



MINISTRY FOR GOZO

REFERENCE NUMBER: MGOZ Q 77/2016

QUOTATION FOR THE INSPECTION OF TWO VRF AIR- CONDITIONING SYSTEMS AT SANTA MARTA DAYCARE CENTRE IN GOZO

Date Published: 29/07/2016

Tender Opening: 11/08/2016 At 10:00am CEST

Participation is free of charge

IMPORTANT

Clarifications shall be uploaded and will be available to view/download from <http://mgoz.gov.mt>

Ministry for Gozo

St. Francis Square, Victoria, Gozo VCT 1335
Tel: 22100222 Email: procurement.mgoz@gov.mt

QUOTATION FOR THE INSPECTION OF TWO VRF AIR-CONDITIONING SYSTEMS AT SANTA MARTA DAYCARE CENTRE IN GOZO

Table of Contents

SECTION 1 - INSTRUCTIONS TO BIDDERS.....	3
1. General Instructions.....	3
2. Timetable.....	3
3. Lots.....	3
4. Variant Solutions.....	3
5. Financing.....	3
6. Clarification Meeting/Site Visit.....	3
7. Selection and Award Requirements.....	4
8. Criteria for Award.....	4
9. Submission of Quotation.....	4
10. Data Protection and Freedom of Information.....	6
11. Gender Equality.....	6
SECTION 2 - EXTRACTS FROM THE PUBLIC PROCUREMENT REGULATIONS.....	7
SECTION 3 - SPECIAL CONDITIONS.....	8
SECTION 4 - TECHNICAL SPECIFICATIONS.....	10
VOLUME 5 - DRAWINGS.....	11
FINANCIAL OFFER.....	12
BIDDER DETAILS.....	13
STATEMENT ON CONDITIONS OF EMPLOYMENT.....	16

~~~~~

# SECTION 1 - INSTRUCTIONS TO BIDDERS

## 1. General Instructions

- 1.1 In submitting a quotation, the bidder accepts in full and in its entirety, the content of this quotation document, including subsequent Clarifications issued by the Contracting Authority (CA), whatever his own corresponding conditions may be, which he hereby waives. Bidders are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this quotation document. No account can be taken of any reservation in the quotation as regards the quotation document; any disagreement, contradiction, alteration or deviation shall lead to the quotation offer not being considered any further.
- 1.2 The subject of this quotation is the Inspection of two VRF Air-Conditioning Systems at Santa Marta Day Care Centre in Gozo
- 1.3 The place of acceptance of this service shall be at Santa Marta Day Care Centre, Victoria, - Gozo, the time-limits for delivery of the first leak test to be carried out on each VRF air-conditioning system shall be within three (3) weeks from letter of acceptance., and the INCOTERM<sup>2000</sup> applicable shall be **Delivery (Duty Paid)**.
- 1.4 This is a fee-based contract.
- 1.5 This call for quotations is being issued under an open procedure.

## 2. Timetable

|                                                                                                                                                                                                   | DATE       | TIME*   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------|
| Clarification Meeting/Site Visit<br>(Refer to Clause 6.1)                                                                                                                                         | 3/08/2016  | 10.00am |
| Deadline for request for any additional information from the Contracting Authority<br>Clarifications to be sent via email on <a href="mailto:procurement.mgoz@gov.mt">procurement.mgoz@gov.mt</a> | 05/08/2016 | Noon    |
| Last date on which additional information are issued by the Contracting Authority                                                                                                                 | 08/08/2016 | Noon    |
| Deadline for submission of quotations<br>(unless otherwise modified in terms of Clause 10.1 of the General Rules Governing Tendering)                                                             | 11/08/2016 | 10:00am |

\* All times Central European Summer Time (CEST) as applicable

## 3. Lots

- 3.1 This quotation is not divided into lots, and quotations must be for the whole of quantities indicated. Quotations will not be accepted for incomplete quantities.

## 4. Variant Solutions

- 4.1 No variant solutions will be accepted. Bidders must submit a quotation in accordance with the requirements of the quotation document.

## 5. Financing

- 5.1 The project is financed from local budget funds.

## 6. Clarification Meeting/Site Visit

- 6.1 A clarification meeting/site visit will be held on the date and time indicated in Clause 2, at Santa Marta Day Care in Victoria Gozo to answer any questions on the tender document 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 as per Clause 6.1 of the General Rules Governing Tendering.

Meetings/visits by individual prospective tenderers during the tender period other than this meeting/site visit for all prospective tenderers cannot be permitted.

## **7. Selection and Award Requirements**

7.1 In order to be considered eligible for the award of the contract, bidders must provide evidence that they meet or exceed certain minimum criteria described hereunder.

### **(A) Eligibility Criteria**

- (i) No Bid Bond is required. <sup>(Note 1)</sup>
