



20<sup>th</sup> September 2021

**Public Contracts Review Board**  
Department of Contracts  
Notre Dame Ravelin  
Floriana, VLT 2000

**Reasoned Letter of Objection**

*Re: IM049/2019 – Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (Partly sub-sea) Tunnel (the “Tender Procedure”)*

Dear Chairman,

1. We have been instructed by CGYI Malta Gozo Consortium TID 133649 (the “Appellant”) to file an appeal in terms of the Concession Contracts Regulations (Subsidiary Legislation 601.09) (“CCR”) in connection with the above-captioned Tender Procedure. By means of the present Reasoned Letter of Objection, the Appellant is formally objecting to the decision taken by Infrastructure Malta (the “Contracting Authority”) not to shortlist the Appellant for participation in the ITPD stage, which decision was notified to the Appellant by means of a letter dated 10<sup>th</sup> September 2021.
2. The Appellant has paid the deposit of €50,000 in accordance with the instructions of the Contracting Authority. Proof of payment is herewith attached and marked as “Doc. CGYI 1” and “Doc. CGYI 2”.

**Facts of the Case**

3. By means of a PQQ published by the Contracting Authority on the 9<sup>th</sup> of January 2020 interested parties were invited to participate in a Pre-Qualification Questionnaire (PQQ)

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for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly sub-sea) Tunnel. A copy of the PQQ is herewith attached and marked as “Doc. CGYI 3”

4. The Appellant duly submitted its bid in accordance with the terms of the PQQ.
5. By means of a letter dated 10<sup>th</sup> September 2021, a copy of which is being herewith attached and marked as “Doc. CGYI 4”, the Appellant was informed that it had:

*“not been shortlisted for participation in the ITPD Stage (as defined in the PQQ) of the competitive process for the award of the concession above-mentioned for the reasons attached to this letter.*

*The offer submitted by Equitix-Itochu-Yapi Merkezi-Makyol-Egis Consortium TID 133630 has been shortlisted.”*

6. The “Reason for failure to be shortlisted” is described in the document attached to the aforementioned letter and provides as follows:

*“For Selection Criteria Section B. Technical and Professional Capabilities, criterion 4. Health and Safety Record, sub-criterion 4.2. Number of prosecutions or significant accidents in tunnelling projects, the Candidate indicated a number in excess of 5.*

*In terms of the PQQ, the minimum score to be obtained for this sub-criterion is of 10 marks, or 2%. The Candidate obtained the score of 5 marks, equivalent to 1%, which does not meet the indicated minimum required score.*

*As set out in Schedule 2. Competitive Process Memorandum of information to the PQQ, Schedule 3. Scoring of PQQ Responses –*

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Deguara Farrugia Advocates  
11 Piazzetta A, Suite 52, Tower Road,  
Sliema, SLM 1607, Malta.  
Telephone: (+356) 2131 3930, (+356) 2134 0401  
Fax: (+356) 2134 0916  
Email: info@dfadvocates.com  
Website: www.dfadvocates.com



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*Selection of Criteria Scoring, the Candidate is required to obtain a minimum score inter alia in each sub-criterion, failing which it should be disqualified."*

7. The Appellant feels aggrieved by this decision and is hereby appealing therefrom.

Ground of Appeal

8. The ground for the present objection is clear and manifest and consists in the failure of the Evaluation Committee and/or the Contracting Authority to ensure genuine competition and maximum participation by making use, in good faith, of the rights and obligations granted to the Evaluation Committee and/or the Contracting Authority for this purpose.
9. The appellant was extremely surprised and disappointed to note, upon receiving the letter dated 10<sup>th</sup> September 2021, that it had been disqualified from the tendering process and thus not shortlisted for the ITPD stage on the basis that it "*did not meet the indicated minimum score required*" in that part of the Selection Criteria related to Technical and Professional Capabilities.
10. Upon reviewing the documents submitted by the Appellant, the Appellant noted that in one of the documents referable to one of the members of the joint venture (YDA) the number of prosecutions in two of the three columns lists was erroneously listed as "3" instead of "0". This typographical error seems to be the basis on which the Evaluation Committee proceeded to disqualify the Appellant since it wrongly appeared that YDA, being one of the members forming part of the Appellant joint venture, submitted that it had a total of six (6) prosecutions or significant accidents in tunnelling projects which exceeds the minimum number required in terms of the PQQ. A copy of this submission is herewith attached and marked as "**Doc. CGYI 5**". For the avoidance of any doubt, the submissions related to all the other members of the joint venture satisfy the minimum requirements referred to in the PQQ.

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Deguara Farrugia Advocates  
11 Piazzetta A, Suite 52, Tower Road,  
Sliema, SLM 1607, Malta.  
Telephone: (+356) 2131 3930, (+356) 2134 0401  
Fax: (+356) 2134 0916  
Email: info@dfadvocates.com  
Website: www.dfadvocates.com

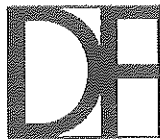


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11. In terms of Regulation 77 of the CCR, verification of professional and technical abilities is carried on the basis of self-declarations. It is in this regard a mere formality which the Contracting Authority is nonetheless obliged to verify during the assessment process. The PQQ was clear and unambiguous insofar as it indicated that a participant with five (5) or more prosecutions or significant accidents in tunnelling projects would not be eligible for participation in the tendering process. Consequently, it is a *non-sequitur* for an applicant interested in participating in a competitive process to declare that it is not in conformity with the minimum requirements indicated in the PQQ. It is therefore blatantly obvious *ictu oculi* that the indication of a total of six (6) prosecutions or significant accidents in tunnelling projects is a mere typographical error and it was therefore incumbent upon, or at minimum expected of, the Evaluation Committee to request the Appellant to clarify or rectify this clear and evident mistake.
12. The Contracting Authority, as the Administrator according to the definitions of the PQQ, is empowered by virtue of Section 6.2.5 of the PQQ to request, at any stage of the evaluation process, clarifications and/or rectifications in respect of incorrect/incomplete/non-submitted information pertinent to the documentation required in terms of the PQQ. In this regard, on the basis that the error in question is a mere typographical mistake identifiable *ictu oculi* and related to the self-declaration by one of the members of the joint venture related to the number of prosecutions in tunnelling projects, a simple request by the Contracting Authority or the Evaluation Committee for rectification, which rectification is in no manner a material alteration of the PQQ response, would have avoided the disqualification of the Appellant. Moreover, the Evaluation Committee is duty bound in accordance with Section 6.4.6 of the PQQ to carry out any investigations it deems necessary in relation to technical and professional capabilities and/or to contact the relevant clients with a view to obtain from said clients an opinion on the works provided to them by the candidate in question.
13. A simple request for clarification or rectification from the Contracting Authority in relation to the matter in question would have allowed the Appellant to correct this obvious error

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Deguara Farrugia Advocates  
11 Plazetta A, Suite 52, Tower Road,  
Sliema, SLM 1607, Malta.  
Telephone: (+356) 2131 3930, (+356) 2134 0401  
Fax: (+356) 2134 0916  
Email: info@dfadvocates.com  
Website: www.dfadvocates.com



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DEGUARA FARRUGIA

and to provide to the Contracting Authority and/or the Evaluation Committee any assurances required in order to satisfy any concerns that may have arisen.

14. In this regard, the Appellant is herewith attaching a declaration issued by its client the General Directorate of State Railways Administration, Department of Railway Construction, Branch Office of Construction, Republic of Turkey, together with a certified translation of the same into English, in relation to the project Polatlı Afyonkarahisar HST Project whereby it is confirmed that there were in fact zero (0) prosecutions or significant accidents in relation to this tunnelling project (“Doc. CGYI 6”).
15. Not only is the Contracting Authority duty bound to ensure, through the application where required of its authority to request clarifications and rectifications, genuine competition and maximum participation, but in terms of Section 3.3.1 the Contracting Authority is empowered to:

*suspend, revoke or cancel the Competitive Process, if this is deemed in its best interest, or: ... (v) where there have been errors... in the Competitive Process, in particular where these have prevented fair competition.*

16. The outright disqualification of the Appellant is even more incongruous and dissonant with the higher considerations and interests of the CCR and the PQQ when one takes into consideration other parts of the PQQ, such as Section 3.9.3 of the PQQ which allows the Contracting Authority to permit, at ITPD stage, changes to the identity and, or composition of the Shortlisted Candidate.
17. The extreme measure to disqualify the Appellant on the basis of an obvious typographical error without any attempt whatsoever by the Evaluation Committee and/or the Contracting Authority to exercise those rights attributed to them by the CCR and the PQQ in order to ensure that genuine competition and maximum participation is safeguarded during the subsequent stages of this competitive process is highly prejudicial not only to the Appellant

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but also to the Contracting Authority itself and ultimately to the general public. It is in the public interest that all eligible participants are allowed to participate in a competitive process, particularly a process of the scale and scope of the present project. This is more so in the current scenario where, should the present objection not be upheld, the next stage of the competitive process will proceed with the involvement of only one participant, which is clearly against the interest of the general public and does not ensure genuine competition and maximum participation.

#### Conclusion

Therefore, for the above-mentioned reasons and for other reasons which may be brought during the proceedings, the Appellant humbly demands that this Board, save for any declaration, order or decree it deems fit:

1. Revokes the Contracting Authority's decision not to shortlist the Appellant for participation in the ITPD Stage;
2. Orders that the Appellant's bid be shortlisted for participation in the ITPD Stage;
3. Alternatively, orders the cancellation of the Competitive Process;
4. Orders that the deposit paid by the Appellant be reimbursed.

Yours Sincerely,



**Av. Jonathan Thompson**

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Deguara Farrugia Advocates  
11 Piazzetta A, Suite 52, Tower Road,  
Sliema, SLM 1607, Malta.  
Telephone: (+356) 2131 3930. (+356) 2134 0401  
Fax: (+356) 2134 0916  
Email: [info@dfadvocates.com](mailto:info@dfadvocates.com)  
Website: [www.dfadvocates.com](http://www.dfadvocates.com)

"Doc. CGYI 1"

**Ziraat Bankası**  
Kurumsal Vergi Dairesi / Vergi No: 9990069675

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Vergi Dairesi : CUMHURİYET VERGİ DAİRESİ  
Vergi Kimlik No : 9460172298  
İşlem Tarihi : 20/09/2021-09:07:21-F01124  
Vatıs : 20.09.2021  
İşlem Yeri : DPR. MEA

YDA İNŞAAT SANAYİ VE TİCARET ANONİM ŞİRKETİ  
YDA İNŞAAT SANAYİ VETİCARET A.Ş.

KIZILIRMAK MAH. DUNLUPINAR BLV. NO: 9 A / 900 ÇANKAYA  
ANKARA

MALTA GOZO PARTYLY SUB SEA TUNNEL IN049/2019 OFFICIAL OBJECTION DEPOSIT  
EUR 50000, 2110GKGD21005767 referanslı giden havale işlemi.

Alıcı Adı Soyadı: CASHIER MALTA GOVERNMENT; IBAN : MT55MALT011000040001EURCNG5001H  
Alıcı Adresi: \*NT

Hesraf Hesap No: 54067864-5093

Komisyon Tutarı: 0 TL

Masraf Tutarı: 0 TL ; Muhabir Masrafı: 0 EUR

Vergi Tutarı: 0 (BSMV: 0 TL; KHV: 0 TL)

Toplam Masraf, Komisyon ve Vergi: 0 TL

Hesabınıza 0 EUR borç kaydedilmiştir.

Hesabınızdan 50.000,00EUR(Yalnız 50.000,00EUR)Çekilmiştir.

20/09/2021-09:27:18 DTITGDND NKOCARUSAK NKOCARUSAK

Fiz. muhtevyatını aldım.  
Müşteri İmzası

CG. ZIRAAT BANKASI A.Ş.  
ÇUKURANBAR/ANKARA  
2110/54067864-5093

**GİDEN HAVALE - HESAPTAN**

**ŞUBE KODU/ADI** : 2110/ÇUKURAMBAR/ANKARA  
KURUMSAL ŞUBE  
**IBAN** : TR74 0001 0021 1054 0678 6450  
93  
**HESAP NUMARASI** : 2110/54067864-5093  
**VERGİ DAİRESİ** : CUMHURİYET VERGİ DAİRESİ  
**VERGİ KİMLİK NO** : 9460172298  
**İŞLEM TARİHİ** : 20/09/2021-09:07:21-F01124  
**VALÖR** : 20.09.2021  
**İŞLEM YERİ** : OPR. MER.

**YDA İNŞAAT SANAYİ VE TİCARET ANONİM ŞİRKETİ**

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9 A / 900 ÇANKAYA  
ANKARA**

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Masraf Tutarı: 0 TL ; Muhabir Masrafı: 0 EUR

Vergi Tutarı: 0 (BSMV: 0 TL; KMV: 0 TL)

Toplam Masraf, Komisyon ve Vergi: 0 TL

Hesabınıza 0 EUR borç kaydedilmiştir.

Hesabınızdan 50.000,00 EUR (Yalnız ELLİBİN EUR ) Çekilmiştir.

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"Doc. CGYT 3"



REFERENCE NUMBER: IM049/2019

**CONCESSION DOCUMENT  
PRE-QUALIFICATION QUESTIONNAIRE (PQQ)  
FOR THE AWARD OF A CONCESSION CONTRACT  
FOR THE DESIGN, BUILD, FINANCE, OPERATE,  
MAINTAIN AND TRANSFER OF A  
MALTA-GOZO (PARTLY SUB-SEA) TUNNEL**


Date Published: 9 January 2020

Deadline for Submission: 9 April 2020 at 10:30am CEST

Submission Opening: 9 April 2020 at 11:00am CEST

**IMPORTANT:**

- No Bid Bond is requested during the PQQ stage.
- Clarifications shall be uploaded and will be available to view/download from [www.etenders.gov.mt](http://www.etenders.gov.mt).

 This e-tender does not require print-outs from this document. Please consider your environmental responsibility before printing.

<p><b>INFRASTRUCTURE MALTA</b>  Vjal l-Avjazzjoni, Luqa LQA 9023, MALTA  Tel: +356 23341280; E-mail: <a href="mailto:procurement.im@infrastructuremalta.com">procurement.im@infrastructuremalta.com</a></p>
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## SUBMISSION OF PQQ RESPONSE

**PQQ Responses must be submitted by registered Economic Operators.**

**EPPS users holding a sole trader account are kindly reminded that their account can only be used to submit PQQ Responses under their sole trader's name and not on behalf of any other organisation.**

**In case a PQQ Response needs to be submitted by any other type of Economic Operator (e.g. Company/Joint Venture/Consortium), an account needs to be created either through the ePPS or e-ID as per Terms of Use for Economic Operators and only this account must be used to submit the PQQ Response.**

**In the case where a person wishes to submit a PQQ Response on behalf of an entity which may be an organisation or Joint Venture/Consortium, the submission must be performed through the account of the entity. The latter must assign the person an account to perform the submission on its behalf, if the person is not already assigned. The entity will be considered as the economic operator submitting the PQQ Response.**

**Economic Operators are reminded that ONLY in the case of New Account Registrations, irrespective of the type and form of the Economic Operators, they have a choice between registering either directly through the ePPS at [www.etenders.gov.mt](http://www.etenders.gov.mt) or through the e-ID Service via the MyGov website at [www.mv.gov.mt](http://www.mv.gov.mt). In the case of the latter, Economic Operators must qualify for e-ID as per the ePPS Terms of Use for Economic Operators.**

**Prospective Bidders are reminded that when submitting more than one option for a particular CFT, they should submit multiple tenders.**

**Prospective Bidders are reminded to follow the above instructions and other instructions in the Terms of Use of the e-procurement system (ePPS) and the Manual for Economic Operators available under the 'Help' tab of the epps homepage.**

**The Contracting Authority will disqualify Economic Operators who do not abide by the above instructions.**

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# PRE-QUALIFICATION QUESTIONNAIRE

## 1. DEFINITIONS AND INTERPRETATION

### 1.1 DEFINITIONS

In this PQQ capitalized words and expressions shall, unless the context otherwise requires, have the meanings assigned below:

<b>Administrator</b>	means the Agency for Infrastructure Malta, established in terms of the Agency for Infrastructure Malta Act, Chapter 588 of the laws of Malta, as administrator of the Competitive Process;
<b>BAFO</b>	means the invitation to submit a best and final offer;
<b>BAFO Stage</b>	means the final stage during which best and final offers shall be submitted by Shortlisted Candidates;
<b>BIM</b>	means an intelligent 3D model-based process that gives architecture, engineering, and construction professionals the insight and tools to more efficiently plan, design, construct and manage projects;
<b>Candidate</b>	means any person submitting a PQQ Response;
<b>Competitive Process</b>	means the competitive process for the award of the Project pursuant to which Candidates shall be shortlisted in the first stage, invited to participate in dialogue in the second stage, and invited to submit a best and final offer in the third and final stage;
<b>Contracting Authority</b>	means the Ministry for Transport, Infrastructure and Capital Projects and Agency for Infrastructure in Malta;
<b>Concession</b>	means the concession for the designing, building, financing, maintaining and operating of a tunnel (partly sub-sea) between Malta and Gozo;
<b>Concession Contract/s</b>	means the contract(s) pursuant to which the selected Candidate at BAFO Stage shall be required to undertake the Project;
<b>Concession Contracts Regulations</b>	means the Concession Contracts Regulations, Subsidiary Legislation 174.10;
<b>Concession Documents</b>	means this PQQ, the ITPD and the BAFO;
<b>Deadline for Submission</b>	means the deadline for submission of PQQ Responses as set out in the Timetable, as modified from time to time;
<b>ESPD</b>	means the European Single Procurement Document, compliant with the terms of Schedule 5;

<b>Evaluation Committee</b>	means committee appointed by the Administrator to evaluate the responses of Candidates at each stage of the Competitive Process;
<b>ITPD</b>	means an invitation to participate in dialogue, sent to Shortlisted Candidates, including information and instructions necessary for the preparation of an initial technical and financial proposal for the Project;
<b>ITPD Stage</b>	means the stage during which the Shortlisted Candidates shall participate in dialogue;
<b>Memorandum of Information or MOI</b>	means each of the memoranda of information setting out the minimum requirements of the Project, attached hereto and marked Schedule 1 and Schedule 2;
<b>PQQ</b>	means this pre-qualification questionnaire, including all schedules, annexes, exhibits and other attachments thereto;
<b>PQQ Response</b>	means the submission, by a Candidate, of a response to this PQQ compliant with the requirements of this PQQ, including submission of one or more ESPDs as required;
<b>PQQ Stage</b>	means the pre-qualification stage initiated pursuant to this PQQ;
<b>Project</b>	means the design, build, finance, maintain and operate of the Tunnel;
<b>Public Procurement Regulations</b>	means the Public Procurement Regulations, Subsidiary Legislation 174.04;
<b>Shortlisted Candidate</b>	means a Candidate who has been shortlisted, on the basis of a PQQ response, to participate in the ITPD Stage;
<b>Timetable</b>	means the timetable set out in Section 3.4; and
<b>Tunnel</b>	means the tunnel (partly sub-sea) for the passage of, <i>inter alia</i> , vehicles between Malta and Gozo, as described in more detail in the MOI.

