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The Secretary
Public Contracts Review Board
Department of Contracts
Notre Dame Ravelin
Floriana VLT2000
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23rd November 2026

Esteemed Chairman and Board Members,

Reference:
CT2345/2024 – (CPSU0692-2022)

Subject:
Tender for the purchase of qty 2 high-frequency jet ventilator units for the medical imaging and the ENT departments at Mater Dei Hospital with a reduced environmental impact ("the tender")

Tender ID: 222471
THIRD Objection to the rejection of the Appellants' bid as technically non-compliant and to the consequent cancellation of the tender.

1.0 Introduction

I write on behalf of HospiMalta Ltd (**"Appellants"**), in my capacity as a director of the company, in order to object to the decision of the contracting authority, as communicated by means of a letter dated 13th of November 2026 sent by the Department of Contracts (**"DoC"**), attached and marked 'Doc. A', whereby (i) the Appellants' bid bearing Tender ID 222471 was declared technically non-compliant and (ii) the tendering procedure was cancelled in terms of Article 18.3(a) of the General Rules Governing Tendering.

The sole reason given for the rejection of the Appellants' bid is the following:

> *"Not compliant with 2.8.2 as per submitted technical offer marked as 'No'. Since the TO falls under note 3 it is not rectifiable."*

No other shortcoming, whether administrative, technical or financial, has been attributed to this bid. The cancellation of the tender rests exclusively on the non-compliance of the appellants' bid and therefore no successful bid was prevalent for this tender.

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2.0 Facts and Grounds for Objection

Specification 2.8.2 forms part of specification 2.8, which requires that the alarms of the unit be user-defined and include, amongst others, an alarm for Peak Airway Pressure (PIP). The Appellants' reply to this item in the Technical Offer form, an extract of which is attached and marked 'Doc. B', reads as follows:

> Confirmation by Tenderer that Model Offered Complies with requirements (Yes/No): "No"
>
> Details on the Offer's specifications for the respective requisite: **"Confirmed in both LAR and BRO modes"**
>
> Reference in the technical literature where this is being stated/shown: **"Attached"**

The manufacturer's Technical Data Sheet for the TwinStream jet ventilator (TS – Rev 3 – 03.2021), submitted with the bid and attached and marked 'Doc. C', lists under "Alarm limits" a **high airway pressure alarm adjustable between 1 and 100 mbar**, and shows PIP, PEEP and MAP airway pressure monitoring as included in the Lar/Bro configuration offered. This feature is the specification requested in the tender technical specification 2.8.2.

Every other alarm listed under specification 2.8 (items 2.8.1 and 2.8.3 to 2.8.7) was answered "Yes – Confirmed". Airway pressure monitoring (item 2.7.4) was likewise answered "Yes – Confirmed". The very same wording used in item 2.8.2, namely "Confirmed in both LAR and BRO modes", appears in item 2.6.2 next to a "Yes".

Moreover, this same Technical Offer of the appellants, unchanged, had already been evaluated twice, and in the DoC's letters received for this same tender in previous instances on the 8th July 2025 and on the 9th June 2026 ('Doc. D') attributed no technical non-compliance to this bid.

2.1 First Ground: the reply to item 2.8.2, read as a whole, confirms compliance

The Appellants contend that the evaluation committee did not properly evaluate the reply to item 2.8.2 as submitted. It isolated a single word in one column and disregarded the two adjoining columns of the same row, in which the Appellants expressly **confirmed** the requirement and refered to the corroborating attached literature confirming the requirement.

A tenderer's product who does not comply with a specific feature does not write in the same technical offer **"Confirmed in both LAR and BRO modes"** next to it. Read together with the

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remainder of the fields in the same row, and considering the replies to the other items of specification 2.8 and considering the manufacturer's literature, the only reasonable reading of the submitted information is that the model offered has the alarm requested under 2.8.2 and therefore should be considered compliant.

The evaluation committee is duty bound to assess the offer in its entirety and in doing so it should have been amply clear for the evaluation committee that the submission for this line-item is at least contradictory on its face.

A possible contradictory statement in the technical offer would normally trigger a clarification exercise by the evaluation committee asking the bidder to confirm compliance. In this instance when facing the contradiction, the evaluation committee simply chose to read and accept the least favourable part to the tenderer, while ignoring the rest of the offer and deem the offer as not compliant.

This mode of conduct by the evaluation committee is not only unlawful but it is also in clear breach of the principles of public procurement such as transparency, self-limitation and equal treatment.

In so doing the evaluation committee not only treated with prejudice the appellants' bid but also deemed its offer as not compliant on an ill founded assumption. In the humble opinion of the appellant all that the evaluation had to do in line with the rules laid down in the Tender document itself was to **clarify** the position of the appellant without any need for any additional information or rectification. This would have resulted in a clarified position by the appellant that the product offered, its configuration and its literature while remaining exactly unaltered would have been fully technically compliant.

2.2 Second Ground: Breach of principles of Public Procurement – Self-limitation – Equal Treatment - Note 3 allows clarifications and the evaluation committee was bound to seek one

The DoC's letter dated 13th November 2026 relies on only the first sentence of Note 3. The note reads in full: *"Since the TO falls under note 3 it is not rectifiable"* The tender document itself therefore provides the mechanism for precisely this situation, and the principle of self-limitation binds the contracting authority to the whole of Note 3, not to half of it.

In *Pharma.MT Limited vs Direttur tal-Kuntratti et* (Court of Appeal, 30th March 2022, App. Ċiv. 348/21/1), which also concerned a Technical Offer form marked as Note 3 in a CPSU tender, the Court of Appeal held **that Note 3 prohibits rectification but not clarification**, that the regulations allow the **contracting authority to seek clarification where the information submitted is or appears to be incomplete or erroneous**, that the evaluation committee should have sought such clarification, and that doing so would not have changed the offer, which would objectively have remained the same. The Court revoked the Board's decision and ordered the reintegration of the appellants' offer.

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> *"...din il-Qorti tara li dan hu kaz car fejn l-awtorita` kontraenti messha talbet kjarifika. Dan tista' taghmlu bis-sahha tarregolamenti in materja.* ***Huwa veru li r-regolament jghid illi l-awtorita` kontraenti tista' titlob kjarifika fejn, per ezempju, l-offerta ma tkunx kompleta jew tkun zbaljata.*** *Din il-Qorti tara li dan hu kaz fejn kien jimmerita spjegazzjoni mill-offerent, u kienet tkun talba mehtiega u xierqa fic-cirkostanzi.* ***B'talba simili u bl-ispjegazzjoni ma kinitx sejra tinbidel lofferta li oggettivament kienet sejra tibqa' l-istess"***

More recently, in the judgment concerning the Evans Building concession (Court of Appeal, 25th June 2026, App. Ċiv. 119/2026/1), the Court of Appeal revoked the decisions of this Board and held that an obvious clerical error in the tender response format, which was already evident from the remainder of the offer, could be clarified without this amounting to a new offer, without altering the substance of the bid and without breaching the principle of equal treatment.

The Court observed that the clarification merely crystallised what had been clear from the outset, and that setting aside an offer on account of errors of formality rather than of substance is frequently a disproportionate sanction.

> *"...is-sanzjoni tat-twarrib ta' offerta fuq* ***żbalji ta' formalità u mhux ta' sustanza*** *hija spiss meqjusa bħala kastig* ***sproporzjonat****, għaliex min-natura tagħhom,* ***nuqqasijiet bħal dawn ma jmissu xejn mill-qalba tal-offerta****, u sakemm is-sustanza talofferta tibqa' kif kienet, ma jkunx jista' jingħad li xxellef il-prinċipju tattrattament indaqs ta' bejn l-offerenti, jew li jkun ingħata xi vantaġġ kompetittiv"*

If a discrepancy between €1.2 million and €78 million in a financial bid form could be clarified because the true position was evident from the rest of the offer, then *a fortiori* a single word in a compliance column, contradicted by the very same row, could and should have been clarified.

The same approach is found in the case-law of the Court of Justice of the European Union, which allows the correction or clarification of obvious material errors provided that this does not lead to the submission of a new tender (*SAG ELV Slovensko*, C-599/10; *Manova*, C-336/12), and which has held that where the terms of a tender and the surrounding circumstances indicate that an ambiguity probably has a simple explanation and is capable of being easily resolved, it is contrary to good administration to reject the tender without seeking clarification (*Tideland Signal Ltd v Commission*, T-211/02). This is reflected in Article 56(3) of Directive 2014/24/EU as transposed in Article 62(2) of the Public Procurement Regulations (S.L. 601.03) which states:

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> Where information or documentation to be submitted by economic operators is or **appears to be incomplete or erroneous** or where specific documents are missing, contracting authorities in terms of the procurement document may request the economic operators concerned to submit, supplement, **clarify or complete the relevant information or documentation** within an appropriate time limit: Provided that such requests are made in full compliance with the principles of equal treatment and transparency

This Board applied the same reasoning in *Case 1653* (*Evolve Ltd vs University of Malta*, 14th January 2022), wherein it found that a genuine human error could have been clarified without this constituting a new offer, and ordered the reintegration of the appellants' bid.