- (ii) Declare agreement, conformity and compliance with the General Rules Governing Tendering. (included as part of the Bidder's Declaration) <sup>(Note 3)</sup>
- (iii) Declare agreement, conformity and compliance with the provisions of the Quotation's Declaration. <sup>(Note 3)</sup>
- (iv) Declare agreement, conformity and compliance with the provisions of the Statement on Conditions of Employment. <sup>(Note 2)</sup>

### **(B) Selection Criteria**

#### *Financial and Economic Standing*

- (i) No evidence of financial and economic standing is required

### **(C) Technical Specifications**

- (i) Bidder's Technical Offer in response to specifications. <sup>(Note 3)</sup>

### **(D) Financial Offer**

- (i) A filled-in **Financial Bid Form**.

#### **Notes to Clause 7.1:**

1. Tenderers will be requested to clarify/rectify, within five working days from notification, the tender guarantee only in the following two circumstances: either incorrect validity date, and/or incorrect value.
2. Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete documentation, and/or submit any missing documents within five working days from notification.
3. No rectification shall be allowed. Only clarifications on the submitted information may be requested.

## **8. Criteria for Award**

8.1 The sole award criterion will be the price. The contract will be awarded to the cheapest priced quotation satisfying the administrative and technical criteria.

## **9. Submission of Quotation**

The quotation must comprise the following duly completed documents, inserted in a single, sealed envelope:

- (i) Statement on Conditions of Employment
- (ii) Tenderer's Declaration
- (iii) Financial Offer
- (iv) Bidders Details

All quotations must be received by date and time indicated in the timetable at Clause 2 and deposited in the tender box.

All packages must bear only:

- (i) the reference of the invitation to quotation concerned;
- (ii) the name of the bidder.

The quotations must be submitted in English and deposited in the tender box **before** the deadline. They must be submitted:

EITHER by recorded delivery (courier service) or hand delivered to:

**Procurement Unit  
Corporate Services Directorate  
Ministry for Gozo  
St. Francis Square  
Victoria, Gozo**

Quotations submitted by any other means will not be considered.

No liability can be accepted for late delivery of quotations. Late quotations will be rejected and will not be evaluated.

Bidders may alter or withdraw their quotations by written notification prior to the above deadline. No quotation may be altered after the deadline for submission.

Any notification of alteration or withdrawal must be prepared, sealed, marked and submitted in the same manner as the quotation submission explained above, and the envelope must also be marked with "alteration" or "withdrawal".

Quotations will be opened in a public session on the date and time indicated in the timetable at Clause 2 at the Procurement Unit, Ministry for Gozo, St. Francis Square, Victoria, Gozo. A 'Summary of Quotations Received' will be drawn up and affixed on the Contracts notice board at the Ministry for Gozo and shall also be available to view on the Ministry's website, <http://mgoz.gov.mt/en/Pages/Procurement/Notice%20Board/Notice-Board.aspx>

Reductions or alterations to quotation prices made by bidders after submission will not be taken into consideration during the analysis and evaluation of the quotations.

The Contracting Authority reserves the right to accept or reject any quotation and/or to cancel the whole quotation procedure and reject all quotations. The Contracting Authority reserves the right to initiate a new invitation to quote.

In the event of a quotation procedure's cancellation, bidders will be notified by the Contracting Authority.

In no circumstance 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 quotation, even if the Contracting Authority has been advised of the possibility of damages. The publication of a contract notice does not commit the Contracting Authority to implement the programme or project announced.

## **10. Data Protection and Freedom of Information**

Any personal data submitted in the framework of the procurement procedure and/or subsequently included in the contract shall be processed pursuant to the Data Protection Act (2001). It shall be processed solely for the purposes of the performance, management and follow-up of the procurement procedure and/or subsequent contract 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 Community law.

## **11. Gender Equality**

In carrying out his/her obligations in pursuance of this contract, the tenderer 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. Tenderers are to ensure that these principles are manifest in the organigram of the company 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. In this document words importing one gender shall also include the other gender.