## 1.2 INTERPRETATION

Save to the extent that the context or the express provisions of this PQQ otherwise require:

- 1.2.1 words importing the singular shall include the plural and vice versa;
- 1.2.2 words importing one gender shall include the other gender;
- 1.2.3 references to Sections, Schedules Exhibits and Annexes are references to sections, schedules, exhibits and annexes of this PQQ and references to paragraphs in the Schedules, Exhibits and Annexes are references to paragraphs of schedules, exhibits and annexes to this PQQ;
- 1.2.4 all periods of time and dates shall be based on, and computed according to, the Gregorian calendar and times of day are times of day in Malta;

- 1.2.5 person includes a natural person and a legal person, including any corporation, company, firm, government, state or agency of a state or any association or partnership (whether or not having separate legal personality);
- 1.2.6 in computation of periods of time from a specified day to a later specified day, 'from' means 'from and including' and 'until' or 'to' means 'to and including';
- 1.2.7 'include', 'including' and 'in particular' shall be construed as being by way of illustration or emphasis only and shall not be construed as, nor shall they take effect as, limiting the generality of any preceding words;
- 1.2.8 references to any document shall be construed as references to that other document as amended, varied, novated, supplemented, or replaced from time to time;
- 1.2.9 references to legislation include any statute, by-law, regulation, rule, subordinate or delegated legislation or order, and reference to any legislation is to such legislation as amended, modified or consolidated from time to time, and to any legislation replacing it or made under it;
- 1.2.10 the terms 'hereof', 'herein', 'hereunder' and similar words refer to this entire PQQ and not to any particular Section, paragraph, Schedule or any other subdivision of this PQQ;
- 1.2.11 all monetary amounts are expressed in EUR (€) unless expressly provided otherwise.

## **2. INTRODUCTION**

### **2.1 BACKGROUND**

- 2.1.1 The island of Gozo located to the North West of Malta suffers from the problem of double insularity. Gozo's very economic existence and the well-being of its inhabitants depend entirely on a reliable, affordable, frequent and safe means of transport between Malta and Gozo.
- 2.1.2 Certain essential infrastructure and facilities, such as universities (the University of Malta is located in Malta and there is no university in Gozo save for a branch of the University of Malta, which branch offers a limited number of courses) and various tertiary institutions as well as comprehensive and advanced public hospitals (Gozo's general hospital does not offer all health services offered at the main hospital in Malta at Mater Dei) are only available in Malta.
- 2.1.3 Gozo is an island which depends entirely on importing everything from Malta and this includes its entire fuel and gas consumption, medical equipment, medicines and various goods and services. The Malta Freeport, a large transshipment hub, is also located on the island of Malta. Gozo's main industries, being manufacture and tourism, are entirely dependent on a regular, frequent, affordable and reliable means of transport of passengers, mail and goods between Malta and Gozo, without which these industries would not survive.
- 2.1.4 Without adequate connectivity with Malta, Gozo would be economically, socially and commercially isolated from Malta and the rest of Europe. This would inevitably lead to a disparity and inequality between the quality of life and expectations of the Maltese, on one hand, and the Gozitans, on the other.
- 2.1.5 The Contracting Authority shall entrust the Project as a service of general economic interest (SGEI).
- 2.1.6 The Project shall impose specific public service obligations on the concessionaire relating to the operation of the Project in accordance with a general interest criterion which ensures

that a service is provided under conditions allowing it to fulfil its mission. The imposition of these obligations is required in view of the fact that market forces alone would not allow for the execution of the Project, without public intervention.

## **2.2 CONTRACTING AUTHORITY**

2.2.1 The contracting authority and final beneficiary of the Project is (a) the Agency for Infrastructure Malta, established in terms of the Agency for Infrastructure Malta Act, Chapter 588 of the laws of Malta, and (b) the Ministry for Transport, Infrastructure and Capital Projects.

2.2.2 The Competitive Process for the award of the Project shall be undertaken by the Administrator on behalf of the Contracting Authority.

## **2.3 FINANCING**

2.3.1 The Project constitutes a works concession. The Candidate awarded the Project shall be responsible for procuring its own financing for the Project.

## **2.4 PROJECT**

2.4.1 The scope of the Project is the design, construction, maintenance and operation of a tunnel between Malta and Gozo, a part of which shall be below sea level. The Project shall include the design, supply and installation of all mechanical and electrical equipment for the entire works, as well as the connection of roads to existing infrastructure.

2.4.2 For more information, Candidates are to refer to the Memorandum of Information (MOI) setting out the minimum requirements for the Project, attached hereto as Schedule 1. The purpose of the MOI is to provide prospective Candidates with sufficient information on the Project.

2.4.3 The conceptual designs for the Project, which designs are non-binding, together with relevant information and documentation relating to such conceptual designs, are attached hereto as Schedule 3.

## **2.5 COMPETITIVE PROCESS**

2.5.1 Administrator intends to select a Candidate for the Project pursuant to a competitive process in accordance with the Concession Contract Regulations, including the principles of equal treatment, non-discrimination, proportionality and transparency.

2.5.2 The Competitive Process shall consist of three (3) main stages:

(a) PQQ Stage which consists of the publication of this PQQ and the receipt and evaluation of PQQ Responses from Candidates, pursuant to which the Administrator shall evaluate the technical and professional, and economic and financial, capabilities of the Candidate.

(b) ITPD Stage which shall consist of two (2) stages, including submission of initial and detailed solutions from Shortlisted Candidates, the evaluation of solutions and dialogue meetings to be conducted with each Shortlisted Candidate. It is intended that any meetings / written communications specific to a particular submission will be conducted entirely separately and in confidence with each of the Shortlisted Candidates on an individual basis. During this stage, the Administrator shall have the right to discuss the technical, legal, commercial and, or financial requirements of the Project with the Shortlisted Candidates.

- (c) BAFO Stage which shall consist of the publication of an invitation to tender pursuant to which Shortlisted Candidates who qualified at PQQ Stage and participated in the ITPD Stage shall be invited to submit a final offer for the Project, including a detailed technical and financial offer, on the basis of the solution identified by the Administrator and subject to the terms and conditions that shall be set out in the invitation to tender.
- 2.5.3 The award of the Concession Contracts shall be subject to, if deemed necessary by the Contracting Authority, any clearance from the European Commission on applicable legislation.
- 2.5.4 The Project is subject to the issuance of all permits, including any permits from the Planning Authority and the Environment and Resources Authority.
- 2.5.5 For more information on the Competitive Process, Candidates are to refer to the Memorandum of Information (MOI) attached hereto as Schedule 2. The purpose of the MOI is to provide prospective Candidates with sufficient information on the Competitive Process.
- 2.6 PRE-QUALIFICATION**
- 2.6.1 In terms of this PQQ, Candidates are required to provide the necessary information for the assessment of their economic and financial standing, and technical and professional ability, to undertake the Project.
- 2.6.2 The information obtained from the submission of the PQQ Response and supporting documentation shall allow the Evaluation Committee to verify and evaluate whether a Candidate has the necessary technical and financial capabilities to undertake the Project, including whether a Candidate has the relevant skills, experience and business practices to carry out the works and provide the services required for the Project.
- 2.6.3 The Evaluation Committee will review each PQQ Response against the selection criteria provided in this PQQ.
- 2.6.4 The Candidates which meet the selection criteria provided in this PQQ shall be scored in accordance with a scoring system which weighs their technical capability and experience, and their financial and economic capabilities. The Administrator shall initiate a dialogue with the Candidates having achieved the five (5) highest scores (assuming that five (5) or more Candidates qualify from the scoring system) (the "Shortlisted Candidates"). Provided that, should less than five (5) Candidates qualify from the scoring system, the Administrator shall have the right to shortlist and proceed with the Competitive Process with whatever number of Candidates have actually qualified. The Candidates which meet the selection criteria but are not amongst the five (5) highest scoring candidates shall be the reserve Candidates (the "Reserve Candidates"). If, at any time during the Competitive Process, any one or more of the Shortlisted Candidates is disqualified or withdraws from the Competitive Process, the Administrator shall have the right to invite the Reserve Candidates with the highest scores to replace such Shortlisted Candidates.
- 2.6.5 The Shortlisted Candidates will subsequently be invited to participate in a dialogue on technical, financial and commercial matters. As part of the dialogue phase, each one (1) of the Shortlisted Candidates shall be requested to submit their initial solution during the first phase following the publication of the ITPD, which solution will serve as a platform on which a dialogue on the technical solution with the said Shortlisted Candidates shall take place, with a view to arriving at the submission of detailed solutions. Following conclusion of the dialogue during this first phase following publication of the ITPD, detailed solutions shall be requested. The Administrator shall discuss the detailed solutions, separately with each of the Shortlisted Candidates and in confidence, with the aim of leading each candidate to better assimilate the needs and requirements of the Administrator. At the end of the dialogue phase during ITPD Stage, the dialogue team will forward a report to the Administrator on the overall findings from the dialogues to highlight outcomes. The Shortlisted Candidates will then be invited to participate in a restricted competitive tender,

on the basis of the Best and Final Offer (BAFO) and the bids shall be evaluated by means of Best Price Quality Ratio award criteria as set out in Schedule 2 of this PQQ.

- 2.6.6 This PQQ does not itself constitute any obligation on the Contracting Authority to proceed with the Competitive Process for the award of the Concession Contracts.

### 3. INSTRUCTIONS TO CANDIDATES

#### 3.1 INTRODUCTION

- 3.1.1 This Section is intended to provide Candidates with a detailed description of the requirements, the form and content of PQQ Responses and of the Timetable and other administrative arrangements for the Competitive Process.
- 3.1.2 In submitting a PQQ Response, the Candidates irrevocably accept to have understood and agreed to, in full and in its entirety, the content of this PQQ, including subsequent clarifications issued by the Administrator. Candidates are expected to examine carefully and comply with all instructions, forms, provisions and specifications contained in this PQQ.
- 3.1.3 The Contracting Authority retains ownership of all PQQ Responses received under this Competitive Process. Consequently, Candidates have no right to have their PQQ Responses returned to them.

#### 3.2 ELECTRONIC SUBMISSION

- 3.2.1 PQQ Responses above 200MB will not be accepted by the system (ePPS). The Candidate accepts in full and in its entirety, the content of this PQQ, including subsequent Clarifications issued by the Administrator, whatever the Candidate's own corresponding conditions may be, which through the submission of the PQQ are hereby waived. Candidates are expected to examine carefully and comply with all instructions, forms, provisions and specifications contained in this PQQ. The terms of this PQQ complement the Terms of Use and the Manual for Economic Operators applicable to Government's e-Procurement Platform (available from [www.etenders.gov.mt](http://www.etenders.gov.mt)).
- 3.2.2 No account can be taken of any reservation in any PQQ Response as regards the terms of this PQQ; any disagreement, contradiction, alteration or deviation shall lead to the PQQ Response not being considered any further.
- 3.2.3 Prospective Candidates must submit their response to this PQQ online, at [www.etenders.gov.mt](http://www.etenders.gov.mt), by completing the prescribed PQQ Response format using the Tender Preparation Tool (TPT) provided by the System. Please note that the TPT was recently updated. This means that anyone who has downloaded the TPT in the past will need to download this tool again. If this is not done, the PQQ Response, created using the old version of the tool, will not be accepted by the etenders portal.
- 3.2.4 In order for Candidates to avoid having their PQQ Response rejected, Candidates must make sure that they fill in the tender structure using the latest version which can be downloaded from the [www.etenders.gov.mt](http://www.etenders.gov.mt) portal. In case of any discrepancy between the requirements contained in this PQQ and those in the PQQ Response format (xml tender structure), the latter shall prevail.
- 3.2.5 Prospective Candidates take full responsibility to submit their electronic PQQ Response well before the submission deadline specified in this PQQ in order to avoid last minute upload restrictions.

3.2.6 PQQ Responses must be fully uploaded / accepted by the ePPS prior to the Deadline for Submission; that is, PQQ Responses in transit upon the Deadline for Submission will be rejected.

3.2.7 No .ink files or URLs are to be submitted. If these types of files or links are uploaded, these shall not be accessible to the Administrator since they usually refer to a location on the computer of the person who is completing the PQQ Response or else may be retrieved online. If the Administrator encounters PQQ Responses with these files, they shall have no other alternative but to discard such files.

### 3.3 CANCELLATION

3.3.1 The Contracting Authority retains the right to suspend, revoke or cancel the Competitive Process, if this is deemed in its best interest, or:

- (i) where it has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all, or where, in the opinion of the Contracting Authority, the number of Shortlisted Candidates is not sufficient to maintain the competitive tension;
- (ii) where the economic or technical parameters have been fundamentally altered;
- (iii) where exceptional circumstances or force majeure render normal execution of the Project impossible;
- (iv) where all technically compliant tenders are not commercially feasible;
- (v) where there have been errors, irregularities or fraud in the Competitive Process, in particular where these have prevented fair competition;
- (vi) for any other reason which is otherwise permitted in terms of the Concession Contracts Regulations.

3.3.2 In the event of suspension, revocation or cancellation, Candidates will be notified by the Administrator.

3.3.3 Candidates irrevocably acknowledge and accept that:

- (i) the Contracting Authority shall be entitled to cancel this PQQ and the Competitive Process at any stage thereof, as set out in Section 3.3.1 above; and
- (ii) they shall not have the right to institute any claim of any nature whatsoever against the Contracting Authority for any loss or other pecuniary damage that they may suffer or otherwise incur as a result of the Contracting Authority's exercise of its right to cancel this PQQ in terms of the foregoing provisions hereof, including without limitation loss of profits, in any way connected with the cancellation of this PQQ even if the Contracting Authority has been advised of the possibility of damages.
- (iii) in no circumstances will the Contracting Authority be liable for damages, whatever their nature (in particular damages for loss of profits) or relationship to the cancellation of a tender, even if the Contracting Authority has been advised of the possibility of damages. The publication of a contract notice does not commit Contracting Authority to implement the Project announced.

### 3.4 TIMETABLE

RELEVANT STAGE OF PROCESS	DATE	TIME
Clarification meeting <i>refer to 3.8.3 for registration</i>	19 February 2020	10:00
Workshop	Refer to Section 3.8	
Deadline for request for any additional information by Candidates from the Administrator pursuant to requests for clarifications	27 March 2020	23:45
Last date on which clarifications and, or modifications to this PQQ will be issued by Administrator	2 April 2020	23:45
Deadline for Submission of PQQ Responses	9 April 2020	10:30
PQQ Responses Opening Session	9 April 2020	11:00
All times Central European Time (CEST)		

3.4.1 The Administrator may, in its absolute discretion, extend the dates in the Timetable, subject to notification to all Candidates. Candidates shall be provided with sufficient time to take clarification notes into account when preparing their PQQ Responses. Candidates will be notified with any such extension through the issuing of a clarification note. In such cases, all rights and obligations of the Administrator and the Candidate regarding the original date specified in the contract notice will be subject to the new date.

### 3.5 CONTENT OF PQQ

3.5.1 This PQQ should be read in conjunction with any clarification notes and modifications issued in accordance with Sections 3.6 and 3.7.

3.5.2 Candidates bear sole liability for examining with appropriate care this PQQ, including any design documents available for inspection, and any clarification notes to this PQQ issued in accordance with its terms, and for obtaining reliable information with respect to conditions and obligations that may in any way affect the amount or nature of the PQQ Response or the Project.

3.5.3 The Candidate must provide all information and documents required by this PQQ. All such documents, without exception, must comply strictly with these conditions and provisions and contain no alterations made by the Candidate.

3.5.4 In case of any discrepancy between the information contained in the data fields of the tender response format and the information completed in the forms uploaded in the tender response format (xml tender structure), the former shall prevail.

### 3.6 MODIFICATIONS TO PQQ

3.6.1 At any time prior to the Deadline for Submission the Administrator reserves the right to affect changes to this PQQ which will not affect the original overall scope of this PQQ. Any

changes will be published on the Government's e-Procurement Platform [www.etenders.gov.mt](http://www.etenders.gov.mt) within the respective tender's workspace.

- 3.6.2 Candidates hereby irrevocably acknowledge and agree that they shall not have the right to institute any claim of any nature whatsoever against the Administrator for any loss or other pecuniary damage that the Candidate may suffer or otherwise incur as a result of the Administrator's exercise of its entitlement to modify this PQQ in terms of the foregoing provisions hereof.

### 3.7 CLARIFICATIONS

- 3.7.1 Candidates may submit questions in writing to the Administrator through the Government's e-Procurement Platform [www.etenders.gov.mt](http://www.etenders.gov.mt) within the respective tender's workspace and within the timeframes set out in the Timetable. The Administrator must reply to all Candidates' questions which relate to this PQQ, and apply any necessary corrections to this PQQ by publishing clarification notes, as well as issuing corrigenda to this PQQ, in accordance with the Timetable. Clarifications received by other means will not be taken into consideration.

- 3.7.2 Questions and answers, and alterations and corrigenda to this PQQ deemed necessary or desirable by the Administrator will be published as a clarification note on the Government's e-Procurement Platform [www.etenders.gov.mt](http://www.etenders.gov.mt) within the respective document's workspace. Clarification notes will constitute an integral part of this PQQ, and it is the responsibility of Candidates to visit this website and be aware of the latest information published online prior to submitting their PQQ Response.

- 3.7.3 All correspondence and documents related to this PQQ exchanged by the Candidates and the Administrator must be written in English and must be made through the Government's e-Procurement Platform [www.etenders.gov.mt](http://www.etenders.gov.mt) within the respective tender's workspace. Supporting documents and printed literature furnished by the Candidates may be in another language, provided they are accompanied by an accurate translation into English. For the purposes of interpretation of this PQQ, the English language will prevail.