> *"Consequently, what needs to be considered is whether the Contracting Authority would have acted diligently / proportionately or otherwise would it have went for the option of a clarification on item 18.*
> *The Board opines, that should the Contracting Authority have opted for such an approach, in this specific case, it would not have constituted a new offer by the Appellant. This is an obvious case of a 'genuine human error'"*

CPSU's own evaluation committees have moreover sought clarifications on Technical Offer forms marked as Note 3, as recorded in *Case 1757*.

The present case is to be distinguished from *Case 1590* and *Case 1688*. In the former case, the Technical Offer positively declared dimensions which were outside the specification and the technical literature was itself conflicting. In the latter case, a different product from that requested had been offered, so that only a change in the offer could have cured the shortcoming. **Here, no out-of-specification value has been declared, the product offered is and remains the same, and the same row of the Technical Offer confirms the requirement.**

The Appellants also contend that while the DoC states *"Since the TO falls under note 3 it is not rectifiable"*, the bidder recommended by the first two evaluation committees, Evolve Ltd, was asked rectification questions as is proven in page 8 *Case 2150*

> *"The Evaluation Committee issued a **rectification** request on 17th March 2025 addressing specification 2.8.3 regarding power failure alarm requirements"*

The evaluation committee felt the need to issue a rectification request on specification 2.8.3 requiring "Alarms shall be user defined and shall have to include at least the following: 2.8.3 Power failure". This rectification request to a Note 3 (**unrectifiable**) section, was issued despite the user manual of the offered model (Monsoon 4) stating as follows:

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	In the event of power failure, no audible alarm will sound. A black screen and a stopped ventilation indicate a system failure.

The recommended bidder produced further submissions, which apart from being accepted, led to his bid being recommended by the evaluation committee.

Yet in this particular and third evaluation, the evaluation committee **did not use the same yardstick** and decided against the use of an **evaluation clarification** question when it was crystal clear that the technical specification requested was offered.

2.3 Third Ground: proportionality

The Appellants also contend that the decision is manifestly disproportionate. An offer which is otherwise compliant has been excluded, and a tender for essential medical equipment which has been in process since 2024 has been cancelled, on the basis of one part of the offer which was contradicted by antoher part of the same technical offer in the same field where technical offer is being compiled.

A less onerous measure, expressly provided for in Note 3, with the issue of a clarification was available to the evaluation committee and would have resolved the matter in a legally prescribed manner, particularly since no other compliant bid remains in the procedure. This is being said since ultimately the Contracting Authority is bound to do its utmost to preserve the bid and any doubt is to be given in favour of the bidder, none of which subsisted in this case thus the prejudice and hence this appeal for the reason of disqualification.

2.4 Fourth Ground: Appellants' bid deemed compliant following two recommendations dated 8th July 2025 and 9th June 2026 ('Doc. D') – Basic principle of Equal Treatment

The Appellants' note that following the first recommendation dated 8th July 2025 this offer was ranked second cheapest technically compliant, wherein no issues were found in the technical offer presumably the evaluation committee had taken into account the entirety of the technical offer and thereby deemed the bid compliant.

Following an appeal process through the decision dated 29th September 2025, the second recommendation for this tender dated 9th June 2026, this offer of the appellant was also ranked second cheapest technically compliant, wherein also on that occasion no issues were found in the techncial offer also presumably because the evaluation committee had taken into account the entirety of the technical offer and thereby deeme the bid also compliant and therefore it was ranked accordingly.

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However, following this second recommendation dated 9th June 2026, during objection proceedings Evolve Ltd. being the cheapest technically compliant bid unilaterally withdrew its offer thus leaving the appellants' bid the sole viable bid for this tender. Thereby it was logical that the same recommendation as technical compliance of the appeallant's bid should ensue with an adjusted ranking in view of the retracted offer by Evolve Ltd.

Surprisingly, this did not occur and although two recommendations found the appellants' bid compliant, the third recommendation found the appellants' bid not compliant for the reason mentioned above; for which this objection is being filed.

This state of affairs and mode of conduct of the third evaluation committee is being contested also on the basis that evaluation committees should be guided by the *Guidelines for Tender Evaluation Committees (TEC) V.1.12 - August 2024)* (Doc. E), which in page 2 unequivocally states:

> **EU jurisprudence and advice from the Attorney General's office is clear in that in order to be fair on each and every bidder, it would not be fair to completely evaluate the technical offer of the cheapest (or any) bidder and not fully evaluate another submitted bid. This is the principle of equal treatment.** Economic Operators spend a great deal of financial and human resources in order to compile their bids and it would be unfair to simply say they are not compliant on one aspect of their financial offer without identifying if they had any other non-compliant technicalities. They have a right to know exactly on what technical aspects their offer was noncompliant. So much so that if known to them they may identify their shortfall and remedy it in future procurement opportunities.
>
> **It is very often a misconception of the evaluation process that procedures should be disregarded for the sake of it being considered not of significance or of importance to the same evaluation board and that it will take (for them unnecessary) time to request clarifications or rectifications.**

This notion clearly defines a clear expectation that a bidder is given the grounds for his non-compliance at the defining moment. In this case following that the appellant has invested for this tender **twice** objecting to proceedings and risking substantial deposits, while not mentioning the risks for subsisting his bid (**of February 2025**), they face non-compliance allegations on the third round: which reasons were never mentioned before. **This goes past the perimeters of breach of equal treatment and, according to the humble opinion of the appellants, constitutes a clear form of bias.**

A legitimate expectation exists of technical compliance following that the offer was already deemed technically compliant on two occasions 8th July 2025 and 9th June 2026 ('Doc. D') and this cannot legally be altered or interpreted differently third time round for the simple reason that no other offer is cheaper than the appellants' bid. The *iter* of this tender is clear that until Evolve Ltd. was being deemed as cheapest technically compliant, the evaluation committees used rectification questions in a clear effort to save their bid, whereas as soon as that bid was

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grounded. A different yardstick was used for the remaining one where this time round the appellants were not even afforded a clarification. Based on that, the third evaluation committee decided on technical non-compliance: beyond any expectation and in definace of the previous recommendations.

This mode of conduct of the evaluation committee and the contracting authority is to be deemed as a clear breach of basic principles and a true concerted effort against a positive recommendation for the award of the tender to the appellant. This mode of conduct should be sanctioned by this Review Board and therefore this objection is to be upheld and cancellation of the tender revoked.

3.0 Remedies and Requests

In view of all that is being submitted above, this Distinguished Board is being respectfully requested, unless the Contracting Authority, *a sua sponte* and *ex proprio motu*, elects to admit the charges and re-evaluate the tender, the following: -

(a) To annul the decision communicated by means of the letter dated 13th of November 2026 in so far as it declares the Appellants' bid bearing Tender ID 222471 to be technically non-compliant with specification 2.8.2;

(b) To annul the cancellation of the tender for the reason given;

(c) To order the reintegration of the Appellants' bid in the evaluation process and to direct that, should the evaluation committee retain any doubt on item 2.8.2, it shall seek a clarification from the Appellants in terms of Note 3;

(d) To stipulate a time-limit of four (4) weeks for the fourth re-evaluation process to be completed, as it was ordered in *Case 2141* and in conformity to the DoC's own *Guidelines for Tender Evaluation Committees (TEC) V.1.12 - August 2024),* Section 2.1 (Doc. E):

> The workings of the TEC shall be as follows:
> (i) The TEC is bound to adhere to the schedule set at publication stage and complete the evaluation process within **four (4) calendar weeks** from the date of unlocking of tenders. This applies to all procurement estimated above €10,000 excluding VAT.
> (ii) The whole evaluation process **must be finalized within the 4-week timeframe,** including clarifications, rectifications or requests for samples.
> **(iii) Should the TEC fail to meet the 4-week deadline, the Committee will be summoned and will be required to explain the delay:**
> a) For tenders falling under regulation 9(1)(a) the TEC will be summoned by the Head of the CA;
> b) For tenders administered by the Sectoral Procurement Director, the TEC will be summoned by the Head of the SPD;
> c) For tenders falling under regulation 9(1)(b) the TEC will be summoned by the General Contracts Committee (GCC);

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(e) To give any further orders or remedies as it deems fit, opportune and proper;

(f) To order the refund of the deposit paid, reference to 'Doc. F'.

The Appellants explicitly reserve their right to request further information from the Contracting Authority and to present any further evidence at a later stage, which evidence does not exclude public officers of the Contracting Authority and members of the evaluation committee to be called on as witnesses, as well as representatives of the manufacturer and other clinical and technical experts, being called as witnesses.

Yours sincerely,



Avv. Adriano Spiteri

Attached Documents:

Doc. A	Letter of the Department of Contracts dated 13th of November 2026
Doc. B	Extract of the Technical Offer form as submitted (item 2.8.2)
Doc. C	Technical Data Sheet TS – Rev 3 – 03.2021 (Carl Reiner GmbH) as submitted
Doc. D	Letter of the Department of Contracts dated 9th of June 2026
Doc. E	Guidelines for Tender Evaluation Committees (TEC) V.1.12 - August 2024)
Doc. F	Deposit

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13th November 2026

HospiMalta Ltd
TID 222471

REFERENCE: CT2345/2024

SUBJECT: TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT

Dear Sir/Madam,

The Department of Contracts is withdrawing the award of CT2345/2024 - TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT published 9th June 2026.

Thank you for participating in the above-mentioned tender procedure. However, I regret to inform you that the tender submitted by your company was found to be technically non-compliant for the following reason:

"Not compliant with 2.8.2 as per submitted technical offer marked as 'No'. Since the TO falls under note 3 it is not rectifiable."