## SECTION 2 - EXTRACTS FROM THE PUBLIC PROCUREMENT REGULATIONS

### *Right of Recourse - Regulation 21 of the Public Procurement Regulations*

The procedure for the submission of separate packages in the tender offer is stipulated in Part II of the Public Procurement Regulations (Legal Notice 296/2010), reproduced hereunder for ease of reference.

1) Where the estimated value of the public contract exceeds twelve thousand euro (€12,000) and is issued by an authority listed in Schedule 1, any tenderer or candidate concerned shall have a right to make a complaint to the Review Board in accordance with this regulation.

2) (a) The contracting authority shall be obliged to issue a notice and affix an advertisement, in a prominent place at its premises, indicating the awarded public contract, the financial aspect of the award and the name of the successful tenderer. The contracting authority shall, by electronic means or by fax, inform the tenderer or candidate concerned of the publication of the award. The contracting authority shall be precluded from concluding the contract during the period allowed for the submission of appeals.

(b) The award process shall be completely suspended if an appeal is eventually submitted.

3) Any tenderer or candidate concerned who is aggrieved by the award indicated by the contract authority may, within five working days from the publication of the notice, file a letter of objection, together with a deposit, with the contracting authority, clearly setting forth any reason for his complaint. The deposit to be paid in respect of tenders valued at less than forty-seven thousand euro (€47,000) shall be four hundred euro (€400), while those between forty-seven thousand euro (€47,000) and one hundred and twenty thousand euro (€120,000) shall be 0.5% of the estimated value of the tender, with a minimum deposit of four hundred euro (€400). The letter by the complaining tenderer shall be affixed on the notice board of the contracting authority and shall be brought to the attention of the recommended tenderer.

4) After the expiry of the period allowed for the submission of a complaint, the contracting authority shall deliver the letter of complaint, the deposit receipt and all documents relating to the public contract in question to the Review Board who shall examine the matter in a fair and equitable manner. In its deliberation the Review Board shall have the authority to obtain, in any manner it deems appropriate, any other information not already provided by the contracting authority. The Review Board shall determine the complaint by upholding or rejecting it. The written decision of the Review Board shall be affixed on the notice board of the contracting authority and copies thereof shall be forwarded to the Director of Contracts and all the parties involved.

5) (a) Any tenderer or candidate who feels aggrieved by a decision taken by the Review Board may appeal to the Court of Appeal (Superior Jurisdiction) as constituted in accordance with article 41(1) of the Code of Organization and Civil Procedure by means of an application filed in the registry of that court within twenty calendar days from the decision on which that decision has been made public.

(b) A copy of the appeal application shall be served on the Contracting Authority and on the recommended tenderer, if any, who may file a written reply within twenty days from the date of service.

(c) The Court of Appeal shall set down the cause for hearing at an early date, in no case later than two months from the date on which the appeal is brought before it and shall cause notice of such date to be given to the parties who, on their part, shall assume the responsibility to visit the court registry and be aware of the latest information regarding the appointment for the hearing of the case.

(d) After appointing the application for hearing, and after listening to the oral submissions made by all parties, the Court shall decide the application on its merits, within the shortest time possible but not any later than four months from the day when the appeal had been filed and the parties have been duly notified. Pending the decision of the Court, the process of the call for tenders shall be suspended.

6) Tender documents issued in terms of this Part shall include a clause informing tenderers that the award of the contract is subject to the right of recourse as provided for in this regulation, a copy of which should be reproduced in the documents.

7) The Minister shall have the authority by order to extend the provisions of this regulation in order that recourse as provided in this regulation be made available also by authorities listed in Schedule 3 and to prescribe the procedure by which such recourse is to be granted.