### 3.8 CLARIFICATION MEETING AND WORKSHOP

- 3.8.1 A clarification meeting will be held at the Vjal l-Avjazzjoni, Luqa, LQA 9023, Malta on the date and time indicated in the Timetable to answer any questions on this PQQ which have been forwarded in writing, or are raised during the same meeting. Minutes will be taken during the meeting, and these (together with any clarifications in response to written requests which are not addressed during the meeting) shall be posted online as a clarification note.
- 3.8.2 Candidates are to register to attend the clarification meeting by sending an email on [procurement.im@infrastructuremalta.com](mailto:procurement.im@infrastructuremalta.com) with the name, surname, role within the organisation, PQQ reference, and contact details (telephone and email address) of the nominated person.
- 3.8.3 Meetings between Candidates and the Contracting Authority, other than that provided in this Section during the Competitive Process are not permitted.
- 3.8.4 Candidates may register to attend a workshop that will be organised in collaboration with the Institute for Public Services (Ex-CDRT: Centre for Development, Research and Training) at San Salvatore Bastion, Sa Maison Road, Floriana FRN1610. During this workshop, Candidates will be given the opportunity to familiarise themselves with Government's e-Procurement platform.

- 3.8.5 Candidates are to register to attend this workshop by sending an email on [etenders@gov.mt](mailto:etenders@gov.mt) with the name, surname, role within the organisation, PQQ reference, and contact details (telephone and email address) of the nominated person.

### 3.9 PARTICIPATION

- 3.9.1 Participation in this Competitive Process is open on equal terms to all persons from the Member States of the European Union, the beneficiary country and any other country.
- 3.9.2 Once the PQQ Stage is completed, participation in the ITPD Stage shall only be open to Shortlisted Candidates.
- 3.9.3 Proposals and responses at ITPD Stage shall be submitted by the same Shortlisted Candidate that has submitted a PQQ Response, on the basis of which the same Candidate was selected to participate at ITPD Stage. The Contracting Authority shall have the right to permit changes to the identity and, or composition of the Shortlisted Candidate during the Competitive Process, in its absolute discretion, provided that:
- (a) the Shortlisted Candidate shall submit a request in writing for the proposed change for consideration by the Contracting Authority;
  - (b) such change(s) shall not constitute a breach of the Concession Contracts Regulations;
  - (c) such change(s) shall not constitute a breach of any other provision of this PQQ, including without limitation Sections 3.10 and 3.11;
  - (d) if the proposed change involves the removal of, or any change relating to, an entity which was decisive in the shortlisting of the relevant Shortlisted Candidate (each a "relevant entity") by the Administrator, such change shall only be considered if it is ascertained to the satisfaction of the Administrator that such change would have resulted in an equal or higher score as that obtained by the Shortlisted Candidate with the relevant entity.
- 3.9.4 Joint-ventures or consortia made up of eligible partners will be accepted to participate in the PQQ Stage, provided that a pre-bid agreement, joint-venture agreement, consortium agreement or other agreement is established to regulate the affairs of the joint-venture or consortium.
- 3.9.5 PQQ Responses by persons forming a joint venture/consortium/group of economic operators must also fulfil the following requirements:
- (i) One partner must be appointed lead partner and that appointment confirmed by submission of a pre-bid agreement, joint-venture agreement, consortium agreement or other agreement and powers of attorney signed by duly authorized signatories representing all the individual partners. The PQQ Response must include a preliminary agreement providing that the lead partner is authorized to bind, and receive instructions for and on behalf of, all partners, individually and collectively.
  - (ii) All partners are, save as provided in this Section 3.9, bound to remain in the joint venture/consortium/group of economic operators until the conclusion of the Competitive Process. The joint venture/consortium/group of economic operators winning the award of the Concession must be composed of the same members, including the same percentage participation of each member, for the whole duration of the Concession Contracts, other than as shall be expressly permitted in the Concession Contracts, and in all cases subject to compliance with the Concession Contracts Regulations. In view of the long duration of the Concession, changes in composition shall be expressly permitted in specific circumstances in terms of the Concession Contracts.

- 3.9.6 In the case of a joint venture/consortium/group of economic operators, the joint venture/consortium/group of economic operators as a whole must satisfy the criteria established in this PQQ.
- 3.9.7 In accordance with Regulation 78 of the Concession Contracts Regulations, with regard to criteria relating to economic and financial standing and to criteria relating to technical and professional ability, an economic operator or group of economic operators may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. With regard to criteria regarding educational and professional qualifications, or to the relevant professional experience, Candidates may however only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. Where Candidate wants to rely on the capacities of other entities, it must in that case prove to the satisfaction of the Administrator that it will have at its disposal, throughout the period of the Concession, the resources necessary for the execution of the Concession; for example, by producing a binding undertaking by those entities to place the necessary resources at the disposal of the Candidate. Provided that with regard to financial standing, the relevant entities shall be required to execute a guarantee in favour of the Administrator confirming that they shall be jointly liable for the execution of the Concession.

### **3.10 EXCLUSION CRITERIA**

- 3.10.1 Natural persons, companies or undertakings who fall under any of the conditions set out in Part VI of the Public Procurement Regulations shall be excluded from participation in this Competitive Process and the award of the Concession.
- 3.10.2 Candidates who have been guilty of making false declarations will incur financial penalties representing ten percent (10%) of the total value of the contract that is subsequently awarded: Provided that the Candidate does not prove in his PQQ Response that he should not be excluded as established under Part VI of the Public Procurement Regulations.
- 3.10.3 The Administrator shall ask any Candidate to replace a sub-contractor within five (5) working days if, during the evaluation process, it transpires that a sub-contractor is either black-listed or does not satisfy the exclusion-criteria listed under Part VI of the Public Procurement Regulations. If the Candidate fails to comply with the request made by the Administrator in accordance with this Section 3.10.3, the Candidate's offer shall be rejected unless the Candidate proves that the sub-contractor should not be excluded under Part VI of the Public Procurement Regulations.

### **3.11 MULTIPLE TENDERS**

- 3.11.1 At ITPD Stage a Shortlisted Candidate shall be permitted to submit multiple tender offers, provided that the solution proposed in each case meets the minimum requirements set out in Schedule 1. At BAFO Stage, the Shortlisted Candidates shall be required to submit one tender offer for the solution set out in the BAFO.
- 3.11.2 A person may not participate in this Competitive Process both individually and as a partner in a joint venture/consortium/group of economic operators.
- 3.11.3 A person may not participate both individually or as a partner in joint venture/consortium/group of economic operators, and at the same time be nominated as a sub-contractor by any another Candidate.
- 3.11.4 A person may be nominated as a sub-contractor for any number of Candidates (including joint venture/consortium/group of economic operators), provided that such person does not participate individually or as part of a joint venture/consortium/group of economic operators, and that the nominations do not lead to a conflict of interest, collusion, or improper practice.

### **3.12 LOTS**

3.12.1 The Project is not divided in lots.

### **3.13 EXPENSES**

3.13.1 Candidates will bear all costs and expenses associated with the preparation and submission of their PQQ Responses, as well as throughout the subsequent continuation of the Competitive Process, should the Candidate become a Shortlisted Candidate.

3.13.2 The Contracting Authority will in no case be responsible or liable for, or cover, any costs, losses or expenses incurred by a Candidate, including without limitation in relation to attendance at clarification meetings or other visits organised by the Administrator, or any other aspect related to this PQQ or any other phase of the Competitive Process, whatever the conduct or outcome of the Competitive Process, including cancellation.

### **3.14 LAW**

3.14.1 This process is regulated by the Concession Contracts Regulations, as subsequently amended.

3.14.2 By submitting their PQQ Responses, Candidates are accepting that this Competitive Process is regulated by Maltese Law and are deemed to know all relevant laws, acts and regulations of Malta that may in any way affect or govern the operations and activities covered by this Competitive Process and the Project.

3.14.3 Particular attention is drawn to the conditions concerning the employment of labour in Malta and the obligation to comply with all regulations, rules or instructions concerning the conditions of employment of any class of employee.

### **3.15 CURRENCIES**

3.15.1 Before submitting their PQQ Response, Candidates are to ensure its correctness and completeness and to have taken account of all that is required for the full and proper performance of the contract.

3.15.2 Where Candidates submit documentation, including bank and financial statements, which are not denominated in Euro (€), the conversion rate used shall be the same conversion rate applicable by the European Central Bank (ECB) on the Deadline for Submission.

### **3.16 PERIOD OF VALIDITY OF PQQ RESPONSES**

3.16.1 PQQ Responses must remain valid up to and including the date being one hundred and twenty (120) days after the Deadline for Submission. Any Candidate who quotes a shorter validity period will be rejected.

3.16.2 The Administrator may, in exceptional circumstances, request that Candidates extend the validity of PQQ Responses. Such requests and the responses to them must be made in writing. A Candidate may refuse to comply with such a request. However, his PQQ Response will no longer be considered for award. If the Candidate decides to accede to the extension, he may not modify his PQQ Response.

3.16.3 The Candidates which shall be shortlisted pursuant to this PQQ shall be required to extend the validity of their PQQ Response until completion of the Competitive Process.

## **4. SUBMISSION AND OPENING OF PQQ RESPONSES**

### **4.1 SUBMISSION OF PQQ RESPONSE**

4.1.1 PQQ Responses must be compiled, packed and uploaded on [www.etenders.gov.mt](http://www.etenders.gov.mt) before the Deadline for Submission, in accordance with this PQQ. An email receipt will acknowledge the receipt of the PQQ Response. PQQ Response by any other means will not be considered.

### **4.2 EXTENSION OF DEADLINE FOR SUBMISSION**

4.2.1 The Administrator may, at its own discretion, extend any deadline in the Timetable, including the Deadline for Submission, by issuing a clarification note. In such cases, all rights and obligations of the Administrator and the Candidate regarding the original date specified in the Timetable will be subject to the new date.

### **4.3 LATE SUBMISSIONS**

4.3.1 Candidates will not be able to upload a PQQ Response once the Deadline for Submission has expired.

4.3.2 No liability can be accepted for delays or technical difficulties (as per Terms of Use and Manual for Economic Operators of the Government e-Procurement Platform) that preclude Candidates from being submitted in time.

### **4.4 AMENDMENTS AND WITHDRAWAL OF PQQ RESPONSE**

4.4.1 Candidates may amend / replace or withdraw their PQQ Response online from [www.etenders.gov.mt](http://www.etenders.gov.mt) until the expiry of the Deadline for Submission. No PQQ Response may be amended or withdrawn after the Deadline for Submission.

4.4.2 The amendment and, or withdrawal of a PQQ Response after the Deadline for Submission shall result in the disqualification of the Candidate.

### **4.5 OPENING OF PQQ RESPONSES**

4.5.1 PQQ Responses shall be opened in a public session at the Administrator and on the date and time indicated in the Timetable.

4.5.2 A 'Summary of PQQ Responses Received' will be available to view on [www.etenders.gov.mt](http://www.etenders.gov.mt) and will also be published on the notice board of the Administrator.

4.5.3 At the opening session, the Candidates' names and the Candidates' Id will be published.

### **4.6 CONFIDENTIALITY OF THE COMPETITIVE PROCESS**

4.6.1 After the opening of the PQQ Response, no information about the examination, clarification, evaluation or comparison of PQQ Responses or decisions about the PQQ Responses and this Competitive Process may be disclosed before notification of the Shortlisted Candidates.

4.6.2 Information concerning evaluation of PQQ Responses and checks, explanations, comparisons and recommendations concerning the PQQ Responses may not be disclosed to the Candidates or any other person not officially involved in the process unless otherwise permitted or required by law.

- 4.6.3 Any attempt by a Candidate to approach any member of the Evaluation Committee and / or the Contracting Authority directly during the Competitive Process, including during the evaluation period, will be considered legitimate grounds for disqualifying Candidate's PQQ Response.

#### **4.7 CLARIFICATIONS OF PQQ RESPONSE**

- 4.7.1 PQQ Responses which are materially incomplete, conditional, illegible, or contain other material irregularities, shall be rejected.
- 4.7.2 When checking and comparing PQQ Responses, the Evaluation Committee may, in compliance with any procedure set out in the Concession Contracts Regulations, ask a Candidate to clarify any aspect of its PQQ Response.
- 4.7.3 Such requests and the responses to them must be made through the Government's e-Procurement Platform ([www.etenders.gov.mt](http://www.etenders.gov.mt)). They may, in no circumstance, alter or try to change the content of the PQQ Response, in a material manner.

### **5. PQQ PREPARATION**

#### **5.1 FORMAT OF RESPONSES TO THE PQQ**

- 5.1.1 All PQQ Responses submitted in terms of this PQQ must be specific and must include all the information requested in this PQQ. Candidates are urged to examine this PQQ in its entirety and to ensure that their PQQ Response contains all the necessary information, provide all required documentation and are complete in all respects, since evaluation of PQQ Responses will be based on the actual material presented and not on the basis of what is or may be implied. Candidates shall submit specific documentation and avoid submitting general marketing information, brochures or similar material unless necessary.

#### **5.2 PQQ RESPONSE FORMAT**

- 5.2.1 Candidates' PQQ Responses must set out in full all the details necessary for the Evaluation Committee to understand how the Candidate is composed and structured for the purpose of implementing the requirements of the Concession, and whether the Candidate meets or exceeds the economic and financial standing or technical and professional ability required in terms of this PQQ.
- 5.2.2 Candidates must indicate in the PQQ Response whether they are submitting a PQQ Response as a single entity or in the form of a consortium/joint venture/group of economic operators and furnish the details set out therein.
- 5.2.3 Reference is made to the provisions of Schedule 5 in relation to the ESPDs submitted by Candidates.

### **6. SELECTION AND EVALUATION PROCESS**

#### **6.1 EVALUATION COMMITTEE**

- 6.1.1 The Administrator, in terms of this PQQ, is committed to provide a fair, transparent and objective selection process through the appointment of one or more ad hoc Evaluation Committees. The Evaluation Committee appointed by the Administrator will be set up for the purpose of evaluating the PQQ Responses received in response to this PQQ and will be responsible for the technical and professional, and economic and financial, assessment of

PQQ Responses during this Competitive Process. The Evaluation Committee may be assisted by experts in different fields as may be deemed necessary or desirable.

## **6.2 INTRODUCTION**

- 6.2.1 In order to be considered eligible for the award of the Concession Contracts, Candidates must provide evidence that they meet or exceed the minimum selection criteria set out in this PQQ. Any Candidate which does not meet or exceed any of the minimum criteria set out in this PQQ shall be deemed ineligible.
- 6.2.2 The Evaluation Committee shall evaluate each tender in accordance with this Section 6.
- 6.2.3 Each PQQ Response shall be assessed taking into account the criteria listed in this PQQ.
- 6.2.4 The selection and evaluation process at this PQQ Stage will consist of three (3) stages:
- (i) Administrative Evaluation (Stage 1)
  - (ii) Selection Criteria (Stage 2)
  - (iii) Shortlisting (Stage 3)
- 6.2.5 The Administrator reserves the right to combine any one or more stages and to, at any stage of the selection and evaluation process, request clarifications and / or rectifications in respect of incorrect / incomplete / non-submitted information pertinent to the documentation required in terms of this PQQ. Provided that Candidates shall not be permitted to make any material alterations to their PQQ Response. Such rectification/s must be submitted within five (5) working days from notification. Failure to comply shall result in the PQQ Response not being considered any further.

## **6.3 ADMINISTRATIVE COMPLIANCE (STAGE 1)**

- 6.3.1 The Evaluation Committee will first check the compliance of PQQ Responses received with the instructions given in this PQQ, including those set out in Schedule 2 of this PQQ, from an administrative perspective.
- 6.3.2 The Evaluation Committee shall have the right to request rectifications with respect to incomplete / non-submitted information pertinent to the documentation required in the PQQ Responses. Such rectification/s must be submitted within five (5) working days from notification. Failure to comply shall result in the PQQ Response not being considered any further.
- 6.3.3 No material rectification shall be allowed in respect of the documentation as outlined in the PQQ Responses. Only clarifications and/or information substantiating the details and information already submitted may be eventually requested. Information which does not corroborate or change the PQQ Response already submitted shall not be considered. The Evaluation Committee reserves the right to request supporting documentation to substantiate the declarations and information provided by the Candidates.

## **6.4 SELECTION CRITERIA (STAGE 2)**

- 6.4.1 PQQ Responses which have been considered administratively compliant shall proceed to be evaluated as per Selection Criteria outlined below. In order to be considered for this evaluation, Candidates must submit the completed PQQ Response.
- 6.4.2 At this stage, the Evaluation Committee will evaluate whether the relevant Candidate which qualified from Stage 1 (Administrative Compliance) complies with the selection criteria,

consisting of the technical and professional, and economic and financial, capabilities of the Candidate set out hereunder.

- 6.4.3 In order to be considered eligible for the award of the Concession, Candidates must provide evidence that they meet or exceed the minimum qualification criteria described in this PQQ. In the case of a joint venture/consortium/group of economic operators, the Candidate as a whole must satisfy the minimum qualifications required below.
- 6.4.4 The selection criteria shall be divided into:
- (i) Economic and Financial Standing;
  - (ii) Technical and Professional Capabilities.

Note: Reference is made to Section 3.9.7 of this PQQ and Regulation 78 of the Concession Contracts Regulations which allow reliance on capabilities of third parties, subject to compliance with the provisions thereof.

6.4.5 Economic and Financial Standing.

The Candidate must have the necessary economic and financial standing to carry out the Concession, as set out in Schedule 2 of this PQQ. Candidates must provide the evidence outlined in Schedule 2 of this PQQ.

**Note to Candidates:** The Evaluation Committee reserves the right to request additional documentation in respect of the evidence provided by Candidates.

6.4.6 Technical and Professional Capabilities.

Candidates shall be required to possess the necessary technical and professional capabilities to undertake the Concession, as set out in Schedule 2 of this PQQ. Candidates must provide the evidence outlined in Schedule 2 of this PQQ.

**Note to Candidates:** In providing reference projects, a client's name and contact details (as stated in Schedule 2), the Candidate is giving its consent to the Evaluation Committee to carry out any investigations it deems necessary in relation to the capabilities indicated and, or to contact the relevant clients with a view to obtaining from them an opinion on the works provided to them by the Candidate. The Evaluation Committee reserves the right to request additional documentation in respect of the experience provided by Candidates.

**6.5 SHORTLISTING (STAGE 3)**

- 6.5.1 Candidates who qualify from Stage 1 (Administrative Compliance) and Stage 2 (Selection Criteria), will subsequently be ranked in accordance with the score obtained pursuant to the scoring system set out in Schedule 2. The five (5) highest scoring Candidates based on the scoring system set out in this PQQ shall be named as Shortlisted Candidates and the remaining Candidates shall be named as Reserve Candidates. The Shortlisted Candidates shall be invited to take part in the ITPD Stage. Provided that, should less than five (5) Candidates qualify from the scoring system, the Administrator reserves the right to, in its absolute discretion, proceed with the Competitive Process with whatever number of Candidates have actually qualified.