Moreover, I regret to inform you that this tendering procedure is being cancelled in line with Article 18.3(a) of the General Rules Governing Tendering where it is stated that:

> *"Cancellation may occur where the tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all."*

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If you intend to object to this decision, the Public Procurement 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 on: *info.pcrb@gov.mt* by **noon of Monday 23rd November 2026 against a deposit of €5,085.00.**

Payments are 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

The official schedule can be accessed on the website: *www.etenders.gov.mt*.

Although we have not been able to make use of your services on this occasion, I trust that you will continue to take an active interest in our initiatives.

Yours sincerely,

Joseph Anthony Zammit

f/ Director General (Contracts)

13th November 2026

HospiMalta Ltd
TID 222470

REFERENCE: CT2345/2024

SUBJECT: TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT

Dear Sir/Madam,

The Department of Contracts is withdrawing the award of CT2345/2024 - TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT published 9th June 2026.

The reasons given in respect to your bid remain unchanged as per previous Correspondence dated 9th June 2026.

Moreover, I regret to inform you that this tendering procedure is being cancelled in line with Article 18.3(a) of the General Rules Governing Tendering where it is stated that:

> *"Cancellation may occur where the tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all."*

If you intend to object to this decision, the Public Procurement 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 on: *info.pcrb@gov.mt* by **noon of Monday 23rd November 2026 against a deposit of €5,085.00.**

Objections can only be made in connection with the recommendation to cancel tender CT2345/2024

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Although we have not been able to make use of your services on this occasion, I trust that you will continue to take an active interest in our initiatives.

Yours sincerely,

Joseph Anthony Zammit

f/ Director General (Contracts)

Spec No	Description of Specifications as required by the Contracting Authority	Unit of Parameter	Contracting Authority Requirement (Mandatory / Optional)	Confirmation by Tenderer that Model Offered Complies with requirements (Yes/No)	Details on the Offer's specifications for the respective requisite	Reference in the technical literature where this is being stated/shown (if applicable)
2.8.2	Peak Airway Pressure (PIP)	N/A	Mandatory	No	Confirmed in both LAR and BRO modes	Attached

TwinStream™

jet ventilator

Key Features

- Microprocessor-controlled S-HFJV*
- Tubeless ventilation*
- Compatible jet endoscopes*
- FiO_2 measured in the airway*
- Laser Safe Mode (LSM)
- $EtCO_2$ measured in the airway*



Physical Specifications

Dimensions:

Weight (w/o trolley):	25.5 kg / 56.2 lb
Weight (w/ trolley)*:	65 kg / 143.3 lb
Height (w/o trolley):	21cm / 8.3 in
Height (w/ trolley)*:	126 cm / 49.6 in
Width:	52.6 cm / 20.7 in
Depth:	45.5 cm / 17.9 in

Ventilator display:

Display size:	10.4 inch / 26.4 cm
Display type:	Touchscreen
Display resolution:	640 x 480

Ventilation Modes

Supraglottic ventilation modes:

BRO mode*	for Jet Bronchoscopes*
LAR mode*	for Jet Laryngoscopes*

Infraglottic ventilation modes:

BRO mode* w/ Jet Converter*	for ETT / LMA
1-LUMEN mode	for 1-LUMEN catheter*
2-LUMEN mode*	for 2-LUMEN catheter*
3-LUMEN mode*	for 3-LUMEN catheter*
4-LUMEN mode*	for 4-LUMEN catheter*

Ventilation Parameters

Single jet (HFJV):

HF frequency (f)	50 - 200 /min
HF I:E ratio (i:e)	3:1 - 1:5
HF emission pressure (P_{HF})	0.1 - 2 bar / 10 - 200 kPa

Double jet (S-HFJV)*:

HF frequency (f)	50 - 1500 /min
HF I:E ratio (i:e)	3:1 - 1:5
HF emission pressure (P_{HF})	0.1 - 2 bar 10 - 200 kPa
NF frequency (F)*	1 - 100 /min
NF I:E ratio (I:E)*	3:1 - 1:5
NF emission pressure (P_{NF})*	0.1 - 3.5 bar 10 - 350 kPa

Alarm limits

High airway pressure*	1 - 100 mbar 0.1 - 10 kPa
Low airway pressure*	0 - 60 mbar 0.0 - 6 kPa
Pause pressure high	5 - 100 mbar 0.5 - 10 kPa

Gas Mixer

$FiO_{2\ JET}$ setting range	21 - 100 %
Maximum flow rate	200 L/min
Minimum flow rate	5 L/min
Mixer accuracy	+/- 3 % (of FS value)
O_2 sensor type	Galvanic cell
Supply pressure	4 - 5 bar 400 - 500 kPa

Airway Pressure

PIP, PEEP, MAP, PP accuracy	+/- 0.1 - 5 %
Waveform displayed	Pressure vs. time
Waveform pressure scale	8 - 100 mbar 0.8 - 10 kPa
Waveform time scale	0.6 - 30 sec
Rinse flow	100 - 120 ml/min

Gas Monitoring

Inspired O_2 concentration:

$FiO_{2\,JET}$ range:	1 - 100 %
$FiO_{2\,JET}$ sensor type:	Galvanic cell
$FiO_{2\,JET}$ response time:	<12 s (T90)
$FiO_{2\,JET}$ accuracy:	+/- 3 % (of FS value)
$FiO_{2\,AW}$ range*:	1 - 100 %
$FiO_{2\,AW}$ sensor type*:	Ultra Fast Oxygen (UFO)
$FiO_{2\,AW}$ response time*:	<130 ms (T90)
$FiO_{2\,AW}$ accuracy*:	+/- 1 % (of FS value)

End-tidal CO_2 concentration*:

$EtCO_2$ range*:	0 - 99 mmHg
Operating principle*:	Infrared spectroscopy
Accuracy*:	± 2 mmHg (<38 mmHg)
	± 5 % (39 - 76 mmHg)
	± 8 % (>77 mmHg)
Calibration*:	Automatic
Sample flow*:	75 - 250 ml/min (adjustable)
Warm-up time*:	10 seconds
Response time*:	28 ms (detector)
	100 ms (system)
Bacterial filter*:	Single-use

Laser Safe Mode

Target $FiO_{2\,AW}$ range:	21 - 40 %
Activation/deactivation:	Manually, ON/OFF
Operating principle:	$FiO_{2\,JET}$ reduction
Colour indication:	
Red =	> 6 % of target $FiO_{2\,AW}$
Yellow =	+/- 4 % of target $FiO_{2\,AW}$
Green =	Target $FiO_{2\,AW}$ achieved

Pneumatic Specifications

Gas supply:

Air / O_2 inlet pressure:	4 - 5 bar
	400 - 500 kPa
	58 - 72.5 psi
Air / O_2 inlet type:	DISS
Gas consumption:	+/- 50 L/min (typical)
	+/- 200 L/min (max.)
Gas cylinders*:	20 L bottles
Pressure reducing valve*:	5 bar / 500 kPa / 72.5 psi

Patient breathing circuit:

Circuit type:	Open system
Max. insp. flow:	Up to 270 L/min
Bias flow:	20 / 40 / 55 L/min

Patient tubing

Reusable patient tubing:

Tubing length:	150 cm / 200 cm
Reprocessing:	Autoclavable (134°C)
Tubing connectors:	EasyConnect®

Disposable patient tubing*:

Tubing length*:	200 cm
Reprocessing*:	No
Tubing connectors*:	EasyConnect®

Patient gas conditioning*:

Humidifier type*:	AIRcon Gen2
Brand*:	WILAmed
Connectivity with*:	Jet laryngoscopes
Humidifier chamber*:	Single-use
Humidifier tubing set*:	Single-use

Electrical Specifications

Power input:	100 - 240 VAC, 50/60 Hz
Fuses:	2x 1.6 AT250V
Power cord:	3 m / 9.84 ft

Communication Ports

Serial interface:	1x RS232
Ethernet (RJ45):	1x RJ45
USB port:	2x USB
Nurse call socket:	1x socket
PDMS compatibility*:	GE, Centricity
	Philips, IntelliSpace
	Capsule, SmartLinx

Environmental Specifications

System operation:

Temperature:	10 - 30 °C / 50 - 86 °F
Relative humidity:	0 - 90 °C (non-cond.)
Atmoshperic pressure:	1200 to 500 hPa (mbar)
Altitude:	-1450 to 5570 m
	-4755 to 18280 ft

System storage:

Temperature:	-20 - 50 °C / -4 - 122 °F
Relative humidity:	0 - 100 °C (non-cond.)
Atmoshperic pressure:	1200 to 500 hPa (mbar)
Altitude:	-1450 to 5570 m -4755 to 18280 ft

General specifications:

Medical device class:	IIb (TwinStream) IIa (Jet Endoscopes)
CE mark:	CE 0483
Ingress Protection rating:	IP21
Patient range:	Neonate to adult (1-200 kg / 2.2 - 440 lb)

TwinStream configurations

Main features comparison:

