

Standard Operating Procedures/Guidelines For Tender Evaluation Committees

1. Publication Stage

- 1.1 A Tender Evaluation Committee is to be set up during the publication stage of a tender.
- 1.2 The Head of the public entity shall nominate a minimum of five persons to be on the Evaluation Committee.
- 1.3 The Committee shall be composed of a Chairman, a Secretary and three or an odd number of evaluators. The evaluators shall include technical experts related to the field of expertise associated with the technical specifications included in the tender. The Secretary, who is expected to draft the report, shall be conversant with the procurement procedures.
- 1.4 Preferably persons involved in drawing up the tender shall not be on the team of Evaluators.
- 1.5 All members are required to confirm their acceptance to be members of the Tender Evaluation Committee.
- 1.6 A curriculum vitae, similar to the one in *Annex I*, should be prepared by each member of the Tender Evaluation Committee, and retained for record purposes.
- 1.7 It is recommended that a timetable for meetings to be held following the opening of the tender is established at this stage, in view of the various commitments of all individuals concerned. The committee should aim to conclude the evaluation within six weeks from the closing date of the call for tenders.
- 1.8 During the publication stage, it is recommended that members of the Tender Evaluation Committee thoroughly read the tender so that they are fully conversant with all the requirements, specifications and conditions of the tender.
- 1.9 It should be noted that any addenda, minutes of site meetings and other clarifications issued to prospective tenderers during publication stage shall form an integral part of the tender conditions and requirements.

2. Opening Session

- 2.1 The tender document specifies the date, time and place when the offers received will be opened.

2.2 The schedule shall be affixed in a prominent place in the building accessible to the public for viewing.

2.3 The original offers tendered will be collected by a member of the Committee and shall be kept in safekeeping throughout.

3. Evaluation Stage

3.1 At the first meeting of the Evaluation Committee, the Chairman shall call out the names of all those who submitted a tender.

3.2 The members of the Evaluation Committee are required to confirm whether they have any potential conflict of interest through direct or indirect relationship with any of the tenderers.

3.3 The members of the Evaluation Committee, including the Chairman and Secretary will be required to read and sign a declaration of impartiality and confidentiality as per document attached in *Annex II*.

3.4 The Secretary to the Board shall retain the document duly endorsed by all members.

3.5 The Chairman will then proceed to explain briefly the composition of the tender and the method of evaluation to be adopted. Such details are normally found in the tender itself. The Chairman may proceed to explain such matters as to whether the tender is based on an:

3.5.1 Open tender procedure;

3.5.2 Restricted procedure;

3.5.3 Negotiated procedure:

or

For the benefit of the Evaluation Committee, the Chairman will indicate whether the tender is based on a single-package or three-package system in accordance with the procurement regulations in place. In a single package system, all offers are administratively, technically and financially assessed in one process. The Chairman should also explain the selection and award criteria.

In a three package system, the tenders are evaluated in stages. In the first package the General Contracts Committee will decide whether the requested bid-bond is valid or not. If a bid-bond is not then the opening of second package is suspended. A notice to this effect is published and the bidders informed of their right of appeal to such a decision. If no appeals are received by the indicated date or if all the submitted bid-bonds are valid then the GCC will proceed to the opening of the second package. A member of the Evaluation Committee will be requested to

collect the original tenders for evaluation. The third package will be opened only in respect of those that qualify from the evaluation of package 2. The Evaluation Committee must keep in mind the right of appeal of tenderers who are disqualified under packages 1 and 2. There is also the right of appeal when the award of tender is announced.

- 3.6 It should be pointed out that only the Evaluators shall have voting/adjudicating rights. The Chairman and Secretary do not have any voting rights but are there to guide and assist the members of the Evaluation Committee.
- 3.7 The Secretary is to maintain minutes of the findings and discussions held during the meetings of the Evaluation Committee. Such minutes shall eventually be annexed to the final report prepared by the Evaluation Committee. A template can be found on www.contracts.gov.mt/templates.
- 3.8 Evaluation of a tender will normally take place as follows:
 - 3.8.1 Administrative Evaluation
 - 3.8.2 Technical Evaluation
 - 3.8.3 Financial Evaluation

3.8.1 Administrative Evaluation

3.8.1.1 The Evaluation Committee shall refer to the tender specifications included in the tender under review so as to ensure that the documents required have been included in the forms and documents submitted by each tenderer.

3.8.1.2 The Administrative Grid included in the tender will indicate what administrative documentation was requested. Although not exhaustive, the administrative documents required shall normally include some or all of the following:

- (i) Language of the document;
- (ii) Details of bidder;
- (iii) Tenderer's Declaration;
- (iv) Statement of Excluding Circumstances;
- ;
- (v) Financial Statements for specified years;
- (vi) Certification by an independent auditor/accountant;
- (vii) Past clients;
- (viii) One original of the tender document, with each page duly initialized; and
- (ix) Technical specifications.