**6.6 NOTIFICATION OF SHORTLISTED CANDIDATES AND RESERVE CANDIDATES**

- 6.6.1 Prior to the expiration of the period of validity of PQQ Responses, the Administrator will notify each Candidate in writing whether it has qualified and, if so, its ranking, pending any complaint being lodged in terms of Section 8.

6.6.2 Disqualified Candidates and Reserve Candidates shall be notified with the outcome of the selection and evaluation process, and will be provided the following information:

- (i) the names of the Shortlisted Candidates;
- (ii) the reasons why the Candidate has not been shortlisted, including the score of the Candidate (if applicable);
- (iii) where the Candidate's response was considered to be in compliance with the selection criteria, a list of all compliant responses and corresponding final score;
- (iv) the deadline for filing a notice of complaint; and
- (v) the deposit required for lodging a complaint.

## **7. MISCELLANEOUS**

### **7.1 NO CANVASSING AND NO COLLUSION**

7.1.1 Any Candidate who directly or indirectly canvasses any member or official of the Contracting Authority or the Evaluation Committee in connection with the Competitive Process or the Concession, shall be disqualified.

7.1.2 Candidates are prohibited from:

- (i) discussing with each other any aspect of their response to this PQQ or otherwise exchanging information about the Competitive Process and, or the Concession without the written consent of the Contracting Authority; and
- (ii) colluding in respect of the Competitive Process and, or the Concession. Any Candidate who breaches this prohibition shall be disqualified.

### **7.2 ETHICS CLAUSES**

7.2.1 Any attempt by a Candidate to obtain confidential information, enter into unlawful agreements with competitors or influence the Evaluation Committee or the Contracting Authority during the process of examining, clarifying, evaluating and comparing PQQ Responses will lead to the rejection of his candidacy or tender and may result in administrative penalties.

7.2.2 When putting forward a tender, the Candidate must ensure that he is affected by no potential conflict of interest, and that he has no particular link with any other Candidate(s) or parties involved in the Project and, or Competitive Process. Should such a situation arise at any time during the Competitive Process, including the selection and evaluation process, the Candidate must immediately notify the Administrator. In instances where a conflict of interest exists, the Candidate/s is/are to be excluded from the award of the Project unless such a conflict of interest cannot be remedied by a less intrusive manner.

7.2.3 Where the Administrator is of the opinion that the conflict of interest can be remedied without excluding the candidate in question, it shall give five (5) working days to the Candidate in question to remedy such conflict of interest. In default, the Candidate in question shall be excluded.

7.2.4 Candidates shall refrain from any relationship likely to compromise his independence or that of his staff. If the Candidate ceases to be independent, the Administrator may, regardless

of injury, exclude the Candidate without further notice and without the Candidate having any claim to compensation.

- 7.2.5 The Concessionaire may accept no payment connected with the Concession and, or the Concession Contracts other than that provided for in the Concession Contracts. The Concessionaire and his staff must not exercise any activity or receive any advantage inconsistent with their obligations to the Contracting Authority.
- 7.2.6 The PQQ Responses concerned will be rejected or the Concession Contracts terminated if it emerges that the award of the Concession or execution of the Concession Contracts has given rise to unusual commercial expenses. Such unusual commercial expenses are commissions not mentioned in the Concession Contracts or not stemming from a properly concluded contract referring to the Concession Contracts, commissions not paid in return for any actual and legitimate service, commissions remitted to a tax haven, commissions paid to a recipient who is not clearly identified or commissions paid to a company which has every appearance of being a front company.

### 7.3 DATA PROTECTION AND FREEDOM OF INFORMATION

- 7.3.1 Any personal data submitted in this Competitive Process and / or subsequently included in the Concession Contracts shall be processed pursuant to the Data Protection Act (Chapter 586 of the laws of Malta) and all applicable laws and regulations relating to processing of personal data and privacy. It shall be processed solely for the purposes of the performance, management and follow-up of this Competitive Process and / or subsequently included in the Concession Contracts by the Contracting Authority without prejudice to possible transmission to the bodies charged with a monitoring or inspection task in conformity with National and/or European Union law.
- 7.3.2 The provisions of this PQQ, the ITPD, the BAFO and the Concession Contracts are without prejudice to the obligations of the Contracting Authority in terms of the Freedom of Information Act (Chapter 496 of the Laws of Malta). The Contracting Authority, prior to disclosure of any information to a third party in relation to any provisions of this PQQ, the ITPD, the BAFO or the Concession Contracts which have not yet been made public, shall consult the Concessionaire in accordance with the provisions of the said Act, pertinent subsidiary legislation and the Code of Practice issued pursuant to the said Act. Such consultation shall in no way prejudice the obligations of the Contracting Authority in terms of the said Act.

### 7.4 GENDER EQUALITY

- 7.4.1 In carrying out its obligations in pursuance of this Competitive Process and the Concession Contracts, the Candidate shall ensure the application of the principle of gender equality and shall thus *inter alia* refrain from discriminating on the grounds of gender, marital status or family responsibilities. Candidates are to ensure that these principles are manifest in the organogram of the Concessionaire where the principles aforementioned, including the selection criteria for access to all jobs or posts, at all levels of the occupation hierarchy, are amply proven.

## 8. GOVERNING LAW AND APPEALS PROCESS

- 8.1.1 This PQQ and the Competitive Process shall be governed by the Concession Contracts Regulations.
- 8.1.2 Candidates shall have the remedies set out in Part V of the Concession Contracts Regulations, including without limitation, the right to file a reasoned application before the Public Contracts Review Board prior to the Deadline for Submission, to challenge decisions of the Contracting Authority taken after the Deadline for Submission and to seek a declaration that

a concession contract is ineffective. The remedies are reproduced hereunder for ease of reference.

Remedies before Closing Date of a Call for Competition

98. Prospective candidates may, prior to the closing date of a call for competition, file a reasoned application before the Public Contracts Review Board:

(a) to set aside or ensure the setting aside of decisions including clauses contained in the procurement document and clarification notes taken unlawfully at this stage or which are proven to be impossible to perform; or

(b) to determine issues relating to the submission of an offer through the government's e-procurement platform; or

(c) to remove discriminatory technical, economic or financial specifications which are present in the call for competition, in the concession documents, in clarifications notes or in any other document relating to the contract award procedure; or

(d) to correct errors or to remove ambiguities of a particular term or clause included in a call for competition, in the concession documents, in clarifications notes or in any other document relating to the concession award procedure; or

(e) to cancel the call for competition on the basis that the call for competition is in violation of any law or is likely to violate a particular law if it is continued.

99. (1) The application by the complainant shall be affixed on the notice board of the Public Contracts Review Board and shall also be published on the website of the same board.

(2) The Public Contracts Review Board shall notify the contracting authority or the contracting entity and the Director about this request.

(3) It shall be the responsibility of the prospective candidates to visit the website of the Public Contracts Review Board and be aware of the latest information published online. Reply to the application.

100. The contracting authority or the contracting entity and any interested party may, within five days from the date when the application is uploaded on the website of the Public Contracts Review Board, file a written reply. Such replies shall also be affixed to the notice board of the Public Contracts Review Board and uploaded online.

101. The Public Contracts Review Board shall decide the application with urgency after hearing the parties, provided that not more than one sitting may be fixed for such purpose. The final decision of the Public Contracts Review Board may be appealed by the aggrieved party before the Court of Appeal as provided in regulations 119, 120, 121, 122, 123 and 124.

102. Pending the decision of the Public Contracts Review Board the process of the call shall be suspended.

103. In its final decision the Public Contracts Review Board must always establish the new deadline for the submission of the offers.

104. The contracting authority or the contracting entity shall abide to the decision of the Public Contracts Review Board in the shortest time possible and where the contracting authority fails to implement the decision of the Public Contracts Review Board the latter may report the matter to the minister responsible for that contracting authority.

105. Any application filed in terms of this title shall be without any charge.

Appeals from Decisions taken after the Closing Date for the Submission of a Tender

106. Any Candidate, or any person, having or having had an interest or who has been harmed or risks being harmed by an alleged infringement or by any decision taken including a proposed award in obtaining a contract, a rejection of a tender or a cancellation of a call for tender after the lapse of the publication period, may file an appeal by means of an objection before the Public Contracts Review Board, which shall contain in a very clear manner the reasons for their complaints.

107. The objection shall be filed within ten (10) calendar days following the date on which the contracting authority or the contracting entity by fax or other electronic means sent its proposed award decision or the rejection of a tender or the cancellation of the call for tenders after the lapse of the publication period.

108. The communication to each candidate of the proposed award or of the cancellation of the call shall be accompanied by a summary of the relevant reasons relating to the rejection of the tender or the reasons why the call for tenders is being cancelled after the lapse of the publication period, and by a precise statement of the exact standstill period.

109. The objection shall only be valid if accompanied by a deposit equivalent to 0.50 per cent of the estimated value set by the contracting authority or the contracting entity of the whole tender or if the tender is divided into lots according to the estimated value of the tender set by the contracting authority for each lot submitted by the tenderer, provided that in no case shall the deposit be less than four hundred euro (€400) or more than fifty thousand euro (€50,000) which may be refunded as the Public Contracts Review Board may decide in its decision.

110. The Secretary of the Public Contracts Review Board shall immediately notify the Director and the contracting authority or the contracting entity that an objection had been filed with his authority thereby immediately suspending the award procedure.

111. The contracting authority or the contracting entity shall be precluded from concluding the concession contract during the period of ten calendar days allowed

for the submission of appeals. The award process shall be completely suspended if an appeal is eventually submitted.

112. The procedure to be followed in submitting and determining appeals as well as the conditions under which such appeals may be filed shall be the following:

(a) any decision by the Special Contracts Committee or by the contracting authority or the contracting entity, shall be made public by affixing it to the notice-board of the contracting authority or the contracting entity or by uploading it on government's e-procurement platform prior to the award of the contract;

(b) the appeal of the complainant shall also be affixed to the notice-board of the Public Contracts Review Board and shall be communicated by fax or by other electronic means to all participating tenderer;

(c) the contracting authority or the contracting entity and any interested party may, within ten calendar days from the day on which the appeal is affixed to the notice-board of the Department of Contracts or of the contracting authority or the contracting entity and uploaded where applicable on the Government's e-procurement platform, file a written reply to the appeal. These replies shall also be affixed to the notice-board of the Public Contracts Review Board and where applicable it shall also be uploaded on the Government's e-procurement platform;

(d) after the preparatory process is duly completed, the head of the contracting authority or the contracting entity shall within ten days forward to the Chairman of the Public Contracts Review Board all documentation pertaining to the call for tenders in question including files, tenders submitted, copies of deposit receipts and any motivated letter;

(e) the secretary of the board shall inform all the participants of the call for tenders, and the contracting authority or the contracting entity of the date or dates as the case maybe when the appeal will be heard;

(f) when the oral hearing is concluded, the Public Contracts Review Board, if it does not deliver the decision on the same day, shall reserve decision for the earliest possible date to be fixed for the purpose, but not later than six weeks from the day of the oral hearing:

Provided that for serious and justified reasons expressed in writing by means of an order notified to all the parties, the Public Contracts Review board may postpone the judgment for a later period;

(g) the secretary of the board shall keep a record of the grounds of each adjournment and of everything done in each sitting; and

(h) after evaluating all the evidence and after considering all submissions put forward by the parties, the Public Contracts Review Board shall decide whether to accede or reject the appeal.

- 8.1.3 The amount of the deposit for the filing of an objection in terms of Regulation 106 of the Concession Contracts Regulations in relation to this Competitive Process shall be fifty thousand Euro (€50,000), which deposit may be refunded as the Public Contracts Review Board may decide in its decision.

## **9. GENERAL TERMS AND CONDITIONS**

### **9.1 DISCLOSURE OF INFORMATION**

- 9.1.1 Candidates should be aware that the Contracting Authority may deem it necessary to present or disclose any information and documents, including, without limitation, PQQ Responses, financial offers, Candidate' questionnaires, correspondence and reports in connection with the Competitive Process to the House of Representatives (Parliament) or any of its committees, the Government, a court or arbitration tribunal in the course of legal proceedings, or to any other body which is statutorily privileged, entitled or authorised to have access to such information and documents. By submitting a PQQ Response, Candidates shall be deemed to give authority to the Contracting Authority to make any such disclosures as aforesaid without the need of informing or pre-advising said Candidate.
- 9.1.2 Without prejudice to the foregoing, by downloading a copy of this PQQ acknowledge and agree that:
- (i) Prospective Candidates will not distribute or reproduce the document in whole or in part other than as required by Candidate, their advisers and consortium members, and that these parties will use this document solely for the purposes of evaluating their interest in the Concession and subject to such parties being bound by corresponding confidentiality obligations; and
  - (ii) Any proposed actions by the prospective Candidate which are not consistent, in any manner, with this paragraph will require the prior written consent of the Contracting Authority.

### **9.2 FALSE AND MISLEADING INFORMATION**

- 9.2.1 The Contracting Authority reserves the right to reject any tender of a Candidate and disqualify such Candidate in the event that the PQQ Response contains false or misleading information.
- 9.2.2 In the event that it transpires that false information has been provided by a Candidate that has been shortlisted, the Contracting Authority reserves the right to regard this as sufficient grounds for immediate disqualification of said Candidate and for the termination of the Concession Contracts.

# SCHEDULE 1

## MEMORANDUM OF INFORMATION - MINIMUM REQUIREMENTS

### 1 INTRODUCTION

The purpose of this Schedule 1 is to set out the minimum requirements for the Project. All proposals for the Project during the Competitive Process shall comply with the minimum requirements set out hereunder.

### 2 MINIMUM REQUIREMENTS

#### 2.1 TECHNICAL

The Tunnel shall be a basic sub-surface tunnel which fits the actual traffic density. The expected annual average daily traffic (AADT) in a 15 years forecast with a toll payment is an AADT at approximately 9,000 vehicles<sup>1</sup>, with around 5% of these being heavy vehicles.

The following are the minimum requirements of the Tunnel:

- 2.1.1 Tunnel shall consist of a single bore of two lanes with bi-directional traffic. The Tunnel is to provide a connection between the island of Malta and the island of Gozo. The Tunnel will be fitted out with modern traffic management facilities to prevent traffic congestion and shall benefit from enhanced safety systems.
- 2.1.2 The Tunnel structure will incorporate fire resistance materials.
- 2.1.3 Heavy goods vehicle turning bays shall be provided at a minimum of one thousand five hundred (1,500) metre intervals.
- 2.1.4 Tunnel shall have two (2) vehicle lanes, one (1) in each direction, each measuring three point five (3.5) metres, having a minimum headroom / traffic gauge of five point zero fifty-five (5.055) metres with an equipment profile of twenty-five (25) centimetres.
- 2.1.5 Pedestrians and bicycles shall not be allowed to enter the Tunnel in normal operation mode.
- 2.1.6 Tunnel must have a shoulder measuring one point two five (1.25) metres including curb stone and road markings at each side of the bi-directional carriageway.
- 2.1.7 Tunnel must have a central buffer area between the two (2) vehicle lanes, measuring at least one point five (1.5) metres.
- 2.1.8 A series of lay-bys / widenings at nominal five hundred (500) metre spacings are to be included, alternating in a staggered pattern on both sides of the carriageway.
- 2.1.9 An emergency egress gallery on one (1) side of the Tunnel having a minimum internal width of one point two (1.2) metres is to be included. The gallery will be independently positively pressurised. The fire wall shall provide a two (2) hour fire rating barrier and shall be fitted with fire doors at intervals of one hundred (100) metres. The final setup is to be agreed to by the Civil Protection Department and Contracting Authority.

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<sup>1</sup> E-Cubed Consultants (2015). *Establishing a permanent link between the Island of Gozo and Mainland Malta: An Economic Cost Benefit Analysis of Available Strategic Options.*

- 2.1.10 Refuge areas are to be provided at one thousand (1,000) metre intervals within the emergency egress gallery. Doors from the Tunnel to the emergency egress gallery shall be provided at maximum one hundred (100) metre intervals.
- 2.1.11 Services are to be located either in a service gallery or in any other location which provides for easy, uninterrupted access.
- 2.1.12 The maximum allowable inflow of water shall not exceed 300l/min/km Tunnel. Permanent pumps at low points shall drain the Tunnel from incoming water and discharge the water at the portal areas, designed according to 300l/min/km Tunnel.
- 2.1.13 The Tunnel shall have all necessary installations, including mechanical and electrical installations and signage for effective use of a modern, safe and efficient road tunnel.
- 2.1.14 All mechanical and electrical plant (MEP) shall be outside the vehicle gauge.
- 2.1.15 A technical building (including traffic control room) at each portal to the Tunnel shall be provided. Transformer stations and technical rooms shall be distributed evenly throughout the Tunnel length.
- 2.1.16 No intermediate shafts for ventilation purposes are to be considered.
- 2.1.17 Tunnel portals must be located at a maximum of two (2) kilometres away from a TEN-T road network.
- 2.1.18 Technical solution shall not consist of, or include as a part thereof, bridges (or similar structures) or floating tunnels.
- 2.1.19 The existing road infrastructure between St Paul's Bay (NA7) and Ċirkewwa is prone to traffic congestion. Technical solution shall therefore not contemplate the use of any part of the existing road infrastructure between St Paul's Bay (NA7) and Ċirkewwa to access the Tunnel, save where necessary for vehicles departing from within or around the area between Ċirkewwa and St Paul's Bay (NA7) and travelling to the Malta portal of the Tunnel.
- 2.1.20 The Tunnel shall be lined as necessary to ensure long-term safety (including water and fire resistance) and stability.
- 2.1.21 The Tunnel shall have a posted speed limit of seventy (70) kilometres per hour.
- 2.1.22 The Tunnel portals will comprise a concrete structure that connects the rock tunnel and surface.
- 2.1.23 A grillage and sump arrangement of sufficient capacity incorporating a suitable pumping arrangement shall be located at the Tunnel portals to prevent surface-borne waters running into and down the Tunnel gradient.
- 2.1.24 The maximum gradient throughout the Tunnel shall not exceed five per cent (5%) or such other gradient as may be permitted in EU legislation in specific circumstances.
- 2.1.25 The design life of the Tunnel structure shall have a minimum lifetime of one hundred twenty (120) years.
- 2.1.26 The maximum 'out of operation' time of the Tunnel shall be not more than two hundred (200) hours per year. The term 'out of operation' means that the Tunnel is not available for the public during periods of maintenance and repairs. The Concession Contract shall provide for exclusions in relation to matters are out of the concessionaire's control.
- 2.1.27 The Tunnel shall operate without interruption on a 24/7 daily basis, save for permitted maintenance to be set out in Concession Contracts.
- 2.1.28 The Tunnel shall provide a means of transportation that provides the public with an experience of safe driving, comfort and confidence. During operational hours, the Tunnel shall be clean and made clear of any obstructions, shall be provided with the required levels of illumination which provide good visibility, and shall have forced ventilation to secure the air quality based on CO and NO<sub>x</sub> measurements. Forced ventilation shall provide efficient smoke control in case of fire and have a capacity of a minimum of 5m/sec bi-directional.
- 2.1.29 No water shall be found running down or along the walls.