	TS1 - 1 Lum	TS1 - 2 Lum +$etCO_2$ +$FiO_{2\,AW}$	TS1 - 3 Lum	TS1 - 4 Lum +$etCO_2$ +$FiO_{2\,AW}$	TS Lar/Bro	TS Lar/Bro +$etCO_2$ +$FiO_{2\,AW}$
General features:						
Display size	10,4"	10,4"	10,4"	10,4"	10,4"	10,4"
HFJV (single jet)	●	●	●	●	●	●
S-HFJV (double jet)	○	○	●	●	●	●
Humidifier	◑	◑	◑	◑	◑	◑
Parameters:						
HF JET: frequency (f)	50 - 200	50 - 200	50 - 1500	50 - 1500	50 - 1500	50 - 1500
HF JET: I:E ratio (i:e)	3:1 - 1:5	3:1 - 1:5	3:1 - 1:5	3:1 - 1:5	3:1 - 1:5	3:1 - 1:5
HF JET: emission pressure (P_{HF})	0,1 - 2,0	0,1 - 2,0	0,1 - 2,0	0,1 - 2,0	0,1 - 2,0	0,1 - 2,0
NF JET: frequency (F)	○	○	1 - 100	1 - 100	1 - 100	1 - 100
NF JET: I:E ratio (I:E)	○	○	3:1 - 1:5	3:1 - 1:5	3:1 - 1:5	3:1 - 1:5
NF JET: emission pressure (P_{NF})	○	○	0,1 - 3,5	0,1 - 3,5	0,1 - 3,5	0,1 - 3,5
$FiO_{2\,JET}$	21 - 100	21 - 100	21 - 100	21 - 100	21 - 100	21 - 100
Bias flow	20, 40, 55	20, 40, 55	20, 40, 55	20, 40, 55	20, 40, 55	20, 40, 55
Monitoring:						
PAW: Pause pressure (PP)	●	●	○	○	○	○
PAW: PIP, PEEP, MAP	○	○	●	●	●	●
Laser Safe Mode	● ⚠	●	● ⚠	●	●	●
GAS: $FiO_{2\,AW}$ (airway)	○	●	○	●	◑	●
GAS: $etCO_2$ monitoring	○	●	○	●	◑	●

● = included
◑ = option
○ = not available
⚠ = not measured in airway

CTNI-949-EOX R03

* Optional feature

Manufactured by:
Carl Reiner GmbH
Mariannengasse 17
1090 Vienna, Austria

www.carlreiner.eu
twinstream@carlreiner.eu
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Technical Data Sheet TS - Rev 3 - 03.2021

CE 0483

Zertifiziertes QM-System cmdc ISO 13485

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website: www.contracts.gov.mt

09th June 2026

HospiMalta Ltd
TID 222471

REFERENCE: CT2345/2024

SUBJECT: TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT

Dear Sir/Madam,

Thank you for participating in the above-mentioned tender procedure. However, I regret to inform you that the tender submitted by your company was not successful since the criteria for award of this tender was the cheapest priced offer satisfying the administrative and technical criteria.

The tender was recommended for award to **TID 222381 Evolve Ltd. for the amount of €582,885.00 excluding VAT**, this being the cheapest priced tender satisfying the administrative and technical criteria.

If you intend to object to this decision, the Public Procurement 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 on: *info.pcrb@gov.mt* by noon of Friday 19th June 2026 against a deposit of €5,085.00.

Payments are 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

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Contact Number: +356 2378 1001
e-Mail: info.contracts@gov.mt
website: www.contracts.gov.mt

The official schedule can be accessed on the website: *www.etenders.gov.mt*.

Although we have not been able to make use of your services on this occasion, I trust that you will continue to take an active interest in our initiatives.

Yours sincerely,

Wendell Mifsud
f/ Director General (Contracts)

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09th June 2026

HospiMalta Ltd
TID 222470

REFERENCE: CT2345/2024

SUBJECT: TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT

Dear Sir/Madam,

Thank you for participating in the above-mentioned tender procedure. However, I regret to inform you that the offer submitted by your company was found to be technically non-compliant as follows:

"The technical offer submitted by the bidder shows clearly that it does not meet specifications Para 2.4,2.5 and 2.8.2 as requested in this tender dossier. NOT technically acceptable."

The tender was recommended for award to **TID 222381 Evolve Ltd. for the amount of €582,885.00 excluding VAT**, this being the cheapest priced tender satisfying the administrative and technical criteria.

If you intend to object to this decision, the Public Procurement 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 on: *info.pcrb@gov.mt* by noon of Friday 19th June 2026 against a deposit of €5,085.00.

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website: www.contracts.gov.mt

08th July 2025

HospiMalta Ltd
TID 222471

REFERENCE: CT2345/2024

SUBJECT: TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT

Dear Sir/Madam,

Thank you for participating in the above-mentioned tender procedure. However, I regret to inform you that the tender submitted by your company was not successful since the criteria for award of this tender was the cheapest priced offer satisfying the administrative and technical criteria.

The tender was recommended for award to **TID 222381 Evolve Ltd. for the amount of €582,885.00 excluding VAT**, this being the cheapest priced tender satisfying the administrative and technical criteria.

If you intend to object to this decision, the Public Procurement 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 on: *info.pcrb@gov.mt* by noon of Friday 18th July 2025 against a deposit of €5,085.00.

Payments are 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
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Although we have not been able to make use of your services on this occasion, I trust that you will continue to take an active interest in our initiatives.

Yours sincerely,

Wendell Mifsud

f/ Director General (Contracts)

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website: www.contracts.gov.mt

08th July 2025

HospiMalta Ltd
TID 222470

REFERENCE: CT2345/2024

SUBJECT: TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT

Dear Sir/Madam,

Thank you for participating in the above-mentioned tender procedure. However, I regret to inform you that the offer submitted by your company was found to be technically non-compliant as follows:

"The bidder clearly stated in the technical offer that Para 2.4,2.5 and 2.8.2 does not meet the specs (marked NO) as requested in this tender dossier. Technically Not Acceptable."

The tender was recommended for award to **TID 222381 Evolve Ltd. for the amount of €582,885.00 excluding VAT**, this being the cheapest priced tender satisfying the administrative and technical criteria.

If you intend to object to this decision, the Public Procurement 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 on: *info.pcrb@gov.mt* by noon of Friday 18th July 2025 against a deposit of €5,085.00.

Payments are to be made through bank transfer in terms of the following details:

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Yours sincerely,

Wendell Mifsud

f/ Director General (Contracts)

Standard Operating Procedures (SoP)

Guidelines for Tender Evaluation Committees (TEC)

(V.1.12 - August 2024)

Department of Contracts

Introduction

Consistent with the concept of fairness and transparency - any evaluation of bids has to be conducted in full and clearly in terms of what has been explicitly written in the tender document.

The evaluation process has three distinct and sequential stages: Administrative; Technical and Financial. At each stage, the evaluation has to be complete meaning that the evaluation has to be carried out on the whole stage/s and hence the evaluation of the technical offer has to be carried out on ALL the technical aspects of the offer.

EU jurisprudence and advice from the Attorney General's office is clear in that in order to be fair on each and every bidder, it would not be fair to completely evaluate the technical offer of the cheapest (or any) bidder and not fully evaluate another submitted bid. This is the principle of equal treatment. Economic Operators spend a great deal of financial and human resources in order to compile their bids and it would be unfair to simply say they are not compliant on one aspect of their financial offer without identifying if they had any other non-compliant technicalities. They have a right to know exactly on what technical aspects their offer was non-compliant. So much so that if known to them they may identify their shortfall and remedy it in future procurement opportunities.

It is very often a misconception of the evaluation process that procedures should be disregarded for the sake of it being considered not of significance or of importance to the same evaluation board and that it will take (for them unnecessary) time to request clarifications or rectifications.

Another important point to note is that when disqualifying bidders on technical grounds one **MUST** indicate **ALL** the non-compliant technical specifications since these will be liable to an appeal. There have been instances when only one technical aspect was identified as non-compliant out of a dozen, the bidder appealed, and the case was upheld with the consequence that the Contracting Authority was obliged to award the contract to this bidder notwithstanding that the offer was grossly non-compliant. In fact, one could argue that the evaluation board was nontransparent in its procedures since the other 11 non-compliant specifications were not identified. Hence, the evaluation process should be conducted in a full and transparent way by examining fully the technical offer of each and every economic operator that submitted a bid.

For avoidance of doubt and for clarity's sake, it is being reiterated that the Evaluation Process has 3 consecutive stages. Therefore, if a bidder is found to be non-compliant at a particular stage (e.g. Technical), after a full evaluation of the Technical Offer, his/her bid shall not proceed to the next stage and shall not be considered further.

Common Abbreviations

ALT	Abnormally Low Tender
BPQR	Best Price-Quality Ratio
CA	Contracting Authority
CC	Contracts Circular
CGA	Central Government Authority
CfT	Call for Tenders
CfQ	Call for Quotations
CM	Contract Manager
CV	Curriculum Vitae
DCC	Departmental Contracts Committee
DoC	Department of Contracts
DPS	Dynamic Purchasing System
ESPD	European Single Procurement Document
EO	Economic Operator
EU	European Union
ePPS	Electronic Public Procurement System
GCC	General Contracts Committee
GDPR	General Data Protection Regulation
GPP	Green Public Procurement
GRGT	General Rules Governing Tenders
KE	Key Expert
MQF	Malta Qualifications Framework
PPN	Procurement Policy Note
PPR	Public Procurement Regulations
SPD	Sectoral Procurement Director/ate
TC	Tender Coordinator
TEC	Tender Evaluation Committee
VAT	Value Added Tax

1. Appointment of Evaluation Committee at Publication Stage

1.1 Tender Evaluation Committee (TEC) means boards or committees appointed by Contracting Authorities (CAs) with the purpose of adjudicating submissions of offers and for making recommendations thereon.

