 December 2022	31 January 2023
01 January 2023 till 31 December 2023	31 January 2024

### **Contact**

In case of any difficulties, Contracting Authorities are encouraged to submit their queries to the Compliance and Monitoring Unit on [compliance.contracts@gov.mt](mailto:compliance.contracts@gov.mt) or to contact the Department of Contracts' Customer Care Service on +356 21220212. Alternatively, each Ministry may request a meeting with the Compliance and Monitoring Unit for further assistance when compiling the statistical data.

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