- 2.1.30 During construction, all excavated material shall be required to be separated from other waste and transported away from the portal areas to one or more sites to be identified by the Contracting Authority. The Government shall have full ownership of, and be solely responsible for, disposal of the excavated material delivered to the Government by the Concessionaire.
- 2.1.31 All water from the construction and operation works shall be properly contained, cleaned and treated to the required standard prior to disposal at agreed discharge sites.
- 2.1.32 The Tunnel shall be equipped with a fully integrated dual electrical supply which is to be connected to a power generating unit at each end of the Tunnel, such that the Tunnel can function fully and seamlessly as designed in the event of a power outage or failure from either end. Emergency lighting and power must be available with sufficient capacity (including battery back-up) to meet all the requirements throughout the Tunnel for safe and orderly evacuation in the event of total power loss.
- 2.1.33 The Tunnel shall connect to public emergency units (Civil Protection Department, Police, Ambulance, etc.) in case of emergency situations in the Tunnel.
- 2.1.34 All systems are to be tested by the Concessionaire and confirmed as being functional by the Contracting Authority and public emergency units, as specified and in line with the relevant standards prior to commissioning and entering operation.
- 2.1.35 All systems are to be tested for coordination and communication prior to commissioning and entering operation.
- 2.1.36 Any defects identified at the time of handover of the Tunnel to the Contracting Authority (or other third party operator) at the end of the Concession which are beyond what is to be characterised as normal wear and tear shall be replaced by the Concessionaire to secure the specified design life.
- 2.1.37 Concessionaire shall maintain and provide accurate full documentation of the Tunnel, with a description of all installations included therein for service intervals, manuals and all such materials as to secure a non-interrupted handover to the Contracting Authority (or other third party operator). The documentation shall include as-built drawings during construction and the subsequent concessionaire period, a detailed history of all equipment changes, servicing, etc. during the concession period, and a record of all structural and non-structural works carried out during the concession period. The handover period shall include a period of training of the Contracting Authority (or other third party operator).
- 2.1.38 The Concessionaire shall compile a full and complete detailed history of all mechanical and electrical equipment changes, additions, modifications, servicing, etc. during the entire period of the concession. Similarly, all structural and non-structural works carried out on tunnel linings, service galleries, roads, surfaces, portals, buildings, signage, controls, sumps, ponds, etc. (i.e. any works undertaken within the entire concession project) shall be recorded and provided to the Contracting Authority.

## 2.2 LEGAL

Tunnel shall comply with the following documents (as updated from the time), in order of priority. In case of conflict, the priority of the relevant document shall be determined according to the order in the list set out hereunder.

- 2.2.1 Design and construction of the road surface shall be carried out according to the provisions set in LN 364/2003, Road (Design and Construction) Standard Regulations and relevant standards.
- 2.2.2 Tunnel shall be designed in line with the Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network, based on the AADT provided, as well as Subsidiary Legislation 499.60 - Safety Requirements for Tunnels in the Trans-European Road Network Regulations of 11 July 2006.

- 2.2.3 Tunnel project shall comply with the UK standards outlined in the Design Manual for Roads and Bridges (DMRB), Volume 2, Section 2, Part 9, BD 78/99 - Design of Road Tunnels and BS 6164: 2011 - Code of Practice for Health and Safety in Tunnelling in the construction industry or equivalent.
- 2.2.4 Concessionaire shall comply with Norwegian standard N500 or equivalent for specific sub-sea issues.
- 2.2.5 Concessionaire shall apply the most recent version of the code of practice for risk management in Tunnel works issued by the International Tunnelling Insurance Group (ITIG).
- 2.2.6 The direct, indirect, and cumulative impacts of emissions and discharges into the environment from the Tunnel during both the construction and operations phase, and the interaction between impacts, will be assessed within the framework of the EU Directives/Regulations (including all amendments) such as but not limited to the following:
- a. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) (Text with EEA relevance).
  - b. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora
  - c. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds
  - d. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy
  - e. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (Text with EEA relevance).
  - f. Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration.
  - g. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (Text with EEA relevance).
  - h. Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.
  - i. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.
  - j. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance).
  - k. The assessment of impacts will also refer to EU policies concerning aspects such as but not limited to Agriculture, Biodiversity, and Climate Action and the Cultural Heritage Act (Chapter 445 of Maltese Law).

Contracting Authority shall, subject to agreement between the Concessionaire and the Contracting Authority on the required areas and the availability and suitability of such areas, be responsible for procuring rights to land, seabed and the area below the seabed, as necessary, for the purposes of the Project.

## 2.3 FINANCIAL

- 2.3.1 Consideration for this Concession is intended to consist solely in the right to exploit the works and the services. However, Contracting Authority is willing to consider, in addition to the right of exploitation, making one or more payments to the Concessionaire during the term of the Concession. Any contribution to the Project from the Contracting Authority shall

be discussed during the dialogue phase. If the Contracting Authority, in its absolute discretion, elects to provide for payment from the Contracting Authority to the Concessionaire, such payment shall be specified in the Concession Documents. Provided that such payment by the Contracting Authority shall in no event relieve the Concessionaire of any potential loss, and the Concessionaire shall not be entitled to a payment from the Contracting Authority which is equal or higher to the investments made and the costs that the Concessionaire has to incur in relation to the performance of the Concession.

- 2.3.2 Contracting Authority (including the Government) shall not provide any guarantees in relation to any amounts incurred or borrowed by the Concessionaire relating to the Project.
- 2.3.3 Tunnel shall be handed over to the Contracting Authority at the end of the Concession at no cost to the Contracting Authority.
- 2.3.4 Contracting Authority shall not provide any guarantees in relation to demand and use for the Tunnel.
- 2.3.5 Concessionaire shall be responsible for all costs in relation to the Project. Provided that the Contracting Authority shall carry out geological studies, at its own cost, at such point when the area for carrying out such geological studies has been determined by the Contracting Authority. Provided further that any geological studies to be carried out after signature of the Concession Contract shall be carried out by the Concessionaire at its own cost and expense, unless otherwise set out in the Concession Contract.
- 2.3.6 Concessionaire shall be granted the exclusive right to exploit the Project by charging tolls for the duration of the Concession.

## SCHEDULE 2

### COMPETITIVE PROCESS MEMORANDUM OF INFORMATION

#### PQQ STAGE

##### 1. ADMINISTRATIVE COMPLIANCE (STAGE 1)

Subject to Section 6.3.1 of this PQQ, the Evaluation Committee will first check the compliance of PQQ Responses received with the instructions given in this PQQ, from an administrative perspective, including:

- a. In the case of a Joint Venture/Consortium/group of economic operators, submission of power/s of attorney appointing lead partner in accordance with section 3.9.5 of this PQQ.
- b. In the case of a Joint Venture/Consortium/group of economic operators, submission of a preliminary agreement providing that the lead partner is authorised to bind, and receive instructions for and on behalf of, all partners, individually and collectively, in accordance with section 3.9.5 of this PQQ.
- c. Compliance with Sections 3.9 (Participation), 3.10 (Exclusion Criteria) and 3.12 (Multiple Tenders) of this PQQ.
- d. Completed PQQ Response, as required in terms of this PQQ.

##### 2. SELECTION CRITERIA (STAGE 2)

In order to be considered eligible for the award of the Concession, Candidates must meet or exceed the minimum qualification criteria described hereunder.

###### A. ECONOMIC AND FINANCIAL STANDING

Each Candidate shall provide the audited financial statements (consolidated or individual) prepared under International Financial Reporting Standards (or equivalent Generally Accepted Accounting Principles) for the financial years ended 2016, 2017 and 2018 (management accounts for 2018 may be presented if audited financial statements are not yet available).

If the Candidate is a consortium of entities, the consolidated or individual audited financial statements (as applicable to each entity forming part of the consortium) shall be provided for each entity forming part of the consortium.

###### (i) Average Total Annual Turnover and Similar Project Turnover

The Candidate shall be required to have a minimum average turnover over the last three (3) financial years of not less than five hundred million Euro (€500,000,000). If the Candidate is a consortium, this will apply to the aggregated total turnover of each of the entities within the consortium based on their consolidated or individual audited financial statements.

The Candidate shall also be required to demonstrate that it has derived a project turnover of at least two hundred fifty million Euro (€250,000,000) from one (1) similar project (as defined hereunder) undertaken during the last ten (10) financial years. If the Candidate is a consortium, this will apply to at least one project undertaken by at least one entity member within the consortium.

The Candidate shall be required to demonstrate both these financial criteria.

The marks assigned shall be as indicated hereunder.

**(ii) Total Equity**

The Candidate shall be required to have a minimum total equity balance (calculated as issued share capital plus retained earnings and any other equity reserves) recognised on the consolidated or individual statement of financial position of the two financial years 2017 and 2018 of at least five hundred million Euro (€500,000,000) per year.

If the Candidate is a consortium, this will apply for at least one member within the consortium based on its consolidated or individual audited financial statements.

The marks assigned for the Total Equity shall be as indicated hereunder.

**(iii) Current Ratio**

The Candidate shall be required to have a minimum average Current Ratio (calculated as total current assets divided by total current liabilities recognised on the consolidated or individual statement of financial position) over the last three (3) financial years (2016, 2017 and 2018) of not less than 0.5. If the Candidate is a consortium, this will apply to every member within the consortium based on its consolidated or individual audited financial statements.

The marks assigned for the average Current Ratio shall be as indicated hereunder. If the Candidate is a consortium, the marks assigned will apply to the largest entity (based on consolidated or individual total assets or total turnover of the entity) forming part of the consortium.

**B. TECHNICAL AND PROFESSIONAL CAPABILITIES**

The Candidate must provide evidence that it has the necessary technical and professional capabilities to undertake the Project. In particular, the Candidate shall be required to provide information on similar projects (as such term is defined hereunder) undertaken by the said Candidate during the period between 2008 and the Deadline for Submission (the "Relevant Period").

The final solution to be adopted shall be determined during the dialogue phase and finalized in the BAFO. The Candidate's experience at PQQ Stage shall be relevant to the final solution which may be offered by the Candidate at BAFO Stage, including as regards to the tunnelling methods which shall be used. Accordingly, the Candidate shall indicate in its PQQ Response all similar projects undertaken by the Candidate during the Relevant Period, representing a variety of tunnelling methods (where applicable), taking into consideration the relevance of the similar projects to the Project.

For the purposes of this Schedule, the term "similar project" shall mean a road or rail tunnel project meeting all of the below (cumulative) requirements:

- a. A minimum tunnel width of ten (10) metres, or equivalent to approximately seventy (70) square metres cross-section.
- b. A minimum single face length of more than one (1) kilometre.
- c. A minimum total project value of two hundred and fifty million Euro (€250,000,000).
- d. As a minimum, the tunnel project must have included the installation of mechanical and electrical installations.
- e. As a minimum, involved tunnelling in challenging ground conditions, including in unstable ground, with various fault zones and ground water control by pre-excavation grouting.

- f. As a minimum involved any one or more of the following: (a) sprayed concrete lining, or (b) segmental lining, or (c) cast-in-situ lining.

The Candidate's technical and professional capability shall be measured in accordance with the table indicated below.

**(i) Construction Experience**

The tunnelling construction company forming part of the Candidate (including as a subcontractor) shall have experience in constructing similar projects (as defined above); namely a minimum of one (1) similar project completed in the Relevant Period or which is currently being constructed shall be indicated in order to be deemed eligible. Candidates are encouraged to list all similar projects undertaken during the Relevant Period, with a variety of tunnelling methods, and will be scored accordingly.

Where there is more than one tunnelling construction company forming part of the Candidate, this minimum requirement shall be met by at least one (1) of the tunnelling construction companies. Provided that, with respect to similar projects (as defined above) currently under construction, only those projects where the tunnelling company/ies shall have already tunnelled a minimum length of one (1) kilometre shall be considered eligible.

The Candidate shall provide the following details for any one or more similar projects (as defined above) which it chooses to indicate for the tunnelling construction company/ies forming part of the Candidate (including as a subcontractor/s):

- a. Project name.
- b. Project location.
- c. Contract value (tunnelling construction company contract value).
- d. Percentage of tunnelling construction works carried out by the tunnelling construction company, which percentage shall not be less than fifty per cent (50%).
- e. Client name and contact details of person who has knowledge of the project.
- f. Relevant timelines of project, including dates of commencement and completion of works or, when not yet completed, current stage/state of the project.
- g. Specific tasks undertaken and, in respect of projects under construction, yet to be undertaken by the tunnelling construction company in question forming part of the Candidate.
- h. Key personnel/experts deployed on/involved in the project, their experience, roles and responsibilities.
- i. Design company carrying out the design of the project.
- j. Sub-contractors involved in the project and respective roles/work carried out.
- k. Description of project, consisting of not more than two thousand (2,000) words, including information on geological conditions, tunnelling method and lining-type, probe drilling and pre-excavation grouting, number of lanes, length and width of tunnel, number of tunnelling faces.
- l. Information on the experience of the tunnelling construction company in question forming part of the Candidate in installing mechanical and electrical installations in the tunnel, if any.
- m. Familiarity with risk analysis for a tunnel that is going to be designed and built part sub-sea.
- n. Other details deemed by the Candidate to be of relevance to the Project.

**(ii) Design Experience**

The design contractor(s) forming part of the Candidate (including as a sub-contractor) must have experience in designing similar projects (as defined above); namely covering all relevant design disciplines (including but not limited to tunnelling, civil works and M&E). A minimum of one (1) similar project completed in the Relevant Period or currently being constructed shall be indicated. Where there is more than one design contractor forming part of the Candidate, this minimum requirement shall be met by the total competence of the design contractors.

The Candidate shall provide the following details for the design of any one or more similar projects (as defined above) which it chooses to indicate for the design contractor/s forming part of the Candidate (including as a subcontractor/s):

- a. Project name.
- b. Project location.
- c. Contract value (design company contract value).
- d. Percentage of tunnelling design works carried out by the design company, which percentage shall not be less than fifty per cent (50%);
- e. Key personnel/experts deployed on/involved in the project, their experience, roles and responsibilities.
- f. Experience on use of BIM in the project.
- g. Description of project design, consisting of not more than two thousand (2,000) words, including information on all design disciplines for a fully constructed, commissioned and operational tunnel (including geotechnical, mechanical and electrical, hydrogeological, civil, structural, drainage, ventilation, fire safety and highways engineering), type of tunnel, number of lanes, length and width of tunnel, geological conditions, whether design contractor worked with tunnelling contractor on the project, and any other details deemed by the Candidate to be of relevance to the Project.

**(iii) Human Resources**

The Candidate must provide information on the following personnel (limited as per tables below), if any, employed within the Candidate, having been deployed in connection with the similar projects quoted by the Candidate:

- a. Tunnel project directors.
- b. Tunnelling managers.
- c. Site and construction works managers and relevant supervisors on site.
- d. Tunnel foremen.
- e. Mechanical foremen.
- f. Electrical foremen.
- g. Geological and rock mechanical competence (tunnelling - geological and support engineers).
- h. Tunnelling crew (experienced key crew members for crucial tunnelling operations).
- i. Mechanical and electrical personnel, operatives and supervisors for tunnel fit-out.

**(iv) Health & Safety Record**

- a. Candidate must indicate number of accident-free man hours in tunnelling projects. This shall be defined by the Accident Rate (H), which is the number of accidents causing

absence from work per one million working hours. H is the Lost Time Injury (LTI). A documented LTI of not more than 5 shall be required.

- b. Candidate must indicate the number of prosecutions or significant accidents in tunnelling projects during the Relevant Period.
- c. Candidate must provide safety policy setting out how it deals with safety in tunnelling projects.

If the Candidate is a joint venture, partnership or consortium (supplier group), the requirements apply to each of the participants.

**(v) Environmental Track Record**

- a. Candidate must provide information on any (ongoing or finally concluded) infringements, prosecutions and similar actions from an environmental perspective in relation to tunnelling projects.
- b. Candidate shall provide its environmental policy for tunnelling projects.

**(vi) Standards**

The Candidate must provide accreditation for the following standards:

- a. ISO 9001: 2015 or equivalent.
- b. ISO 14001: 2015 or equivalent.
- c. ISO 45001: 2018 or equivalent.
- d. ISO/TR 31004: 2013 or equivalent.

**3. SCORING OF PQQ RESPONSES - SELECTION CRITERIA SCORING**

Candidates in compliance with Stage 1 (Administrative Compliance) shall be scored in accordance with the scoring system set out hereunder.

Candidate shall be required to obtain a minimum score in each criteria, a minimum score in each sub-criteria and a minimum average overall score, as set out hereunder.

**Candidates which fail to achieve the minimum scores required shall be disqualified.**

The five (5) highest scoring Candidates shall be named as Shortlisted Candidates and invited to take part in the ITPD Stage. The remaining Candidates shall be named as Reserve Candidates, and be listed in order of scoring. Provided that, should less than five (5) Candidates qualify from the scoring system, the Contracting Authority shall have the right to proceed with Competitive Process with whatever number of Candidates have actually qualified.

Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel

**A. ECONOMIC AND FINANCIAL STANDING**

NO.	SELECTION CRITERIA	MINIMUM SCORE	MAXIMUM SCORE
1	Average Total Annual Turnover and Similar Project Turnover <i>Schedule 2 Section 2A(i)</i>	Pass or fail	Pass or fail
	(i) Minimum average turnover over the last three (3) financial years $\geq$ €500,000,000. AND (ii) One similar project undertaken within the last 10 financial years with a project revenue $\geq$ €250,000,000.		
2	Total Equity <i>Schedule 2 Section 2(A)(ii)</i>	Pass or fail	Pass or fail
	(i) Minimum total equity balance of the financial year (2018) $\geq$ €500,000,000. (ii) Minimum total equity balance of the financial year (2017) $\geq$ €500,000,000.		
3	Current Ratio <i>Schedule 2 Section 2(A)(iii)</i>	10 (3%)	25 (6%)
	Average Current Ratio over last 3 financial years (2016 - 2018). (i) $\geq$ 0.5 but less than 0.7 = <u>10 marks</u> (3%) (ii) $\geq$ 0.7 but less than 0.9 = <u>15 marks</u> (4%) (iii) $\geq$ 0.9 but less than 1.1 = <u>20 marks</u> (5%) (iv) $\geq$ 1.1 = <u>25 marks</u> (6%)		

**B. TECHNICAL AND PROFESSIONAL CAPABILITIES**

NO.	SELECTION CRITERIA	MINIMUM SCORE	MAXIMUM SCORE
1	Construction Experience <i>Schedule 2 Section 2(B)(i)</i>	50 (12%)	150 (38%)
1.1	Number of similar projects during the Relevant Period	10 (3%)	50 (12%)
	(i) 1 similar projects = <u>10 marks</u> (3%) (ii) 2 similar projects = <u>20 marks</u> (6%) (iii) 3 similar projects = <u>30 marks</u> (9%) (iv) $\geq$ 4 similar projects = <u>50 marks</u> (12%)		

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**

<b>1.2</b>	<b>Currency of similar projects (average) during the Relevant Period</b>	<b>20 (6%)</b>	<b>50 (13%)</b>
	(i) Completed prior to 2010, or > 30% but < 50% complete = <u>20 marks</u> (6%) (ii) Completed 2010 - 2012 or > 50% but < 60% complete = <u>30 marks</u> (8%) (iii) Completed 2013 - 2014 or > 60% but < 70% complete = <u>40 marks</u> (10%) (iv) Completed ≥ 2015 or ≥ 70% complete = <u>50 marks</u> (13%)		
<b>1.3</b>	<b>Highest project value (tunnelling construction company contract value) in € of similar project undertaken by the tunnelling construction company during Relevant Period</b>	<b>20 (6%)</b>	<b>50 (13%)</b>
	(i) ≥ 250,000,000 but < 400,000,000 = <u>20 marks</u> (6%) (ii) ≥ 400,000,000 but < 600,000,000 = <u>30 marks</u> (8%) (iii) ≥ 600,000,000 but < 800,000,000 = <u>40 marks</u> (10%) (iv) ≥ 800,000,000 = <u>50 marks</u> (13%)		
<b>2</b>	<b>Design Experience Schedule 2 Section 2(B)(ii)</b>	<b>20 (5%)</b>	<b>50 (12%)</b>
<b>2.1</b>	<b>Number of similar projects during the Relevant Period</b>	<b>10 (2%)</b>	<b>25 (6%)</b>
	(i) 1 similar project = <u>10 marks</u> (2%) (ii) 2 similar projects = <u>15 marks</u> (3%) (v) ≥ 3 similar projects = <u>25 marks</u> (6%)		
<b>2.2</b>	<b>Average project value of tunnel project (not amount of designer) in € per project of similar projects during the Relevant Period</b>	<b>10 (3%)</b>	<b>25 (6%)</b>
	(i) ≥ 250,000,000 but < 400,000,000 = <u>10 marks</u> (3%) (ii) ≥ 400,000,000 but < 600,000,000 = <u>15 marks</u> (4%) (iii) ≥ 600,000,000 but < 800,000,000 = <u>20 marks</u> (5%) (iv) ≥ 800,000,000 = <u>25 marks</u> (6%)		
<b>3</b>	<b>Human Resources Schedule 2 Section 2(B)(iii)</b>	<b>15 (3%)</b>	<b>75 (18%)</b>
	Personnel within the Candidate: (a) Tunnel Project Director & Tunnelling Manager (maximum 4 Tunnelling Managers and maximum 2 Tunnel Project Directors, each accompanied with CV's): (i) aggregate years of experience < 40 years = <u>5 marks</u> (1%)		

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**

	<p>(ii) aggregate years of experience <math>\geq 40</math> but <math>&lt; 80</math> years = <u>10 marks</u> (2%)</p> <p>(iii) aggregate years of experience <math>\geq 80</math> but <math>&lt; 120</math> years = <u>15 marks</u> (3%)</p> <p>(iv) aggregate years of experience <math>\geq 120</math> but <math>&lt; 160</math> years = <u>20 marks</u> (5%)</p> <p>(v) aggregate years of experience <math>\geq 160</math> = <u>25 marks</u> (6%)</p> <p>(b) Tunnelling Construction Managers, Supervisors &amp; Foremen (maximum 10 persons in the aggregate) accompanied by CV's and relevant certificates:</p> <p>(i) Aggregate years of experience <math>\leq 50</math> years = <u>5 marks</u> (1%)</p> <p>(ii) Aggregate years of experience <math>\geq 50</math> but <math>&lt; 100</math> years = <u>10 marks</u> (2%)</p> <p>(iii) Aggregate years of experience <math>\geq 100</math> but <math>&lt; 150</math> years = <u>15 marks</u> (3%)</p> <p>(iv) Aggregate years of experience <math>\geq 150</math> but <math>&lt; 200</math> years = <u>20 marks</u> (5%)</p> <p>(v) Aggregate years of experience <math>\geq 200</math> = <u>25 marks</u> (6%)</p> <p>(c) Geological and rock mechanical competence, minimum MSc-level on formal education (maximum 3 persons accompanied with CV's):</p> <p>(i) Total years of experience <math>\leq 15</math> years = <u>5 marks</u> (1%)</p> <p>(ii) Total years of experience <math>\geq 15</math> but <math>&lt; 30</math> years = <u>10 marks</u> (2%)</p> <p>(iii) Total years of experience <math>\geq 30</math> but <math>&lt; 45</math> years = <u>15 marks</u> (3%)</p> <p>(iv) Total years of experience <math>\geq 45</math> but <math>&lt; 60</math> years = <u>20 marks</u> (5%)</p> <p>(v) Total years of experience <math>\geq 60</math> = <u>25 marks</u> (6%)</p>		
<b>4</b>	<b>Health and Safety Record</b> <i>Schedule 2 Section 2(B)(iv)</i>	<b>25</b> (5%)	<b>65</b> (16%)
<b>4.1</b>	<b>Number of accident free man-hours</b>	<b>5</b> (1%)	<b>25</b> (6%)
	<p>(i) LTI of 5 = <u>5 marks</u> (1%)</p> <p>(ii) LTI of <math>&lt; 5</math> but <math>\geq 4</math> = <u>10 marks</u> (2%)</p> <p>(iii) LTI of <math>&lt; 4</math> but <math>\geq 3</math> = <u>15 marks</u> (3%)</p> <p>(iv) LTI of <math>&lt; 3</math> but <math>\geq 2</math> = <u>20 marks</u> (5%)</p> <p>(v) LTI of <math>&lt; 2</math> = <u>25 marks</u> (6%)</p>		

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**

<b>4.2</b>	<b>Number of prosecutions or significant accidents in tunnelling projects</b>	<b>10</b> (2%)	<b>20</b> (5%)
	(i) 5 or more = <u>5 marks</u> (1%) (ii) 3-4 = <u>10 marks</u> (2%) (iii) 1-2 = <u>15 marks</u> (3%) (iv) 0 = <u>20 marks</u> (5%)		
<b>4.3</b>	<b>Safety policy for safety in tunnelling construction projects</b>	<b>10</b> (2%)	<b>20</b> (5%)
	(i) Poor (Unacceptable - The safety policy does not adequately address key safety concerns in tunnel projects; the bidder failed to understand the Project) = <u>5 marks</u> (1%) (ii) Good (Average - The bidder has not considered all safety concerns.) = <u>10 marks</u> (2%) (iii) Very Good (Meets expectations - The bidder showed a good understanding of the Project and considered all safety concerns; some of the safety concerns may not be fully addressed.) = <u>15 marks</u> (3%) (iv) Excellent (Exceeds expectations - The bidder considered and addressed all safety concerns showing an excellent understanding of the Project.) = <u>20 marks</u> (5%)		
<b>5</b>	<b>Environmental Track Record</b> <i>Schedule 2 Section 2(B)(v)</i>	<b>20</b> (5%)	<b>40</b> (10%)
<b>5.1</b>	<b>Number of infringements, prosecutions and similar actions in tunnelling projects</b>	<b>10</b> (2%)	<b>20</b> (5%)
	(i) 5 or more = <u>5 marks</u> (1%) (ii) 3-4 = <u>10 marks</u> (2%) (iii) 1-2 = <u>15 marks</u> (3%) (iv) 0 = <u>20 marks</u> (5%)		
<b>5.2</b>	<b>Environmental policy in tunnelling construction projects</b>	<b>10</b> (2%)	<b>20</b> (5%)
	(i) Poor (Unacceptable - The environmental policy does not adequately address key environmental concerns in tunnel projects; the bidder failed to understand the Project.) = <u>5 marks</u> (1%) (ii) Good (Average - The bidder has not considered all environmental concerns.) = <u>10 marks</u> (2%) (iii) Very Good (Meets expectations - The bidder showed a good understanding of the Project and considered all environmental concerns; some of the environmental concerns may not be fully addressed.) = <u>15 marks</u> (3%)		

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**

	(iv) Excellent (Exceeds expectations - The bidder considered and addressed all environmental concerns showing an excellent understanding of the Project.) = <b>20 marks (5%)</b>		
<b>6</b>	<b>Standards</b> <b>Schedule 2 Section 2(B)(vi)</b>	<b>Pass or fail</b>	<b>Pass or fail</b>
	(i) ISO 9001: 2015 or equivalent (ii) ISO 14001: 2015 or equivalent (iii) ISO 45001: 2018 or equivalent (iv) ISO 31000: 2013 or equivalent		

The scoring above is divided into marks, with minimum and maximum marks for each criteria or sub-criteria, as applicable, and overall for a particular set of criteria, as set out in the table above.

The total maximum score which can be achieved by a Candidate shall be 100. Each of the marks has therefore been attributed a percentage as set out above (depending on materiality of relevant criterion); the points indicated in red above are the total percentage points over 100 relative to that criterion.

## **BAFO STAGE**

### **1. AWARD CRITERIA**

After the conclusion of the PQQ Stage and the ITPD Stage, the Contracting Authority shall issue the BAFO wherein Shortlisted Candidates will be invited to present a full and final offer for the Project.

The offers submitted at BAFO Stage shall be evaluated using the best price quality ratio (BPQR) award criteria.

The BPQR is established by weighing technical quality against financial on a 60/40 basis respectively. This is done by multiplying:

- the technical scores awarded to the offers by 0.60.
- the financial scores awarded to the offers by 0.40.

Evaluation shall be based on technical quality of the technical offer and the financial offer, in line with the concept of value for money.

The quality of each offer at BAFO Stage will be evaluated in accordance with the pre-defined award criteria which shall be included in broad terms in the ITPD at ITPD Stage and more specifically in the BAFO. The quality of each offer will be evaluated in accordance with the award criteria and the associated weighting as detailed below.

The Evaluation Committee will analyse the administratively compliant tenders' technical conformity in relation to the published Technical Specifications in the BAFO. Award criteria shall be divided into sub-criteria and a detailed point system and / or evaluation matrix will be made available in the ITPD Stage. A Candidate's technical offer will be required to obtain a minimum score of sixty per cent (60%) in order to be eligible for award.

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The award criteria shall consist of the following:

<b>NO.</b>	<b>CRITERIA</b>	<b>CONSIDERATIONS FOR ASSESSMENT OF AWARD CRITERIA MAY INCLUDE THE FOLLOWING (NON-EXHAUSTIVE)</b>
1	<b>Organisation, qualification and experience of the personnel assigned to perform the Project</b>  <u>30% of Technical Score</u>	Organisation and suitability of team for this Project.
		Qualification and experience, including education and training, of key experts to be deployed on the Project.
2	<b>Technical merit of technical offer, including, method statement</b>  <u>40% of Technical Score</u>	Degree of understanding of the Project, proposed design and design management and Project planning and management, work method(s) (including construction and tunnelling method), construction management staffing, construction management plan and feasibility of work program, traffic management and construction access, technical features and characteristics of installations and equipment, and risk analysis and mitigation.  Operation and maintenance plan, coordination with emergency and rescue, procedures and plans, durability of individual elements in the project and planned replacement.
3	<b>Environmental</b>  <u>30% of Technical Score</u>	Environmental management plan, sustainability and energy efficiency; impact on site (or part thereof), ecosystem and/or the conservation status of habitats or species within the geographical area forming the subject-matter of the Project; and mitigation measures for noise and vibrations, dust and air quality.
4	<b>Financial offer</b>	Financial offer shall be based on a formula which shall be included in the Concession Documents. The formula shall include, as elements thereof, the duration of the concession and the tariff to be charged to customers making use of the tunnel.

## SCHEDULE 3

### CONCEPTUAL SOLUTION

The following is a description of the conceptual solution.

The conceptual solutions provides for a physical link between the two (2) main islands of the Maltese Archipelago which, at the channel crossing, shall pass from underneath the seabed.

Following the Preliminary Analysis carried out by Mott MacDonald<sup>2</sup>, the tunnel alignment options and portal locations put forward were reviewed. As much as possible, the portal location on the Malta side was required to be as distant as possible from the Ghadira Nature Reserve. Furthermore, whilst acknowledging that the fixed link between Malta and Gozo would alleviate the delays experienced when crossing between the two islands, a congestion problem would still be experienced in Xemxija due to the physical width limitations of the main road. It was therefore considered essential that the Project by-passed Xemxija and an extension to the tunnel from the original lengths proposed in the Mott MacDonald report (2012) was considered.

Taking into account the above considerations, a preliminary tunnel alignment was drawn up (Figure 1), which resulted by linking through the shortest route possible the portals MP and GP.

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<sup>2</sup> Mott MacDonald (2012). *Preliminary Analysis - Assessment of Road Tunnel Options between Malta and Gozo.*

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**



**Figure 1: Preliminary tunnel alignment**

The preliminary tunnel alignment results in a tunnel length of approximately 14km long with 2 portals. The tunnel portal on the Malta side is proposed in the vicinity of Imbordin, between Manikata and the Pwales valley. The tunnel portal on the Gozo side is proposed on the ridge below the Kenuna Tower in Nadur. Both portals will connect to the nearest TEN-T road network.

The Concept Design that has been prepared for the Malta to Gozo subsea tunnel is presented within the documents and drawings listed in the table below. The Contractor should consider the Concept Design as the basis of the PQQ, however alternatives satisfying the minimum criteria outlined in Schedule 1 are invited and will be considered.

The Concept Design consists of a single bore tunnel with bi-directional traffic. Key features of the Concept Design are as follows:

- Circa 14 km long single bore tunnel with bi-directional traffic.
- Horseshoe / 'D' shaped tunnel profile - proposed to be mined by road header techniques.
- Standard tunnel section (14 m span) with enlargements for laybys, technical rooms and refuges.
- Continuous pressurised emergency egress gallery incorporating refuges at 1 km centres.
- Central 1.5m separation strip between the running lanes.
- 27 no. laybys, located every 500 m on alternating sides of the tunnel.
- 7 no. HGV turning points at 2 km spacings.
- 14 no. technical rooms, located nominally every 1 km and located concurrently with laybys.
- 2 no. low points with sumps.

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**

- Intermediate pumping stations.
- Cut and cover sections of tunnel at each portal with a section of permanent cutting.
- Technical building and hardstanding area at each portal.

It should be noted that the tunnel horizontal and vertical alignment has been determined based on a number of constraints which were set at the time that the Concept Design was developed. These main constraints are:

- The horizontal alignment was constrained to a corridor 600m wide.
- The portal locations were constrained to allocated areas at each end of the alignment.
- The vertical alignment was determined based on the above, whilst attempting to keep within favourable geology.

Details of the constraints and the design processes for each element of the Concept Design are presented in the documentation below.

PROJECT CODE	ORIGINATOR	DOCUMENT TYPE	DISCIPLINE	CODE	SERIAL NO.	VERSION	TITLE / DESCRIPTION
A118367	COW	CAL	CIV	00	101	A	Calculation for Pavement Thickness
A118367	COW	REP	CIV	00	002	A	Permanent Support Design Basis Report - Concept Design
A118367	COW	REP	CIV	00	003	A	Road Alignment Design Basis Report - Concept Design
A118367	COW	REP	CIV	00	011	A	Schematic Spreadsheet
A118367	COW	REP	ELE	00	504	A	Tunnel Preliminary Energy Assessment Report
A118367	COW	REP	FLS	00	501	A	Fire and Life Safety Report
A118367	COW	REP	GEN	00	505	A	MEP Basis and Concept Design Report
A118367	COW	REP	GEO	00	001	A	Ground Investigation Report
A118367	COW	REP	GEO	00	004	A	Tunnel Primary Support Design - Concept Design
A118367	COW	REP	GEO	00	005	A	Earthwork Concept Design at Portal Locations
A118367	COW	REP	MEC	00	502	A	1D Numerical analysis report
A118367	COW	REP	MEC	00	503	A	Tunnel Ventilation Report
A118367	COW	DRG	CIV	03	010	A	Tunnel Schematic Layout Sheet 1 of 4
A118367	COW	DRG	CIV	03	011	A	Tunnel Schematic Layout Sheet 2 of 4
A118367	COW	DRG	CIV	03	012	A	Tunnel Schematic Layout Sheet 3 of 4
A118367	COW	DRG	CIV	03	013	A	Tunnel Schematic Layout Sheet 4 of 4
A118367	COW	DRG	CIV	03	001	A	Tunnel Alignment longitudinal Sections Chainage 0.000m to 2900.000m
A118367	COW	DRG	CIV	03	002	A	Tunnel Alignment longitudinal Sections Chainage 2.900m to 5800.000m
A118367	COW	DRG	CIV	03	003	A	Tunnel Alignment longitudinal Sections