A TEC is to be set up **prior to the publication of a tender.** The tender will not be published unless the nomination of the TEC has been approved a priori.

1.1.1 The following procedure is to be adopted for the appointment of the TEC:

(i) The TEC shall be nominated by the Head of the CA and approved by:
(a) the Head of the CA for Departmental Tenders published by CAs listed under Schedule 2 of SL 601.03 and by Contracting Entities involved in activities outlined in S.L. 601.05.

(b) the Sectoral Procurement Directorate for tenders utilising an open or restricted procurement procedure having an estimated procurement value exceeding €10,000 Excluding VAT but not exceeding €750,000 Excluding VAT and where the CA is listed under Schedule 16 of SL 601.03[1].

(c) the Director General (Contracts) for tenders exceeding €143,000 Excluding VAT[2] (Schedule 2 CAs) and exceeding €750,000 Excluding VAT (Schedule 16 CAs).

(d) the Head of the CA for tenders published by CAs listed under Schedule 3 of SL 601.03.

(ii) A schedule for the committee meetings is to be drawn up immediately after the approval of the TEC. This shall ensure that the Chairperson, the members and the secretary are allowed ample time to familiarize themselves with the tender in question and to follow up any requests for clarifications during the submissions period.

(iii) If any member of the TEC cannot commit to the schedule set, the Head of the CA / Sectoral Procurement Directorate / Director General (Contracts) should be informed beforehand within two (2) working days from notification. The Head of the CA / Sectoral Procurement Directorate / Director General (Contracts) is to consider whether such reasons justify the inability of the member to commit to the schedule. If the case is justified, the Head of the CA is to immediately appoint another member as per point (i) above.

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[1] *Please refer to Contracts Circular 04/2021.*

[2] *The relevant threshold for Contracting Entities operating under the Utilities Regulation S.L. 601.05 currently reads Euro443K Excluding VAT.*

1.2 CAs must nominate the members of the TEC with a *minimum of five (5) persons* for approval and in order to be eventually associated on the electronic Public Procurement System (ePPS), as in 1.1. Unless otherwise approved by the Director General (Contracts), a TEC shall consist of a Chairperson, a Secretary and a minimum of three (3) or any odd number of evaluators (voting members).

1.3 For Call for Quotations (CfQ) – the nomination of three (3) members to sit on the TEC will suffice *(one can be appointed as Chairperson with voting rights and the other two as evaluators – therefore – the three will have voting rights and the Chairperson will need to finalize the evaluation).* Similarly for the establishment stage (Phase 1) of the Dynamic Purchasing System (DPS) – the nomination of three members to sit on the TEC will suffice. Invariably, **the minimum evaluators with voting powers shall always be an odd number, starting at a minimum of three (3).**

1.4 The evaluation of tenders must be carried out by a suitably competent evaluation panel and in accordance with the Public Procurement Regulations (2016) and EU principles of equal treatment, non-discrimination and transparency. The TEC shall consist of members who are experts in their own right and shall possess the following qualities:

I. Competence
II. Qualifications
III. Technical Knowledge on the Subject
IV. Track record with particular emphasis on the general subject/s
V. No Conflict of Interest
VI. Impartiality and Confidentiality.

Accordingly, as being indicated in Annex II of this SoP, the nominated Chairperson, Secretary and Evaluators are recommended to attend for training courses available through the IPS prospectus, as follows:

The **Chairperson and Secretary (non-voting members)** are recommended to attend for the following courses:
- 4F2016 Continuous Development Award in Public Procurement (MQF Level 4) (5 half days);
- OD1322 Electronic Public Procurement (3 half days); and
- OE8822 Evaluators Training (1 half day).

The **Evaluators (voting members)** are recommended to attend for the following course:
- OE8822 Evaluators Training (1 half day).

The Training Programme requirements, particularly also those in relation to the ePPS, are not intentioned to disrupt the CA's daily routine. The main scope is to emphasise the necessity that TEC members are trained hands-on on all aspects of procurement including the electronic know-how.

1.5 The Secretary shall be conversant with the procurement procedures so as to take care of all necessary rectifications/clarifications.

1.6 All members are required to confirm their acceptance to be members of the TEC.

1.7 A Curriculum Vitae (CV), as per the one in Annex I, should be prepared by each member of the TEC and retained for record purposes. CVs of TEC members constitute personal data and therefore should be protected from unauthorised disclosure in line with the General Data Protection Regulations (GDPR). *It is therefore considered to be essential that when any officer dealing with a tender requires to send material and information relating to the procurement process, files containing CVs of the TEC should never be included as attachments with such material, unless such a request for CVs is carried out in a lawful manner and in line with GDPR.*

This will serve to ascertain that the members of the TEC have the relevant qualifications, competence, experience and technical knowledge to sit on such committees. As a general rule TEC nominees are to be employees within the Public Service/Sector.
In exceptional circumstances and upon the approval of the Director General (Contracts) or his delegate as the case may be, nominees may also be Ex-officio and/or retired Public Service/Public Sector employees or non-public employees who have extensive experience in public procurement and may serve as evaluators on TECs. In such cases, it must be ensured that the nominee does not have any conflict of interest in the tender/s to be adjudicated.

1.8 The Department of Contracts has also introduced authorised 'pool of evaluators' – which mainly consist of a group of selected officials who are competent, experienced and conversant with procurement processes and who uphold the Public Procurement Regulations (2016) and EU principles of equal treatment, non-discrimination and transparency. These officials shall be nominated by the Head of the CA from different spheres within the Public Service/Sector and shall specifically be appointed as evaluators on different TECs as required.

1.9 For clarity, it is reiterated that the Chairperson and Secretary do not have voting rights. Their main task is to guide and assist the members of the TEC.

1.10 During the publication stage, it is recommended that members of the TEC thoroughly read the tender so that they are fully conversant with all the requirements, specifications and conditions of the tender.

1.11 It should be noted that any addenda, corrigenda, minutes of site meetings, minutes of clarification meetings and other clarifications issued during the publication stages shall form an integral part of the original procurement documents.

1.12 In the event that the subject matter under evaluation is beyond the knowledge of the appointed TEC, the CA may engage the services of a competent Consultant / Technical Advisor. The appointed Consultant / Technical advisor shall have no voting powers unless he/she is a public sector employee and is nominated directly on the TEC. Therefore, in the case of the latter, he/she shall be a voting member. Such competent Consultant / Technical Advisor should be nominated and approved together with the TEC.

The role of the said Consultant / Technical Advisor is only to assist the TEC and not take decisions on their behalf. Therefore, the TEC is at liberty to accept or not the advice of the Consultant / Technical Advisor. Ultimately, the TEC has to bear the responsibility of their actions and recommendations throughout the whole evaluation process.

The TEC is to keep in mind that while the Consultant / Technical Advisor is an expert in the particular technical field, it is the TEC that has the expertise in public procurement and is responsible of ensuring that Public Procurement Regulations (2016) and its emanating principles are adhered to.

If the appointed Consultant / Technical Advisor is external, he/she shall draw up a Technical Report (including findings, observations, merits and recommendations) which shall not form part of the Evaluation Report; however, it shall be uploaded in the restricted area of the ePPS. The TEC shall review and consider the Technical Report. Thereafter, the TEC shall formulate its own opinion on the merits of the bid/s and if deemed necessary it shall reproduce part/s of the Technical Report in the Evaluation Report as part of its 'own' evaluation and recommendation/s.

Similarly to the above, if any generic guidance vis-à-vis the evaluation processes are sought through the Department of Contracts, without the TEC divulging the identity of any of the bidders in view that such would be confidential, such guidance relayed cannot be part and parcel of the report submitted.

1.13 The appointed consultant / technical advisor shall draw up a technical report. However, the CA is responsible to keep the report in main file for auditing purposes and to upload this report in the restricted area through the ePPS.

When GPP requirements are part of the adjudication, such are to be evaluated as part of the adjudication process and if need be generic advice should be obtained through the GPP office. Another option would be that the offers being evaluated, are sent to the GPP office - **with only the snippets where GPP is concerned, without divulging any information related to the respective bidders** - to be checked accordingly. In this respect, the role of the GPP office should only be that of a consultative one. If the TEC wish that a GPP member is part of the TEC (one of the three voting evaluators), official approval should be sought and the GPP officer will officially be a voting member.

1.14 Pursuant to Regulation 17 of the Public Procurement Regulations S.L. 601.03 and Regulation 36 of Utilities Procurement S.L. 601.05, the Evaluation Committee shall communicate and address the said Evaluation Report to the responsible body, namely the Director General (Contracts) or the Departmental Contracts Committee (DCC) or the Sectoral Procurement Directorate or the Head of the CA, as the case may be. The uploaded documents should include the information referred to in Contracts Circular 10/2020 and any additional documents shall be included in the restricted area as annexes to the automated evaluation report. The report and the documents uploaded shall include (but not be limited to) the following information (as applicable):

I. Name and address of the Contracting Authority.
II. Subject-matter and Value of the recommended Awardee.
III. Results of the Qualitative Selection (where applicable) including the
    (i) Names of the Selected Bidder/s and the Reasons for their selection and
    (ii) Names of the Rejected or Excluded bidders and the Reasons for their rejection/exclusion.
IV. Reasons for the Rejection of Offers found to be Abnormally Low (if applicable).
V. Name of the Successful Bidder and the Reasons why the offer was selected.