3.8.1.3 In case of a tender submitted under the three-package system it must be emphasized, that any reference to pricing included with the first and/or second envelope will automatically invalidate the tender submitted and the tender shall be rejected with immediate

effect. The Evaluation Committee shall also ensure that any reference to price is not included in the CD submitted with the tender documents (if and when a CD is required).

3.8.1.4 The Evaluation Committee should check as to whether all the documentation requested has been submitted and duly filled in.

3.8.1.5 The Committee can request the approval of the General Contracts Committee to submit tenderers to submit information that was not submitted with the documents within a specified time frame. The evaluation of this information can only continue after the tenderer pay an administrative fee of €50 at the Department of Contracts. The Committee can also seek clarifications from tenderers where the information submitted is not sufficiently explicit and clear. In such instances no administrative penalties are applied.

3.8.1.6 Where clarifications are required, communication with the tenderer(s) is to be done in writing by the Chairman or the Secretary of the Committee after approval from the General Contracts Committee.

3.8.1.7 When requesting clarifications, tenderer(s) are to be given sufficient time for replies and a specified time and date shall be given for receipt of replies. It is to be noted that any requests put forward to tenderers will be carried out without any commitment whatsoever on part of the institution/public entity or the Government of Malta.

3.8.1.8 Following a detailed examination of the documents submitted the Chairman of the Board shall complete the Administrative Evaluation Grid . It should be noted that tenderers who fail one or more of the administrative requirements shall be requested to submit the missing information at the Department of Contracts. The Administrative Evaluation Grid shall be endorsed by the Chairman and shall be annexed to the final report prepared by the Evaluation Committee.

3.8.2 Technical Evaluation

3.8.2.1 Following completion of the Administrative Evaluation, the Committee can then proceed to evaluate the technical offers submitted by tenderers who were determined as administratively compliant. Tenders considered as administratively non-compliant are not to be considered further.

3.8.2.2 The Evaluation Committee shall refer to the tender specifications included in the tender under review so as to ensure that the documents and details required have been included in the forms and documents submitted by each tenderer.

- 3.8.2.3 The Technical Grid included in the tender will indicate what details and specifications are required. Technical requirements vary depending on the nature of the tender, i.e. whether the tender is for supply of goods, services or works.
- 3.8.2.4 Similar to the Administrative Evaluation, **in case of a tender submitted under the three-package system any reference to pricing included with the second envelope will automatically invalidate the tender submitted and the tender shall be rejected with immediate effect.** The Evaluation Committee shall also ensure that any reference to price is not included in any CD submitted with the tender documents.
- 3.8.2.5 All documentation submitted must be analysed in detail. It should be noted that any documents, specification, etc. that were required but not submitted will disqualify the tenderer and further evaluation cannot take place.
- 3.8.2.6 The Committee cannot request tenderers for any information that was not submitted with the documents. The Committee can only seek clarifications from tenderers where the information submitted is not sufficiently explicit and clear.
- 3.8.2.7 Where clarifications are required, communication with the tenderer(s) is to be done in writing by the Chairman or the Secretary of the Committee.
- 3.8.2.8 In the event that the tender is issued by the Department of Contracts, the Committee must first seek approval from the General Contracts Committee of the Department of Contracts before submitting clarifications to the tenderer(s).
- 3.8.2.9 When requesting clarifications, tenderer(s) are to be given sufficient time for replies and a specified time and date shall be given for receipt of replies. It is to be noted that any requests put forward to tenderers will be carried out without any commitment whatsoever on part of the institution/public entity or the Government of Malta.
- 3.8.2.10 Those that qualify from the technical evaluation, following the preparation of a provisional technical report, will be requested to submit the samples and any other supportive documentation (e.g. certificates of works) (if required) within a specific date and time and at a place indicated by the Evaluation Committee.
- 3.8.2.11 Following a detailed examination of the documents submitted together with the samples each Technical Evaluator shall complete the Technical Evaluation Grid included with the original tender document . It should be noted that tenderers who fail one or more of the

technical requirements shall be rejected and hence their tender need not be considered further

- 3.8.2.12 Each Technical Evaluation Grid shall be endorsed by the respective Technical Evaluator and shall eventually be annexed to the final report prepared by the Evaluation Committee.
- 3.8.2.13 Where the tender is based on a single envelope system, the Evaluation Committee can proceed to the Financial Evaluation of the tender as duly explained in Article 3.8.3 of these guidelines.
- 3.8.2.14 Where the tender is based on a three-package system, upon completion of the Technical Evaluation, the Evaluation Committee must draw up the 1st Tender Evaluation Report. This report will clearly identify the administratively and technically compliant tenderers. After due consideration by the General Contracts Committee from the Department of Contracts, the result of this evaluation will be published.