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PROJECT CODE	ORIGINATOR	DOCUMENT TYPE	DISCIPLINE	CODE	SERIAL NO.	VERSION	TITLE / DESCRIPTION
							Chainage 5.800m to 8700.000m
A118367	COW	DRG	CIV	03	004	A	Tunnel Alignment longitudinal Sections Chainage 8.700m to 11600.000m
A118367	COW	DRG	CIV	03	005	A	Tunnel Alignment longitudinal Sections Chainage 11.600m to 14447.735m
A118367	COW	DRG	CIV	04	101	A	Road Details
A118367	COW	DRG	CIV	05	101	A	Drained Profile showing Setting Out
A118367	COW	DRG	CIV	05	102	A	Drained Enlarged Profile showing Setting Out
A118367	COW	DRG	CIV	05	103	A	Drained Faulted Rock Mass Profile showing Setting Out
A118367	COW	DRG	CIV	05	104	A	Drained Enlarged Faulted Rock Mass Profile showing Setting Out
A118367	COW	DRG	CIV	05	201	A	Undrained Profile showing Setting Out
A118367	COW	DRG	CIV	05	202	A	Undrained Enlarged Profile showing Setting Out
A118367	COW	DRG	CIV	05	010	A	Lay-by General Arrangement
A118367	COW	DRG	CIV	05	020	A	Lay-by with Technical Room General Arrangement
A118367	COW	DRG	CIV	05	030	A	Lay-by with Refuge General Arrangement
A118367	COW	DRG	CIV	05	040	A	Lay-by with HGV Turning Point General Arrangement
A118367	COW	DRG	CIV	05	050	A	Lay-by with Pump Station Area and Refuge Area General Arrangement
A118367	COW	DRG	CIV	05	060	A	Sump Location 1 General Arrangement
A118367	COW	DRG	CIV	05	070	A	Sump Location 2 General Arrangement
A118367	COW	DRG	CIV	03	210	A	Tunnel Cross Section - Typical Drained Profile
A118367	COW	DRG	CIV	03	211	A	Tunnel Cross Section - Drained Enlarged Profile with Lay-by
A118367	COW	DRG	CIV	03	212	A	Tunnel Cross Section - Typical Drained Profile in Faulted Rock Mass
A118367	COW	DRG	CIV	03	213	A	Tunnel Cross Section - Drained Enlarged Profile with Lay-by in Faulted Rock Mass
A118367	COW	DRG	CIV	03	214	A	Tunnel Cross Section - Typical Undrained Profile
A118367	COW	DRG	CIV	03	215	A	Tunnel Cross Section - Undrained Enlarged Profile with Lay-by
A118367	COW	DRG	CIV	03	216	A	Tunnel Cross Section - Drained Enlarged Profile with Technical Rooms
A118367	COW	DRG	CIV	03	217	A	Tunnel Cross Section - Undrained Enlarged

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PROJECT CODE	ORIGINATOR	DOCUMENT TYPE	DISCIPLINE	CODE	SERIAL NO.	VERSION	TITLE / DESCRIPTION
							Profile with Technical Rooms
A118367	COW	DRG	CIV	03	101	A	Tunnel General Arrangement Sheet 1 of 32
A118367	COW	DRG	CIV	03	102	A	Tunnel General Arrangement Sheet 2 of 32
A118367	COW	DRG	CIV	03	103	A	Tunnel General Arrangement Sheet 3 of 32
A118367	COW	DRG	CIV	03	104	A	Tunnel General Arrangement Sheet 4 of 32
A118367	COW	DRG	CIV	03	105	A	Tunnel General Arrangement Sheet 5 of 32
A118367	COW	DRG	CIV	03	106	A	Tunnel General Arrangement Sheet 6 of 32
A118367	COW	DRG	CIV	03	107	A	Tunnel General Arrangement Sheet 7 of 32
A118367	COW	DRG	CIV	03	108	A	Tunnel General Arrangement Sheet 8 of 32
A118367	COW	DRG	CIV	03	109	A	Tunnel General Arrangement Sheet 9 of 32
A118367	COW	DRG	CIV	03	110	A	Tunnel General Arrangement Sheet 10 of 32
A118367	COW	DRG	CIV	03	111	A	Tunnel General Arrangement Sheet 11 of 32
A118367	COW	DRG	CIV	03	112	A	Tunnel General Arrangement Sheet 12 of 32
A118367	COW	DRG	CIV	03	113	A	Tunnel General Arrangement Sheet 13 of 32
A118367	COW	DRG	CIV	03	114	A	Tunnel General Arrangement Sheet 14 of 32
A118367	COW	DRG	CIV	03	115	A	Tunnel General Arrangement Sheet 15 of 32
A118367	COW	DRG	CIV	03	116	A	Tunnel General Arrangement Sheet 16 of 32
A118367	COW	DRG	CIV	03	117	A	Tunnel General Arrangement Sheet 17 of 32
A118367	COW	DRG	CIV	03	118	A	Tunnel General Arrangement Sheet 18 of 32
A118367	COW	DRG	CIV	03	119	A	Tunnel General Arrangement Sheet 19 of 32
A118367	COW	DRG	CIV	03	120	A	Tunnel General Arrangement Sheet 20 of 32
A118367	COW	DRG	CIV	03	121	A	Tunnel General Arrangement Sheet 21 of 32
A118367	COW	DRG	CIV	03	122	A	Tunnel General Arrangement Sheet 22 of 32
A118367	COW	DRG	CIV	03	123	A	Tunnel General Arrangement Sheet 23 of 32
A118367	COW	DRG	CIV	03	124	A	Tunnel General Arrangement Sheet 24 of 32
A118367	COW	DRG	CIV	03	125	A	Tunnel General Arrangement Sheet 25 of 32
A118367	COW	DRG	CIV	03	126	A	Tunnel General Arrangement Sheet 26 of 32
A118367	COW	DRG	CIV	03	127	A	Tunnel General Arrangement Sheet 27 of 32
A118367	COW	DRG	CIV	03	128	A	Tunnel General Arrangement Sheet 28 of 32
A118367	COW	DRG	CIV	03	129	A	Tunnel General Arrangement Sheet 29 of 32
A118367	COW	DRG	CIV	03	130	A	Tunnel General Arrangement Sheet 30 of 32
A118367	COW	DRG	CIV	03	131	A	Tunnel General Arrangement Sheet 31 of 32
A118367	COW	DRG	CIV	03	132	A	Tunnel General Arrangement Sheet 32 of 32
A118367	COW	DRG	ELE	02	571	A	Principal Diagram: MV Distribution Diagram

Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel

PROJECT CODE	ORIGINATOR	DOCUMENT TYPE	DISCIPLINE	CODE	SERIAL NO.	VERSION	TITLE / DESCRIPTION
A118367	COW	DRG	ELE	02	572	A	Principal Diagram: LV Distribution Diagram
A118367	COW	DRG	ELE	02	581	A	Principal Diagram: Low Current Distribution Diagram
A118367	COW	DRG	ELE	02	591	A	Principal Diagram: Tunnel Lighting
A118367	COW	DRG	GEN	02	511	A	Principal Arrangement: Technical Area Layout
A118367	COW	DRG	GEN	02	512	A	Principal Arrangement: Refuge Area and Pump Station Area Layout
A118367	COW	DRG	GEN	03	521	A	Combined MEP: Typical Tunnel Drained Section
A118367	COW	DRG	GEN	03	522	A	Combined MEP: Typical Tunnel Undrained Section
A118367	COW	DRG	GEN	01	301	A	Malta Portal Location Plan
A118367	COW	DRG	GEN	01	401	A	Gozo Portal Location Plan
A118367	COW	DRG	GEN	01	501	A	Portal technical Building General Arrangement
A118367	COW	DRG	GEN	00	001	A	Concept Design Drawing List
A118367	COW	DRG	GEN	01	001	A	Location Plan
A118367	COW	DRG	GEO	01	301	A	Malta Portal Earthworks Plan and Longitudinal Section - Temporary Cutting
A118367	COW	DRG	GEO	01	302	A	Malta Portal Earthworks Cross Sections - Temporary Cutting
A118367	COW	DRG	GEO	01	303	A	Malta Portal Earthworks Plan and Longitudinal Section - Permanent Cutting
A118367	COW	DRG	GEO	01	304	A	Malta Portal Earthworks Cross Sections - Permanent Cutting
A118367	COW	DRG	GEO	01	305	A	Malta Portal - Access Road
A118367	COW	DRG	GEO	01	306	A	Malta Portal - Temporary Support
A118367	COW	DRG	GEO	01	307	A	Malta Portal - 3D concept showing temporary portal earthworks
A118367	COW	DRG	GEO	01	308	A	Malta Portal - 3D concept showing permanent portal arrangement
A118367	COW	DRG	GEO	01	401	A	Gozo Portal Earthworks Plan and Longitudinal Section - Temporary Cutting
A118367	COW	DRG	GEO	01	402	A	Gozo Portal Earthworks Cross Sections - Temporary Cutting
A118367	COW	DRG	GEO	01	403	A	Gozo Portal Earthworks Plan and Longitudinal Section - Permanent Cutting
A118367	COW	DRG	GEO	01	404	A	Gozo Portal Earthworks Cross Sections - Permanent Cutting

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PROJECT CODE	ORIGINATOR	DOCUMENT TYPE	DISCIPLINE	CODE	SERIAL NO.	VERSION	TITLE / DESCRIPTION
A118367	COW	DRG	GEO	01	405	A	Gozo Portal - Access Road
A118367	COW	DRG	GEO	01	406	A	Gozo Portal - Temporary Support
A118367	COW	DRG	GEO	01	407	A	Gozo Portal - 3D concept showing temporary portal earthworks
A118367	COW	DRG	GEO	01	408	A	Gozo Portal - 3D concept showing permanent portal arrangement
A118367	COW	DRG	GEO	01	001	A	Geological Plan
A118367	COW	DRG	GEO	03	001	A	Interpretative Geological Longitudinal Section Sheet 1 of 5
A118367	COW	DRG	GEO	03	002	A	Interpretative Geological Longitudinal Section Sheet 2 of 5
A118367	COW	DRG	GEO	03	003	A	Interpretative Geological Longitudinal Section Sheet 3 of 5
A118367	COW	DRG	GEO	03	004	A	Interpretative Geological Longitudinal Section Sheet 4 of 5
A118367	COW	DRG	GEO	03	005	A	Interpretative Geological Longitudinal Section Sheet 5 of 5
A118367	COW	DRG	GEO	03	110	A	Drained Profile Primary Support
A118367	COW	DRG	GEO	03	111	A	Drained Enlarged Profile Primary Support
A118367	COW	DRG	GEO	03	112	A	Drained Profile at Intersection Primary Support
A118367	COW	DRG	GEO	03	113	A	Drained Enlarged Profile at Intersection Primary Support
A118367	COW	DRG	GEO	04	001	B	Primary Support Typical Details
A118367	COW	DRG	GEO	03	201	A	Undrained Profile Primary Support and Sequencing
A118367	COW	DRG	GEO	03	202	A	Undrained Enlarged Profile Primary Support and Sequencing
A118367	COW	DRG	GEO	03	101	A	Probing Arrangement
A118367	COW	DRG	MEC	02	531	A	Principal Diagram: Tunnel Fire Main and Hydrants
A118367	COW	DRG	MEC	02	532	A	Principal Diagram: Fire Fighting Supply Stations
A118367	COW	DRG	MEC	02	541	A	Principal Diagram: Tunnel Drainage
A118367	COW	DRG	MEC	02	542	A	Principal Diagram: Tunnel Drainage Pump Stations
A118367	COW	DRG	MEC	02	551	A	Principal Diagram: Tunnel Ventilation
A118367	COW	DRG	MEC	02	552	A	Principal Diagram: Ventilation of Technical and Refuge Areas

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**

<b>PROJECT CODE</b>	<b>ORIGINATOR</b>	<b>DOCUMENT TYPE</b>	<b>DISCIPLINE</b>	<b>CODE</b>	<b>SERIAL NO.</b>	<b>VERSION</b>	<b>TITLE / DESCRIPTION</b>
A118367	COW	DRG	MEC	02	553	A	Principal Diagram: Pressurization System
A118367	COW	DRG	MEC	02	561	A	Principal Diagram: Cooling System Overview
A118367	COW	DRG	MEC	02	562	A	Principal Diagram: Cooling System Portal Buildings

## SCHEDULE 4

### DOCUMENTATION

DOCUMENT REFERENCE	DATE	DOCUMENT TITLE	AUTHOR
01	March 2012	Preliminary Analysis - Assessment of Road Tunnel Options between Malta and Gozo.	Mott MacDonald
02	September 2015	Establishing a Permanent Link between the Island of Gozo and Mainland Malta: An Economic Cost Benefit Analysis of Available Strategic Options.	E-Cubed Consultants
03	March 2017	Social Impact Assessment - Tunnel Link between the Island of Gozo and Mainland Malta	Dr Marvin Formosa
04		Geological and Geotechnical Investigation	University of Malta
04-01	March 2017	Geophysical investigations in the Malta-Gozo Channel area	University of Malta
04-02	March 2017	Seismic Hazard for the Maltese Islands, with particular reference to the Malta-Gozo Channel area	University of Malta
04-03	July 2018	Terrestrial Baseline Study	University of Malta
04-04	July 2018	Marine Baseline Study	University of Malta
04-04a	July 2018	Marine Baseline Study - Appendix	University of Malta
04-05	July 2018	Additional Marine Survey	University of Malta
04-06	July 2018	Aerial Survey	University of Malta
04-07	July 2018	Calcimetry Tests	University of Malta
04-08	September 2018	Short report on Earthquake Activity recorded close to Gozo during 2016 - 2018	University of Malta
05	May 2018	Malta-Gozo Tunnel: Project Description Statement	Transport Malta
06	May 2018	Investigative Coring in connection with the Construction of a Tunnel between Malta and Gozo	GEOTEC spa
07	July 2018	EA 00018/16 - Malta-Gozo Tunnel: Terms of Reference for the Preparation of an Appropriate Assessment	Environment & Resources Authority

**Pre-Qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (partly Sub-Sea) Tunnel**

08	August 2018	EA 00018/16 - Malta-Gozo Tunnel: Terms of Reference for the preparation of an Environmental Impact Assessment	Environment & Resources Authority
09	September 2018	A Study about the Tunnel between Malta and Gozo	Dr Vincent Marmarà
10	January 2019	Forecasts of Traffic Flows through the Malta-Gozo Tunnel	E-Cubed Islands
11	March 2019	Conceptual Design (refer to table in Schedule 3)	COWI

## SCHEDULE 5

### PQQ RESPONSE

The provisions of the Public Procurement Regulations, including Regulations 225 - 228, concerning the ESPD shall be applicable to this Competitive Process and to any ESPD submitted in connection therewith.

PQQ Response shall include the ESPD(s) in the manner so required by this PQQ and the Public Procurement Regulations. ESPD(s) submitted shall be consistent with the requirements of the Concession Documents.

#### KEY POINTS FOR CANDIDATES

Candidates:

- May reuse information that has been provided in an ESPD which has already been used in a previous procurement procedure as long as the information remains correct and continues to be pertinent.
- Must submit an ESPD / ESPDs (as applicable) as part of their PQQ Response.
- Should not provide any certificates or supporting documentation as part of the ESPD unless specifically requested during the evaluation process or as detailed in this PQQ.
- Must provide a separate ESPD response from each of their subcontractors.
- Must replace a subcontractor which verification has shown that any of the mandatory grounds for exclusion/blacklisting apply.
- A Candidate participating on its own and which does not rely on the capacities of other entities in order to meet the selection criteria must fill in only one ESPD.
- Must submit a separate ESPD from each member of a consortium to ensure all members meet the exclusion/blacklisting criteria and relevant selection criteria.
- Will be required to provide the relevant evidence and certificates prior to shortlisting, if they are the recommended Candidate.
- Should provide the web address where contracting authorities can access the relevant supporting documentation/certificates if freely and publicly available online. If the supporting documents/certificates are not available electronically, economic operators must provide them separately, when requested by the Contracting Authority.
- It is not necessary to sign the ESPD considering it is being transmitted as part of a set of documents whose authenticity and integrity is ensured through the e-authentication process of the public procurement platform.

"Doc. CGYI 4"



10 September 2021

**CGYI Malta Gozo Consortium TID 133649 ("You")**

**REFERENCE:IM049/2019**

**SUBJECT: Pre-qualification Questionnaire (PQQ) for the award of a Concession Contract for the Design, Build, Finance, Operate, Maintain and Transfer of a Malta-Gozo (Partly sub-sea) Tunnel.**

Dear Sir/Madam,

Thank You for participating in the above-mentioned PQQ procedure.

You have not been shortlisted for participation in the ITPD Stage (as defined in the PQQ) of the competitive process for the award of the concession above-mentioned for the reasons attached to this letter.

The offer submitted by Equitix-Itochu-Yapi Merkezi-Makyol-Egis Consortium TID 133630 has been shortlisted.

If you intend to object to this decision, the Concession Contracts Regulations allow for an official objection which in this case has to be lodged electronically with the Public Contracts Review Board by sending an email to [info.pcrb@gov.mt](mailto:info.pcrb@gov.mt) by noon of 20 September 2021 against the deposit of Euro 50,000.

Payment of the deposit is to be made through bank transfer in terms of the following details:

Name of Account Holder	Cashier Malta Government
Name of Bank	Central Bank of Malta
Address of Bank	Castille Place, Valletta
Account Number	40001EUR-CMG5-001-H
BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100

This decision has been published and is subject to any official objection being submitted to the Public Contracts Review Board.

Yours sincerely,

Christine Friggieri  
Head of Procurement

**CGYI Malta Gozo Consortium (the "Candidate")**

*Reason for failure to be shortlisted:*

For Selection Criteria Section B. Technical and Professional Capabilities, criterion 4. Health and Safety Record, sub-criterion 4.2. Number of prosecutions or significant accidents in tunnelling projects, the Candidate indicated a number in excess of 5.

In terms of the PQQ, the minimum score to be obtained for this sub-criterion is of 10 marks, or 2%. The Candidate obtained the score of 5 marks, equivalent to 1%, which does not meet the indicated minimum required score.

As set out in Schedule 2. Competitive Process Memorandum of Information to the PQQ, Section 3. Scoring of PQQ Responses – Selection of Criteria Scoring, the Candidate is required to obtain a minimum score *inter alia* in each sub-criterion, failing which it should be disqualified.