VI. Share of the contract which the Successful Bidder intends to subcontract to third parties (if known and if applicable).
VII. Name/s of the Main Contractor's Subcontractors (if known and if applicable).
VIII. Reasons why there was no award of a Contract (where applicable).

2. Evaluation Stage and Time-Limit for Evaluation

2.1 The workings of the TEC shall be as follows:

(i) The TEC is bound to adhere to the schedule set at publication stage and complete the evaluation process within four (4) calendar weeks from the date of unlocking of tenders. This applies to all procurement estimated above €10,000 excluding VAT.
(ii) The whole evaluation process must be finalized within the 4-week timeframe, including clarifications, rectifications or requests for samples.
(iii) Should the TEC fail to meet the 4-week deadline, the Committee will be summoned and will be required to explain the delay:
   a) For tenders falling under regulation 9(1)(a) the TEC will be summoned by the Head of the CA;
   b) For tenders administered by the Sectoral Procurement Director, the TEC will be summoned by the Head of the SPD;
   c) For tenders falling under regulation 9(1)(b) the TEC will be summoned by the General Contracts Committee (GCC);
(iv) The Head of the CA / Head of the SPD / GCC may consider endorsing a one- time extension based on the justification presented by the Evaluation Committee during the summoning process.
(v) Prior to presenting to the DCC / GCC, the justification for extension of the 4-week timeframe may be approved:
   a) For Departmental Tenders, only by the Head of the CA through the respective Permanent Secretary or his delegate.
   b) For SPD tenders, only by the Head of the SPD through the respective Permanent Secretary.
   c) For above threshold procurement, by the Director General (Contracts) or his delegate.

Exceptions may be considered for instance in relation to large-scale projects for which the TEC can request an extension to the 4-week timeframe by providing the deadline for the submission of the evaluation report.

2.2 During the first meeting of the TEC, the Chairperson shall call out the Tenderer ID of all those who submitted a tender.

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

2.4 Each TEC member must agree to the Declaration of Impartiality and Confidentiality through the ePPS. Whereas any externally appointed Consultant/s / Technical Advisor/s shall provide this form - as per document attached at Annex IV and uploaded through the restricted area. This form/endorsement through the ePPS will be declaring that the TEC member, irrespective of his/her role, has no personal interest or connections with any of the participating economic operators and that s/he understands and can perform within the ground rules and procedures.

2.5 The Secretary to the Board shall retain the Declaration of Impartiality and Confidentiality documents duly endorsed by the Consultant/s / Technical Advisor/s (if applicable) and will eventually upload the forms through the restricted area.

2.6 The Chairperson will then proceed to explain briefly the composition of the tender and the method of evaluation to be adopted including the award criteria as stipulated in the procurement document. Such details are found in the tender itself. The Chairperson may proceed to explain such matters as to whether the tender is based on any other procurement procedure other than the open procedure.

2.7 The Chairperson and the Secretary are there to guide and assist the evaluators. The Chairperson will, at the end of the process, need to approve or otherwise the Evaluation through the ePPS and prepare the necessary summary.

2.8 Contact with participating bidders **MUST** be strictly through means allowed by the General Rules Governing Tenders and the Public Procurement Regulations (2016).

2.9 Any attempt by any candidate or tenderer to obtain confidential information, enter into unlawful agreements with competitors, or influence the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his candidacy or tender and may result in administrative penalties.

2.10 During adjudication, the TEC may deem necessary to request clarifications and/or rectifications. Any communication concluded during the adjudication stages with the bidders must be made through the ePPS.

2.11 Replies to clarifications and/or rectifications must be submitted within the time frames stipulated in the published procurement document. Failure to comply will result in the tender offer not being considered any further.

2.12 The TEC must provide justifications, substantiating its decisions and final recommendations.

2.13 The reason/s for declaring a bid as non-compliant must be clearly documented and any supporting documents must be included in the online evaluation.

2.14 Reasons deeming offers as non-compliant must refer to the specific clauses as published in the procurement document.

2.15 Adjudication of offers must be carried out by each evaluator independently.

2.16 The Evaluation Process shall proceed in the following three (3) sequential stages:

I. Administrative Evaluation
II. Technical Evaluation
III. Financial Evaluation

Evaluation guidance can be found through the following links under the Resources Section: www.contracts.gov.mt and www.etenders.gov.mt/Resources.

3. Validity of tenders and the tender guarantee (bid bond) (if applicable)

When a Tender Guarantee (Bid Bond) is requested, bidders are to submit a scanned copy (of the Tender Guarantee (Bid Bond)) through the ePPS as indicated in the Tender Response Format, followed by the submission by post or by hand to the Department of Contracts of the original copy within the stipulated time frame mentioned in the procurement documents.

The Department of Contracts will provide the Evaluation Committees' Chairperson with a scanned copy of all time- stamped tender guarantees received.

Evaluation Committees should not just take into account the submission of the scanned copy of the Tender Guarantee (Bid Bond) required, but also carry out the necessary verifications on the original copy. The evaluation through the ePPS, as necessary, in the eligibility section justifications/comments or in the conclusion as applicable, should also make reference to this verification.

During the evaluation process, rectifications/clarifications may only be requested (through the necessary channels) vis-a-vis information/requirement already stipulated in the published procurement documents. No additional/supplementary information is allowed.

To ascertain this, in the request for rectifications/clarifications the TEC is to specifically quote the relevant Article/Clause in the procurement document.

Requests for Clarifications/Rectifications concerning a previous request dealing with the same shortcoming shall not be entertained.

More information re how rectifications/clarifications are to be processed through the ePPS may be accessed through the Evaluation Clarification Enhancements Guidance Notes.

3.1 Administrative Evaluation

The TEC shall refer to the tender specifications included in the tender under review so as to ensure that the documents required have been included in the forms and documents submitted through the tender structure (.xml – tender response format). Although not exhaustive, the administrative documents required shall normally include all those requirements included in the Instructions to Tenderer's (Section 1) of the procurement document; namely, the Eligibility Criteria, Exclusion (including Blacklisting) Criteria and Selection Criteria. For tenders above the departmental threshold (currently Euro143,000 excluding VAT), these criteria are all encompassed in the integrated European Single Procurement Document (ESPD).

The TEC must check and ensure that all documentation requested has been submitted and duly filled in. As per GRGT Articles 3.1 to 3.5, Bidders may submit up to **three (3) multiple bids which should all be non-identical (technically and financially)** for a tender. In cases where bidders submit more than three (3) non-identical bids, the evaluation board will only consider the first three (3) cheapest offers submitted - irrespective of their administrative, technical and financial compliance. All other bids submitted by the tenderer will be

automatically disqualified. Due to the ePPS upload constraints – 'multiple bids' here does not refer to instances where a single bid is divided into multiple submissions. For multiple tenders, the same Bid Bond (Tender Guarantee) if applicable, may be uploaded for each respective offer.
In any case, if any submissions lead to any form of conflict of interest, collusion, or improper practice, the Central Government Authority/Sectoral Procurement Directorate/Contracting Authority reserves the right to disqualify any submission as necessary.

An Economic Operator may not, tender for a given contract both individually and as a partner in a joint venture/consortium.

An Economic Operator may not tender for a given contract both individually or as a partner in a joint venture/consortium, and at the same time be nominated as a subcontractor by any other tenderer, or joint venture/consortium.

An Economic Operator may act as a subcontractor for any number of tenderers, and joint ventures/consortia, provided that it does not participate individually or as part of a joint venture/consortium, and that the nominations do not lead to a conflict of interest, collusion, or improper practice.

Furthermore, and specifically in relation to Key Experts, an Economic Operator cannot submit an offer as a 'Bidder' and then also be nominated by other Economic Operators as their Key Expert. However, when one participates **as a Key Expert** only, he/she can then be nominated by more than one Economic Operator. **A Key Expert cannot bid as an individual and then also be nominated by other bidders.**

Non-abidance to Articles 3.1, 3.2, 3.3 and 3.4 by Economic Operators in their composition and submissions shall lead to the outright disqualification of <u>all</u> of the bids in question.

The Evaluation Committee is to obtain the prior approval (including specific wording) of the Director General (Contracts) / Departmental Contracts Committee / Sectoral Procurement Directorate (SPD), as the case may be, to request tenderers to submit information (rectification) that was not submitted with the documents (under Note 2) within a specified time frame. The Committee may also seek clarifications from tenderers where the information submitted is deemed as not sufficiently explicit and clear.

Where clarifications/rectifications are required, communication with the tenderer/s is to be done in writing by the Chairperson or the Secretary of the Committee, **through the ePPS, <u>after</u> obtaining the required approvals**, as may be applicable. It is advised that the templates provided with the Procurement Policy Notes published through this Department are utilised at all times. It is to be noted that any requests put forward to tenderers will be carried out without any commitment whatsoever on part of the Government of Malta.