## SECTION 3 - SPECIAL CONDITIONS

These conditions amplify and supplement, if necessary, the General Conditions governing the contract. Unless the Special Conditions provide otherwise, those General Conditions remain fully applicable. The numbering of the Articles of the Special Conditions is not consecutive but follows the numbering of the Articles of the General Conditions. Other Special Conditions should be indicated afterwards.

### Article 2: Notices and Written Communications

- 2.2 The Officer in Charge  
Engineering Section  
Projects and Development Directorate  
Ministry for Gozo  
St Francis Square  
Victoria Gozo

### Article 5: Supply of Information

- 5.1 As per General Conditions.

### Article 6: Assistance with Local Regulations

- 6.1 As per General Conditions.

### Article 7: Obligations of the Contractor

- 7.8 As per General Conditions.

### Article 13: Medical, Insurance and Security Arrangements

- 13.3 As per General Conditions.

### Article 14: Intellectual and Industrial Property Rights

- 14.3 As per General Conditions

### Article 15: Scope of the Services

- 15.1 The scope of the services is defined in Section 4 (Terms of Reference)

### Article 16: Personnel and Equipment

- 16.3 As per General Conditions.



## **Article 18: Execution of the Contract**

18.1 This call for quotation is for a three-year service agreement

## **Article 19: Delays in Execution**

19.2 Not applicable

## **Article 20: Amendment of the Contract**

20.2 As per General Conditions.

## **Article 24: Interim and Final Progress Reports**

24.1 Not applicable.

## **Article 26: Payments and Interest on Late Payment**

This is a fee-based contract.

26.2 Payments are to be effected within 60 days from the date on which an admissible payment request is registered with the competent department, failing which the provisions of the Late Payments Directive will come into effect (30 days as per General Conditions).

## **Article 27: Pre-Financing Guarantee**

27.2 Not applicable.

## **Article 28: Audit Certificate**

28.4 Not applicable.

## SECTION 4 - TECHNICAL SPECIFICATIONS

1. This call for Quotations is for **three-year service agreement** to inspect two (2) Variable Refrigerant Flow (VRF) Air-Conditioning Systems at Santa Marta Day Centre:
  - **System A: 7 leak tests (once every 6 months); and**
  - **System B: 4 leak tests (once every 12 months).**
2. The first leak test of each VRF air-conditioning system is to be carried out within three (3) weeks from Notification of Award.
3. Prices quoted should be per unit. All prices quoted should be **excluding VAT**.

## VOLUME 5 - DRAWINGS

Design Documents, including Drawings

### Section 5.1

#### *List of drawings attached*

| No | Name                                                    | Drawing No |
|----|---------------------------------------------------------|------------|
| 1. | Air Conditioning Systems at Santa Marta Day Care Centre | 1          |

## FINANCIAL OFFER

Quotation Title: Quotation for the Inspection of two VRF Air-Conditioning Systems at Santa Marta Day Care Centre in Gozo

Reference Number: MGOZ Q 77/2016

| Bill of Quantities       |                                                                                                                                |     |      |                                                                                                                                  |                                                                                                                                         |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----|------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Item                     | Description                                                                                                                    | Qty | Unit | Rate per Item<br><i>incl. delivery,<br/>maintenance and<br/>all other charges<br/>as applicable<br/>(Euro) but excl.<br/>VAT</i> | Total Cost incl.<br><i>delivery,<br/>maintenance,<br/>repairs, taxes and<br/>all charges as<br/>applicable (Euro)<br/>but excl. VAT</i> |
| 1                        | Leak Test of <b>VRF Air-Conditioning for System A</b> at <b>Santa Marta Day Care Centre in Gozo</b> , as specified.            | 7   | No.  |                                                                                                                                  |                                                                                                                                         |
| 2                        | Leak Test of <b>VRF Air-Conditioning Inspection for System B</b> at <b>Santa Marta Day Care Centre in Gozo</b> , as specified. | 4   | No.  |                                                                                                                                  |                                                                                                                                         |