The Candidate's scoring table is being set out below with this sub-criterion highlighted in red:

**Bidder No. 1: CGYI Malta Gozo Consortium**

**Tender ID 133649**

**A. ECONOMIC AND FINANCIAL STANDING**

<b>NO.</b>	<b>SELECTION CRITERIA</b>	<b>MINIMUM SCORE</b>	<b>MAXIMUM SCORE</b>
<b>1</b>	<b>Average Total Annual Turnover and Similar Project Turnover</b> <i>Schedule 2 Section 2A(i)</i>	Pass or fail	Pass or fail <b>PASS</b>
	(i) Minimum average turnover over the last three (3) financial years $\geq$ €500,000,000. <b>AND</b> (ii) One similar project undertaken within the last 10 financial years with a project revenue $\geq$ €250,000,000.		
<b>2</b>	<b>Total Equity</b> <i>Schedule 2 Section 2(A)(ii)</i>	Pass or fail	Pass or fail <b>PASS</b>
	(i) Minimum total equity balance of the financial year (2018) $\geq$ €500,000,000. (ii) Minimum total equity balance of the financial year (2017) $\geq$ €500,000,000.		
<b>3</b>	<b>Current Ratio</b> <i>Schedule 2 Section 2(A)(iii)</i>	<b>10</b> <b>(3%)</b>	<b>25</b> <b>(6%)</b> <b>20 (5%)</b>
	Average Current Ratio over last 3 financial years (2016 - 2018). (i) $\geq$ 0.5 but less than 0.7 = <u>10 marks</u> (3%)		

(ii) $\geq 0.7$ but less than 0.9 = <u>15 marks</u> (4%)
(iii) $\geq 0.9$ but less than 1.1 = <u>20 marks</u> (5%)
(iv) $\geq 1.1$ = <u>25 marks</u> (6%)

**B. TECHNICAL AND PROFESSIONAL CAPABILITIES**

NO.	SELECTION CRITERIA	MINIMUM SCORE	MAXIMUM SCORE
1	Construction Experience <i>Schedule 2 Section 2(B)(i)</i>	50 (12%)	150 (38%)
1.1	Number of similar projects during the Relevant Period	10 (3%)	50 (12%)
	(i) 1 similar projects = <u>10 marks</u> (3%) (ii) 2 similar projects = <u>20 marks</u> (6%) (iii) 3 similar projects = <u>30 marks</u> (9%) (iv) $\geq 4$ similar projects = <u>50 marks</u> (12%)		10 (3%)
1.2	Currency of similar projects (average) during the Relevant Period	20 (6%)	50 (13%)
	(i) Completed prior to 2010, or $> 30\%$ but $< 50\%$ complete = <u>20 marks</u> (6%) (ii) Completed 2010 - 2012 or $> 50\%$ but $< 60\%$ complete = <u>30 marks</u> (8%) (iii) Completed 2013 - 2014 or $> 60\%$ but $< 70\%$ complete = <u>40 marks</u> (10%) (iv) Completed $\geq 2015$ or $\geq 70\%$ complete = <u>50 marks</u> (13%)		50 (13%)
1.3	Highest project value (tunnelling construction company contract value) in € of similar project undertaken by the tunnelling construction company during Relevant Period	20 (6%)	50 (13%)
	(i) $\geq 250,000,000$ but $< 400,000,000$ = <u>20 marks</u> (6%) (ii) $\geq 400,000,000$ but $< 600,000,000$ = <u>30 marks</u> (8%) (iii) $\geq 600,000,000$ but $< 800,000,000$ = <u>40 marks</u> (10%) (iv) $\geq 800,000,000$ = <u>50 marks</u> (13%)		50 (13%)
2	Design Experience <i>Schedule 2 Section 2(B)(ii)</i>	20 (5%)	50 (12%)

2.1	Number of similar projects during the Relevant Period	10 (2%)	25 (6%)
	(i) 1 similar project = <u>10 marks</u> (2%) (ii) 2 similar projects = <u>15 marks</u> (3%) (v) ≥ 3 similar projects = <u>25 marks</u> (6%)		25 (6%)
2.2	Average project value of tunnel project (not amount of designer) in € per project of similar projects during the Relevant Period	10 (3%)	25 (6%)
	(i) ≥ 250,000,000 but < 400,000,000 = <u>10 marks</u> (3%) (ii) ≥ 400,000,000 but < 600,000,000 = <u>15 marks</u> (4%) (iii) ≥ 600,000,000 but < 800,000,000 = <u>20 marks</u> (5%) (iv) ≥ 800,000,000 = <u>25 marks</u> (6%)		20 (5%)
3	Human Resources Schedule 2 Section 2(B)(iii)	15 (3%)	75 (18%)

	<p>Personnel within the Candidate:</p> <p>(a) Tunnel Project Director &amp; Tunnelling Manager (maximum 4 Tunnelling Managers and maximum 2 Tunnel Project Directors, each accompanied with CV's):</p> <p>(i) aggregate years of experience &lt; 40 years = <u>5 marks</u> (1%)</p> <p>(ii) aggregate years of experience ≥ 40 but &lt; 80 years = <u>10 marks</u> (2%)</p> <p>(iii) aggregate years of experience ≥ 80 but &lt; 120 years = <u>15 marks</u> (3%)</p> <p>(iv) aggregate years of experience ≥ 120 but &lt; 160 years = <u>20 marks</u> (5%)</p> <p>(v) aggregate years of experience ≥ 160 = <u>25 marks</u> (6%)</p> <p>(b) Tunnelling Construction Managers, Supervisors &amp; Foremen (maximum 10 persons in the aggregate) accompanied by CV's and relevant certificates:</p> <p>(i) Aggregate years of experience ≤ 50 years = <u>5 marks</u> (1%)</p> <p>(ii) Aggregate years of experience ≥ 50 but &lt; 100 years = <u>10 marks</u> (2%)</p> <p>(iii) Aggregate years of experience ≥ 100 but &lt; 150 years = <u>15 marks</u> (3%)</p> <p>(iv) Aggregate years of experience ≥ 150 but &lt; 200 years = <u>20 marks</u> (5%)</p> <p>(v) Aggregate years of experience ≥ 200 = <u>25 marks</u> (6%)</p> <p>(c) Geological and rock mechanical competence, minimum MSc-level on formal education (maximum 3 persons accompanied with CV's):</p> <p>(i) Total years of experience ≤ 15 years = <u>5 marks</u> (1%)</p> <p>(ii) Total years of experience ≥ 15 but &lt; 30 years = <u>10 marks</u> (2%)</p> <p>(iii) Total years of experience ≥ 30 but &lt; 45 years = <u>15 marks</u> (3%)</p> <p>(iv) Total years of experience ≥ 45 but &lt; 60 years = <u>20 marks</u> (5%)</p> <p>(v) Total years of experience ≥ 60 = <u>25 marks</u> (6%)</p>		20 (5%)
			20 (5%)
			25 (6%)
4	Health and Safety Record Schedule 2 Section 2(B)(iv)	25 (5%)	65 (16%)
4.1	Number of accident free man-hours	5 (1%)	25 (6%)

	<p>(i) LTI of 5 = <u>5 marks</u> (1%)</p> <p>(ii) LTI of &lt; 5 but ≥ 4 = <u>10 marks</u> (2%)</p> <p>(iii) LTI of &lt; 4 but ≥ 3 = <u>15 marks</u> (3%)</p> <p>(iv) LTI of &lt; 3 but ≥ 2 = <u>20 marks</u> (5%)</p> <p>(v) LTI of &lt; 2 = <u>25 marks</u> (6%)</p>		20 (5%)
	<p><b>Number of prosecutions or significant accidents in</b></p> <p><b>tunnelling projects</b></p>	10 (2%)	20 (5%)
	<p>(i) 5 or more = <u>5 marks</u> (1%)</p> <p>(ii) 3-4 = <u>10 marks</u> (2%)</p> <p>(iii) 1-2 = <u>15 marks</u> (3%)</p> <p>(iv) 0 = <u>20 marks</u> (5%)</p>		5 (1%)
4.3	Safety policy for safety in tunnelling construction projects	10 (2%)	20 (5%)
	<p>(i) Poor (Unacceptable - The safety policy does not adequately address key safety concerns in tunnel projects; the bidder failed to understand the Project) = <u>5 marks</u> (1%)</p> <p>(ii) Good (Average - The bidder has not considered all safety concerns.) = <u>10 marks</u> (2%)</p> <p>(iii) Very Good (Meets expectations - The bidder showed a good understanding of the Project and considered all safety concerns; some of the safety concerns may not be fully addressed.) = <u>15 marks</u> (3%)</p> <p>(iv) Excellent (Exceeds expectations - The bidder considered and addressed all safety concerns showing an excellent understanding of the Project.) = <u>20 marks</u> (5%)</p>		15 (3%)
5	Environmental Track Record <i>Schedule 2 Section 2(B)(v)</i>	20 (5%)	40 (10%)
5.1	Number of infringements, prosecutions and similar actions in tunnelling projects	10 (2%)	20 (5%)
	<p>(i) 5 or more = <u>5 marks</u> (1%)</p> <p>(ii) 3-4 = <u>10 marks</u> (2%)</p> <p>(iii) 1-2 = <u>15 marks</u> (3%)</p> <p>(iv) 0 = <u>20 marks</u> (5%)</p>		20 (5%)
5.2	Environmental policy in tunnelling construction projects	10 (2%)	20 (5%)

	<p>(i) Poor (Unacceptable - The environmental policy does not adequately address key environmental concerns in tunnel projects; the bidder failed to understand the Project.) = <u>5 marks</u> (1%)</p> <p>(ii) Good (Average - The bidder has not considered all environmental concerns.) = <u>10 marks</u> (2%)</p> <p>(iii) Very Good (Meets expectations - The bidder showed a good understanding of the Project and considered all environmental concerns; some of the environmental concerns may not be fully addressed.) = <u>15 marks</u> (3%)</p> <p>(iv) Excellent (Exceeds expectations - The bidder considered and addressed all environmental concerns showing an excellent understanding of the Project.) = <u>20 marks</u> (5%)</p>		15 (3%)
6	<p><b>Standards</b></p> <p><i>Schedule 2 Section 2(B)(vi)</i></p>	Pass or fail	Pass or fail
	<p>(i) ISO 9001: 2015 or equivalent</p> <p>(ii) ISO 14001: 2015 or equivalent</p> <p>(iii) ISO 45001: 2018 or equivalent</p> <p>(iv) ISO 31000: 2013 or equivalent</p>		PASS
	<b>TOTAL MARKS CGYI Malta Gozo Consortium</b>		315 (82%)



Date: 21<sup>st</sup> May, 2020

To,

Infrastructure Malta

Vjal I-Avazzjoni, Luqa LQA 9023, MALTA

Tel: +356 23341280;

E-mail: [procurement.im@infrastructuremalta.com](mailto:procurement.im@infrastructuremalta.com)

**Project: CONCESSION CONTRACT FOR THE DESIGN, BUILD, FINANCE, OPERATE, MAINTAIN AND TRANSFER OF A MALTA-GOZO (PARTLY SUB-SEA) TUNNEL**

**Subject: Health and Safety Record**

**Health and Safety Record of YDA Construction for Below Specified Projects (The Projects are covering many tunnel works.)**

Project Name	Turkey	Turkey	Turkey
Kırkkale Elmadağ HST Project	2017 - ongoing	2013 - ongoing	2012 - 2017 Completed
Employee*hour worked	3.715.600	6.744.000	5.270.220
Number of LTI Accident	82	57	23
LTI Rate (in one million hours)	22,07	8,45	4,36
Number of Prosecutions	0	3	3

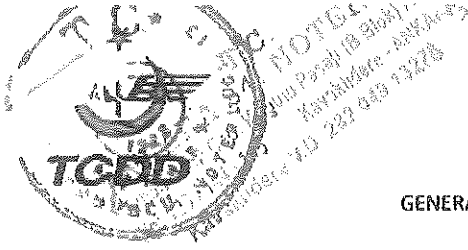
Bayraktar Mah. Vedat Dalokay Cad. No:112 GOP 06700 ÇANKAYA/ANKARA

+90 312 459 44 00

+90 312 436 82 79

[www.yda.com.tr](http://www.yda.com.tr)

"Doc. CGYI 5"



12. Council of Transport and Communications  
October, 6- 7- 8 2021

"Doc. CGYI 6"

REPUBLIC OF TURKEY  
GENERAL DIRECTORATE OF STATE RAILWAYS ADMINISTRATION  
DEPARTMENT OF RAILWAY CONSTRUCTION  
BRANCH OFFICE OF CONSTRUCTION

№ 18157  
20 Eylül 2021

Number : E- 79268068-755.99-273756  
Issue : Other

TERCÜME

17.09.2021

YDA İNŞ. SAN. VE TİC. AŞA  
Kızılırmak Mahallesi Dumlupınar Bulvarı No: 9A İç Kapı No: 900 Çankaya/Ankara ANKARA

Reference: Letter numbered E. 19541993- 750- 6669 and dated 17.09.2021

The letter which you have requested within the scope of "Ankara- İzmir High-Speed Train Project, Ankara (Polatlı) – Afyonkarahisar Section Infrastructure Construction Work (Ankara-İzmir Hızlı Tren Projesi Ankara (Polatlı) – Afyonkarahisar Kesimi Altyapı İnşaatı Yapım İşi)" with the Tender Registration Number 2011/152681, has been issued and attached.

Kindly submitted for your information.

Bilal BARMAK  
Vice Head of Department

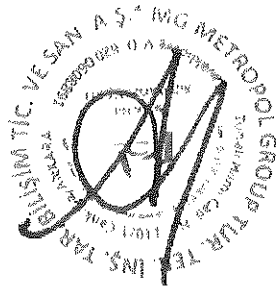
Özgür KARABACAK  
Acting Head of Department

<<seal>>

Annex: Document ( 1 page)

Bu belgenin Noterliğimizde sadece  
tercümesi yapılmıştır. Onayımız  
başka hususları kapsamaz.

Yeşim MOROVA  
Ankara 24. Noterliği  
İmzaya Yetkili Kağp



İşbu belge tarafından İşbu belge Daremiz Yemini  
Türkçe aslına uygun Tercümanı Emrah Atamkoçyiğit  
İngilizce'ye Tercümanlar' İngilizce'ye  
Tercüme edilmiştir. Tercüme edilmiştir. Onaylanmıştır.



This document has been signed with an e-signature.

Verification Code: B0599D59 – ED95- 4186- 9528-CBA61048B5F6

Verification Code: [https:// www.turkiye.gov.tr/tcdd-ebys](https://www.turkiye.gov.tr/tcdd-ebys)

For Information : Aylin ŞENDOĞAN  
Engineer

<<QR Code>>

TO YDA İNŞAAT SANAYİ VE TİCARET A.Ş.

№ 18157

20 Eylül 2021

Within the framework of the "Ankara- İzmir High-Speed Train Project, Ankara (Polatlı) – Afyonkarahisar Section Infrastructure Construction Work (Ankara-İzmir Hızlı Tren Projesi Ankara (Polatlı) – Afyonkarahisar Kesimi Altyapı İnşaatı Yapım İşi)" with the Tender Registration Number 2011/152681, no prosecutions or significant accidents (occupational accident) in the sections where 26+920 – 27+180 T1 Tunnel, 27+280 – 27+580 T2 Tunnel, 121+420 – 121+760 T3 Tunnel, 122+640 – 122+920 T4 Tunnel, 123+115 – 123+655 T5 Tunnel, 123+675 – 128+880 T-6-7-8 Tunnels, 129+160 -129+540 T9 Tunnel, 130+520 – 130+720 T10 Tunnel constructions have been completed, have occurred.

This letter has hereby been issued upon the request of YDA İNŞAAT SANAYİ VE TİCARET A.Ş. to be submitted to the "Ministry for Transport, Infrastructure and Capital Project/ MALTA".

<<signature>>

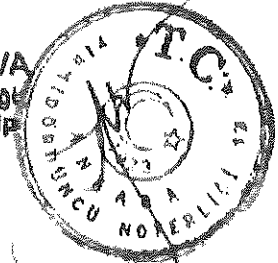
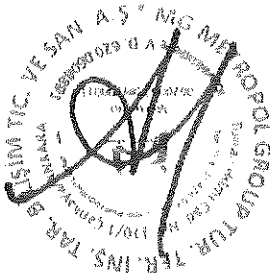
Öner ÖZGÜR

Vice General Director

Yeşim MOROVA  
Ankara 24. Noterlik  
İmzaya Yetkili Kadip

İşbu belge tarahtandan  
Türkçe aslına uygun  
İngilizce'ye  
Tercüme edilmiştir

İşbu belge Dairemiz Yemini  
Tercümanı Emrah Atamkoçyigit  
Tarahtandan İngilizce'ye  
Tercüme edilmiştir. Onaylanmıştır.



Handwritten signature



T.C.  
DEVLET DEMİRYOLLARI İŞLETMESİ GENEL MÜDÜRLÜĞÜ  
DEMİRYOLU YAPIM DAİRESİ BAŞKANLIĞI  
YAPIMI ŞUBE MÜDÜRLÜĞÜ

№ 18157  
12. ULAŞTIRMA VE  
HABERLEŞME BAKANLIĞI  
6-7-8 Ekim 2021

Sayı : E-79268068-755.99-273756  
Konu : Diğer

17.09.2021

YDA İNŞ.SAN.VE TİC.AŞA  
Kızılırmak Mahallesi Dumlupınar Bulvarı No:9A İç Kapı No:900 Çankaya/Ankara ANKARA

İlgi : 17.09.2021 Tarih ve E.19541993-750-6669 Sayılı Yazı.

2011/152681 İhale Kayıt Numaralı "Ankara-İzmir Hızlı Tren Projesi Ankara (Polatlı) - Afyonkarahisar Kesimi Altyapı İnşaatı Yapım İşi" kapsamında ilgi yazı ile talep etmiş olduğumuz belge hazırlanmış olup yazımız ekinde gönderilmektedir.

Gereğini rica ederiz.

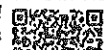
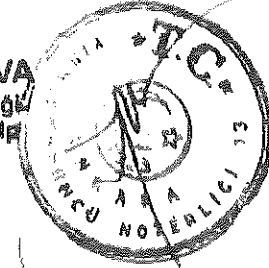
Bilal BARMAK  
Daire Başkan Yardımcısı

Özgür KARABACAK  
Daire Başkanı V.

Ek: Belge (1sf)



Yeşim MOROVA  
Ankara 24. Noterliği  
İmzaya Yetkili Katip



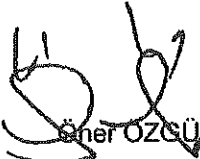
№ 18157

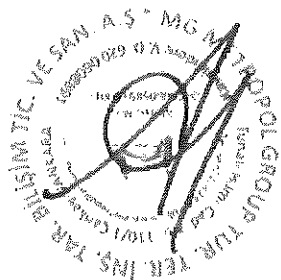
20 Eylül 2021

**YDA İNŞAAT SANAYİ VE TİCARET A.Ş.'NE**

2011/152681 ihale kayıt numaralı "Ankara-İzmir Hızlı Tren Projesi Ankara (Polatlı) – Afyonkarahisar Kesimi Altyapı Yapım İnşaat İşi" kapsamında 26+920 - 27+180 T1 Tüneli, 27+280 - 27+580 T2 Tüneli, 121+420 - 121+760 T3 Tüneli, 122+640 - 122+920 T4 Tüneli, 123+115 - 123+655 T5 Tüneli, 123+675 - 128+880 T-6-7-8 Tünelleri, 129+160 - 129+540 T9 Tüneli, 130+520 - 130+720 T10 Tüneli imatlarının yapıldığı bölümlerde soruşturmaya konu edilen herhangi bir iş kazası veya önemli kaza meydana gelmemiştir.

İş bu yazı YDA İNŞAAT SANAYİ VE TİCARET A.Ş. isteği üzerine "Ministry for Transport, Infrastructure and Capital Project/ MALTA idaresine sunulmak üzere hazırlanmıştır.

  
Öner ÖZGÜR  
Genel Müdür Yardımcısı



Yasemin MOROVA  
Ankara 24. Noterliği  
İnşaya Yetkili Katip