In case there are identical offers submitted by the same bidder; a clarification is to be sent to the bidder (following the necessary approvals) so as to confirm whether both offers are to be

considered as multiple offers or if otherwise, which is the offer to be taken into consideration. The clarification letter should not include the wording that if a reply is not received the bids shall be disqualified, but rather, if no reply is received both bids will need to be evaluated.

3.2 Technical Evaluation

Following completion of the Administrative Evaluation, the TEC then proceeds to evaluate the technical offers submitted by tenderers which were determined as administratively compliant. ***Tenders considered as administratively non-compliant are not to be considered further.*** **In such scenarios the TEC must give a "0" score on the ePPS vis-a-vis the technical criteria. Under normal circumstances a "0" scoring indicates non-compliance of offer, however, given that in such cases the technical part was disregarded the TEC must give clear reasoning thus justifying the "0" scoring.**

The TEC shall refer to the tender specifications included in the tender under review so as to ensure that the documents and details required have been included in the forms and documents submitted by each tenderer, particularly the 'Tenderer's Technical Offer/Questionnaire' (for Service, Supply and Works tenders) and the 'Organisation and Methodology' (for Best-Price-Quality-Ratio [BPQR] tenders).

All documentation submitted must be analysed in detail. **It should be noted that any documents, specifications and/or other forms of submission that were required as a mandatory requirement but not submitted will disqualify the tenderer and further evaluation cannot take place. The TEC <u>cannot</u> request tenderers for any information that was not submitted with the documents.**
The TEC can only seek clarifications from tenderers where the information submitted is not sufficiently explicit and clear (as per Note 3 in the tender document). Rectifications, note 2, are permissible in the technical evaluation stage vis-a-vis the Key Experts (and the relative forms) and Literature <u>only</u>.

Where clarifications are required, communication with the tenderer(s) is to be done in writing, by the Chairperson or the Secretary of the TEC **through the ePPS, after acquiring the necessary authorization as applicable.**

For tenders which value is above the departmental threshold, the TEC must first seek approval from the Director General (Contracts) or the Sectoral Procurement Directorate (SPD) or as applicable **before** submitting clarifications to the tenderer(s). For Departmental tenders, approval must be acceded through the Departmental Contracts Committee (DCC) or the Sectoral Procurement Directorate (SPD) as applicable.

When requesting clarifications, tenderer/s are to be given sufficient time for replies in line with the timeframes stipulated in the procurement document. Accordingly in the clarification request sent to the tenderer/s, a specific time and date shall be given for receipt of replies. It is to be noted that any requests put forward to tenderers will be carried out without any commitment whatsoever on part of the Government of Malta.

Those tenderers that qualify from the technical evaluation, will be requested to submit the samples (if applicable) to corroborate the technical offer, within a specific date and time and as

originally indicated in the Sample list as issued with the tender document. Nevertheless, in terms of Regulation 12(1)(b) of S.L. 601.03, the Director General (Contracts) can request samples as necessary during any evaluation process.

The TEC may raise requests for the submission of CVs by Key Experts and for the submission of samples without the need to request any authorisations through the Department of Contracts, the Sectoral Procurement Directorate or the Departmental Contracts Committee.

It should be noted that tenderers who fail one or more of the technical requirements shall be rejected.

For tenders issued under the Best Price Quality Ratio (BPQR) as award Criteria, when a submitted Tenderer's Technical Offer/Questionnaire fails to meet any one of the pre-established minimum mandatory technical requirements not included in the BPQR table, the offer is to be considered as technically not compliant and consequently a 'zero' (0) score is to be allocated in the relevant ePPS slot. Although this effectively disqualifies the particular offer, the evaluation of all the other BPQR criteria is to be carried out, in order to be in a position to provide the tenderer with the strengths and weaknesses of the offer in relation to all of the published criteria.

The Technical Evaluation Grids as being reproduced in Annex III of this SoP are obligatory to be drawn up and contents uploaded through the ePPS. These consist of the 'Individual Grid' which needs to be filled in by the evaluator for each bidder, the 'Average Score Grid', where the Secretary obtains the three individual scores given by the evaluators, and an average is calculated. The third grid, 'Summary Grid' needs to contain the official justifications of each criterion where the marks are deducted.[3]

3.3 Financial Evaluation

Following the completion of the Administrative and Technical Evaluation, the TEC then proceeds to evaluate the financial offers submitted by tenderers which were determined administratively and technically compliant. **Tenders considered administratively and/or technically non-compliant need not be considered further.**

Financial offers and any related documentation submitted must be analysed in detail and workings shall be checked for arithmetical errors both in computation and summation.

Unit costs shall be multiplied by the quantities as detailed in the original tender document and total costs shall be summed up.

[3] *This should be read in conjunction with the contents of Contracts Circular 10/2020.*

Any rate, line item, or total which has been left empty but can be worked out arithmetically, should be worked out by the TEC.

It should be noted that, where there is a discrepancy between amounts in figures and in words, the amount in words will be the amount taken into consideration.

Furthermore, except for lump-sum contracts, where there is a discrepancy between a unit price and the total amount derived from the multiplication of the unit price and the quantity, the unit price quoted will be the price taken into consideration.

Any item that is left unpriced by the Economic Operator (both rate and line total) shall be deemed as absorbed in the grand total and therefore that it is free of charge. The TEC should confirm this with the bidder so as such an item will also be deemed as free of charge in case of any necessary modifications.

A confirmation (as per templates provided by this Department in Procurement Policy Note 7) of the said arithmetic correction/s is to be forwarded by the TEC through the ePPS, to the tenderer so that he/she confirms the identified arithmetic correction.

A copy of the adjusted Financial Bid is to be attached to the Financial Offer Confirmation. Accordingly, the Evaluation Committee shall adjust the submitted Financial Bid through handwritten amendments; so a copy of the full revised Financial Bid is sent to the bidder, so he/she can confirm this arithmetic correction. **Procurement Policy Note #07 (updated) outlines that no prior approval of the Director General (Contracts), the Sectoral Procurement Directorate (SPD), the Departmental Contract Committee (DCC) or as applicable, as the case may be, shall be sought before any communication with bidders ensues in relation to arithmetical corrections.**
A table must be drawn up, showing the ID of the tenderers, the actual values as submitted and value of offers that have been arithmetically corrected. In the event that the tender is divided into lots, a separate table must be drawn up for each lot.

In the event of arithmetical errors, the amount stated will be adjusted by the TEC and the tenderer will be bound by that adjusted amount:
(i) If the tenderer does not accept the adjustment, his tender will be rejected, and his tender guarantee may be forfeited.
(iii) The TEC must determine the final tender price, based on the arithmetical corrections performed.

Three decimal points do not exist in the Euro currency. Therefore, financial offers including any amount being quoted having three decimal points, cannot be accepted and will be disqualified. Offers are to be submitted up to two decimal points.

All administratively, technically and financially compliant offers shall form part of the 'Final Ranking'. Full ranking shall apply vis-a-vis all types of award criteria. This means that:

(1) Whenever there are a number of bids some of which are within the estimated budget and others are not within, but all are administratively and technically compliant, all of them must be ranked.
(2) If all the bids received are administratively and technically compliant and above the estimated budget but the Contracting Authority confirms funds availability and shall be recommending the tender for award, all tenderers must be ranked.
(3) Therefore, the only instance wherein offers above the published estimated budget are not ranked is the following:

If the Evaluation Committee considers that all offers excessively exceed the Estimated Procurement Value – **and no extra funds are available** - such are to be declared as economically not feasible/not financially worthwhile. In this case such offer/s should not be ranked, and the Procurement Call would need to be cancelled as per the applicable sub-article of Article 18.3 of the GRGT: *The tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all.*

On the other hand, a Financially Non-Compliant offer (and thus the offer should not be ranked) refers only to an incomplete/missing or an incorrect Financial Bid, which cannot be clarified through an arithmetic error, or wherein the bidder does not accept an arithmetic correction as communicated by the TEC during evaluation.

There might be instances where some offers may be rejected in view that these are deemed as abnormally low. More information on this, one should go through the relative Guidance Note available through the Resources Section of the ePPS (www.etenders.gov.mt) and follow the respective guidance and in line with the Public Procurement Regulations (2016).

In the eventuality that the recommended award of the contract to the first ranked tenderer (which was within the Estimated Procurement Value) is rejected by the Economic Operator, the evaluation should be re-opened, and a fresh evaluation should be drawn up.

4. Conclusion of the Evaluation Process

4.1 A **final decisions** to generate the report **shall be made by the TEC.**

For tenders administered by the **Department of Contracts on behalf of Contracting Authorities**, the TECs are invariably to prepare the draft letters for notification of award/rejection/cancellation and forward these letters in soft copy to the person/section that will notify the bidders of the outcome of the tendering procedure.

For tenders administered by the **Sectoral Procurement Directorate (SPD) on behalf of Contracting Authorities**, the Evaluation Committees may be requested to prepare the draft letters for notification of award / rejection / cancellation and forward these letters in soft copy to the person/section that will notify the bidders of the outcome of the tendering procedure.

Upon receipt, prior to sending the letters to un/successful bidders, the competent authority (the Department of Contracts or the Sectoral Procurement Directorate or the CA itself as applicable) shall amend the said letters as necessary and as deemed required.

4.2 The TEC must draw up clear recommendations, which shall be presented for the approval of the Departmental Contracts Committee / Sectoral Procurement Directorate / General Contracts Committee and in case of an award, it should clearly validate in the evaluation report conclusion, why the awarded price is considered as fair and reasonable when compared to the estimated procurement value of the procurement in question.