Should there be no objections to these results, the third envelope of the administratively and technically compliant tenderers shall be opened during a tender opening session.

Should there be one or more objections, the whole tender procedure is withheld until the hearing by the Appeals Board and final result published. Members of the Evaluation Committee shall be present during the public hearing and may be called upon to give witness and provide clarifications and evidence on how the decision was arrived at.

3.8.3 Financial Evaluation

- 3.8.3.1 Following completion of the Administrative and Technical Evaluation, the Committee can then proceed to evaluate the financial offers submitted by tenderers who were determined as administratively and technically compliant. Tenders considered as administratively and/or technically non-compliant need not be considered further.
- 3.8.3.2 All documentation submitted must be analysed in detail and all workings shall be checked for any arithmetical errors in computation and summation. Unit costs shall be multiplied by the quantities as detailed in the original tender document and total costs shall be summed up.
- 3.8.3.3 It should be noted that where there is a discrepancy between amounts in figures and in words, the amount in words will be the amount taken into account. Furthermore, except for lump-sum contracts, where there is a discrepancy between a unit price and the total amount

derived from the multiplication of the unit price and the quantity, the unit price quoted will be the price taken into account.

3.8.3.4 A table must drawn up, showing names of all tenderers and value of offers by lot, duly arithmetically corrected where necessary.

4. Conclusion

- 4.1 At this stage, where award of the tender is based on the total lowest bid satisfying the administrative and technical criteria, the Evaluation Committee can recommend to award the tender accordingly.
- 4.2 Where the Tender is issued by the Department of Contracts, the Evaluation Committee is not in a position to award contracts, but is duly bound to recommend award of the tender to the Director of Contracts.
- 4.3 A final report is to be drawn up and read out during the last meeting. Each member of the Evaluation Committee is to initialize each page of the report and sign in full in the *Signature* section of the report.
- 4.4 The Minutes of all meetings shall also be read out and duly endorsed by the Chairman and Secretary.
- 4.5 Upon award, the result shall be duly published on the official website and affixed in a prominent place in the building, accessible to the public for viewing.

5. Objections

- 5.1 Members of Evaluation Committees should familiarise themselves with the remedies provisions in procurement regulations.
- 5.2 It should be noted that members of the Evaluation Committee shall be present during the public hearing and may be called to give witness and provide sufficient evidence and clarifications as to the conclusions submitted in the Tender Evaluation Report.

ANNEX I
CURRICULUM VITAE

CT Ref:	Tender for the
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Proposed role in the project:

1. **Family name:**
2. **First names:**
3. **Date of birth:**
4. **Nationality:**
5. **Civil status:**
6. **Education:**

Institution [Date from - Date to]	Degree(s) or Diploma(s) obtained:

7. **Language skills:** Indicate competence on a scale of 1 to 5 (1 - excellent; 5 - basic)

Language	Reading	Speaking	Writing
English			
Maltese			
Italian			

8. **Membership of professional bodies:**
9. **Other skills:** (e.g. Computer literacy, etc.)
10. **Present position:**
11. **Years within the firm:**
12. **Key qualifications:** (Relevant to the project)

13. Specific experience in the region:

Country	Date from - Date to

14. Professional experience:-

Date from - Date to	Location	Company	Position	Description

15. Other relevant information (e.g., Publications)

ANNEX II
DECLARATION OF
IMPARTIALITY AND CONFIDENTIALITY

PUBLICATION REF: CT_____

I, the undersigned, hereby declare that I agree to participate in the evaluation of the above-mentioned tender procedure. By making this declaration, I confirm that I have familiarized myself with the information available to date concerning this tender procedure. I further declare that I shall execute my responsibilities honestly and fairly.

I am independent¹ of all parties which stand to gain from the outcome of the evaluation process². To the best of my knowledge and belief, there are not facts or circumstances, past or present, or that could arise in the foreseeable future, which might call into question my independence in the eyes of any party; and, should it become apparent during the course of the evaluation process that such a relationship exists or has been established, I will immediately cease to participate in the evaluation process.

I agree to hold in trust and confidence any information or documents (“confidential information”) disclosed to me or discovered by me or prepared by me in the course of or as a result of the evaluation and agree that it shall be used only for the purposes of this evaluation and shall not be disclosed to any third party. I also agree not to retain copies of any written information or prototypes supplied.

Confidential information shall not be disclosed to any employee or expert unless they agree to execute and be bound by the terms of this Declaration.

Name	
Signed	
Date	

¹ Taking into consideration whether there exists any past or present relationship, direct or indirect, whether financial, professional or of any other kind.

² i.e. all [tenderers/applicants]* who are participating in the [tender/call for proposals]* whether individuals or members of a consortium, or any of the partner or subcontractors proposed by them.

* Delete as applicable