4.3 In case it transpires those clarifications/rectifications were issued by the TEC but these were not approved through the necessary channels described at 4.1 above during evaluation, the Departmental Contracts Committee, the Sectoral Procurement Directorate, the Department of Contracts or the General Contracts Committee reserve the right to cancel the procurement procedure.

5. Remedies

5.1 Members of Evaluation Committees should familiarise themselves with the remedies provisions in procurement regulations.

5.2 It should be noted that members of the Evaluation Committee shall be present during the public hearing and may be called to give witness and provide sufficient evidence and clarifications as to the conclusions submitted.

5.3 In line with the Right of Appeal quoted in the General Rules Governing Tenders, once an objection is filed through the Public Contracts Review Board, the whole tender process is halted.

In the event that an objection is lodged at the Public Contracts Review Board (PCRB), within the stipulated timeframes, and including the required deposit and the PCRB rules in favour of the appellant, it is highly likely that the appellant is reinstated in the process.

A new TEC is to be appointed through the necessary channels and this new TEC is to start afresh the evaluation, taking into account the PCRB decision and submit fresh recommendations. A new appeals period is to follow.

In the event that after the closing date of submission of offers, the CA decides that the procurement is no longer required, the TEC must just the same evaluate through the ePPS and thereby recommending the cancellation of tender, based on the advice by the CA, and in terms of the General Rules Governing Tenders.

5.4 Should there be no objections, post-standing period; the Economic Operator recommended for award will be prompted to accept the award through the ePPS.

ANNEX I

CURRICULUM VITAE

Ref:	
Tender Title:	

Employed within the *(Tick as applicable):*	**Public Service** ☐ **Public Sector** ☐ **Other** ☐

Proposed role in the project:

1. **Name and surname:**
2. **Education:**

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

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

Language	Reading	Speaking	Writing

4. **Other Skills:**
5. **Present position within the Contracting Authority:**
6. **Number of years within the Contracting Authority:**
7. **Specific professional experience in the region:**

Date from - Date to	Contacting Authority	Position	Description of duties (in general)

8. **Other relevant information** (e.g. Publications)

Annex II: Nomination of Tender Evaluation Committee

You are kindly requested to nominate a minimum of five (5) officers (including a Chairperson and Secretary) to sit on the Evaluation Committee in connection with the reference and title of the tender in question. As a general rule, Evaluation Committee nominees shall be employees within the Public Service/ Sector.

The Department of Contracts would like to bring to your attention that the Tender Evaluation Committee (TEC) shall consist of members who are experts in their own right, competent in the relevant field and possess the following qualities, attributes, knowledge, experience and skills:

I. Competence
II. Qualifications
III. Technical knowledge on the subject
IV. Track record with particular emphasis on the subject matter under review
V. Impartiality and Confidentiality
VI. No Conflict of interest

Moreover, all the TEC members are expected to be familiar and conversant with procurement processes, uphold the Public Procurement Regulations and put in practice the EU principles of Equal Treatment, Non-Discrimination and Transparency.

Moreover, the Evaluation Committee members shall endeavor to attend procurement -related Training Programmes organised by the Institute for Public Service in collaboration with the Department of Contracts. However, the Chairperson and the Secretary are recommended to be in possession of the MQF Level 4 accredited certification in respect of the Continuous Development Award (CDA) in Public Procurement (*previously known as the National Public Procurement Regulations – NPPR*) which amongst others includes a session specifically on the Evaluation Process. In addition, the Chairperson and the Secretary are recommended to also attend the 3-day Electronic Public Procurement and the 1-day Evaluators' Training for e-Tenders courses; both training programmes take a practical and hands-on approach on Government's electronic procurement platform (the ePPS). Furthermore, the voting evaluators are recommended to attend the Evaluators' Training for the e-Tenders course.

In line with the above, the Contracting Authority shall nominate Evaluation Committee members who possess the above-mentioned criteria. To this effect, through the submission of a Curriculum Vitae (CV) (which amongst others shall include the current place of work and position) of each nominated officer the Contracting Authority shall ensure that the above criteria are respected. Accordingly, each member of the Tender Evaluation Committee shall prepare a Curriculum Vitae as per the CV Template detailed in Annex 1 of the latest version of the 'Standard Operating Procedures: Guidelines for Tender Evaluation Committees.

Moreover, the Contracting Authority shall compile the below table providing the required details:

TEC's Role	Name & Surname	e-mail address	e-PPS Username	Contracting Authority	CDA Certification [MQF Level 4]*	Electronic Public Procurement*	Evaluators' Training on the ePPS*
Chairperson							
Secretary							
Evaluator							
Evaluator							
Evaluator							
Contract Manager 1**							
Contract Manager 2**							
Contract Manager 3**							

**Indicate with a Yes or No or N/A if the Tender Evaluation Committee member attended (or not) the respective course.*

Kindly be reminded that the Director General (Contracts) has the authority, and reserves the right, to disqualify any or all of the Tender Evaluation Committee members if any of the aforementioned criteria or content of this communication are not respected and complied with.

Lastly, once the officers are approved to sit on the Tender Evaluation Committee, each member shall thoroughly review the 'Standard Operating Procedures: Guidelines for Tender Evaluation Committees' in order to prepare oneself prior to the actual commencement of the Evaluation Process. In addition, Tender Evaluation Committee members shall thoroughly read the Procurement Document (including all published ancillary documentation) in relation to the Call for Tenders that they shall evaluate. Furthermore, members are highly encouraged to familiarise themselves with other procurement documentation such as, but not limited to, the General Rules Governing Tenders, Procurement Policy Notes and Contracts Circulars.

Contract Manager

In line with Contracts Circular No. 11-2020, prior to the publication of a Procurement Call, Contracting Authorities shall nominate and appoint a Contract Manager/s. The Contract Manager nominee shall be a Public Service/Sector officer with an active ePPS account. The nominations shall be submitted along with the nominees and appointment of the Tender Evaluation Committee members. Accordingly, for ease of coordination, the approval of the Contract Manager nominee shall follow the same procedure. To this effect, the Contracting Authority is required to include details of the Contract Manager/s in the above table.

Annex III: Evaluation Grids

EVALUATION GRID

	Maximum	Evaluator 1	Evaluator 2	Evaluator 3	Average Technical Score
Evaluation Criteria					
Total score	100				

To be completed for each tender offer separately by each evaluator.

CT / Departmental Reference:	Tender Title:			
Tender ID	Tenderer's name	Evaluation Criteria	Points Awarded	Justifications

CT / Departmental Reference:	Tender Title:			
Tender ID	**Tenderer's name**	**Evaluation Criteria**	**Points Awarded**	**Justifications**

Evaluator's Name	
Evaluator's Signature	
Date	

Tender ID **Tenderer's Name**			
	Maximum	**Average Technical Score**	**Justification**
Evaluation Criteria			

ANNEX IV: DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY

PUBLICATION REF: _____

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

I am independent[1] of all parties which stand to gain from the outcome of the evaluation[2] process. To the best of my knowledge and belief, there are not facts or circumstances, past or present, or that could arise in the foreseeable future, which might call into question my independence in the eyes of any party; and should it become apparent during the course of the evaluation process that such a relationship exists or has been established, I will immediately cease to participate in the evaluation process.

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

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

Name	
Signed	
Date	

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

[2] *i.e. all [tenderers/applicants] * who are participating in the [tender/call for proposals]*

** Whether individuals or members of a consortium, or any of the partner or subcontractors proposed by them. * Delete as applicable*

Bank of Valletta p.l.c
Registration Number: C 2833
Registered Office: 58 Zachary Street, Valletta VLT 1130 - Malta

Pay third party

Printed by: Mr. Adriano Spiteri
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Transaction details

Payee type:	Corporate Payee
Company name:	Cashier Malta Government
Relation:	Professional Service
Reason:	Other
Payment details:	CT2345 2024 Appeal
Currency:	EUR - Euro
Beneficiary IBAN/Account:	MT55MALT011000040001EURCMG5001H
Beneficiary IBAN/Account type:	Valid IBAN of country - Malta
Bank name:	Other bank
Bank address / Bank's BIC:	Let the bank apply the beneficiary bank BIC
Beneficiary address:	No
From account:	HospiMalta Limited (EUR) 5002216448 2
Charges should be paid by:	Shared - I pay BOV charges; beneficiary pays the beneficiary bank charges
Amount:	EUR 5,085.00
BOV to transfer the money:	as soon as possible
Receiving bank to get the money as:	normal priority payment
FPAD Result:	The name you entered is very similar to our records: CASHIER MALTA GOVERNMENT CALL ACCOUNT - GENERAL. If you continue without correcting it, the payment may be sent to the wrong person,and recovery may not be possible as it could result in fraud. This Verification of Payee check will not block the payment, but it is simply providing additional security. Please verify the payment details with the recipient before proceeding.
Saved template:	Cashier Malta Government

Additional information

Credit amount:	EUR 5,085.00
Debited amount (excluding charges):	EUR 5,085.00
Estimated amount to be withdrawn from account:	EUR 5,089.00
Transaction charge:	EUR 4.00

Transaction result

Status:	Your instructions have been processed successfully.
Transaction ID:	189091669