| <b>Total (Excl. VAT)</b> |                                                                                                                                |     |      |                                                                                                                                  |                                                                                                                                         |

Signature : .....

Date: .....

**N.B - Three decimal points do not exist as currency; therefore such offers cannot be accepted. Offers are to be submitted up to two decimal points.**

**NB: Prices quoted shall be all inclusive rates for the Air-Conditioning Inspections.**

## BIDDER DETAILS

(A separate, distinct Bidder Details Form must be submitted for EACH OPTION - if applicable - submitted)

**ONLY QUOTATIONS SUBMITTED IN THE STIPULATED FORMAT WILL  
BE CONSIDERED**

|                                    |  |
|------------------------------------|--|
| Company's Name:                    |  |
| Contact Person's Name and Surname: |  |
| Company's Address:                 |  |
| VAT Registration Number:           |  |
| Telephone Number:                  |  |
| Mobile Number:                     |  |
| E-mail address:                    |  |

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

ID: \_\_\_\_\_

**C TENDERER'S DECLARATION(S)**

**To be completed and signed by the tenderer (including each partner in a consortium).**

In response to your letter of invitation to tender for the above contract, we, the undersigned, hereby declare that:

- 1 We have examined, and accept in full and in its entirety, the content of this quotation document (including subsequent Clarifications Notes issued by the Contracting Authority) for invitation to quotation No MGOZ Q 77/2016 of 29/07/2016. We hereby accept the contents thereto in their entirety, without reservation or restriction. We also understand that any disagreement, contradiction, alteration or deviation shall lead to our tender offer not being considered any further.
- 2 We offer to provide, in accordance with the terms of the quotation document and the conditions and time limits laid down, without reserve or restriction, the service of Inspection of two VRF Air-Conditioning Systems at Santa Marta Daycare Centre in Gozo ,
- 3 The Total of our quotation (inclusive of duties, other taxes and any discounts but excluding VAT) is:  
€.....
- 4 This quotation offer is valid for a period of 90days from the final date for submission of tenders.
- 5 We are making this application in our own right for this quotation. We confirm that we are not tendering for the same contract in any other form. We are fully aware that, in the case of a consortium, the composition of the consortium cannot be modified in the course of the tender procedure.
- 6 We are not bankrupt or under an administration appointed by the Court, or under proceedings leading to a declaration of bankruptcy. We also declare that we have not been convicted criminally, or found guilty of professional misconduct. Furthermore, we are up-to-date in the payment of social security contributions and other taxes.
- 7 We accept that we shall be excluded from participation in the award of this tender if compliance certificates in respect of declarations made under Clause 7 of this declaration are not submitted by the indicated dates.
- 8 We agree to abide by the ethics clauses of the instructions to tenderers and, in particular, have no potential conflict of interests or any relation with other candidates or other parties in the tender procedure at the time of the submission of this application. We have no interest of any nature whatsoever in any other tender in this procedure. We recognise that our tender may be excluded if we propose key experts who have been involved in preparing this project or engage such personnel as advisers in the preparation of our tender.
- 9 We will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any false, inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the Government of Malta and the European Communities.
- 10 Our tender submission has been made in conformity with the Instructions to Tenderers, and in this respect we confirm having included in the appropriate packages as required, the following documentation:

(a) **General Information** <sup>(Note 2)</sup>

Statement on Conditions of Employment

(b) **Evaluation Criteria/Technical Specifications**

Tenderer's Technical Offer <sup>(Note 3)</sup>

(c) **Tender Form, & Financial Offer/Bill of Quantities**

**Notes:**

1. *Tenderers will be requested to clarify/rectify, within five working days from notification, the tender guarantee only in the following two circumstances: either incorrect validity date, and/or incorrect value.*
2. *Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete documentation, and/or submit any missing documents within five working days from notification.*
3. *No rectification shall be allowed. Only clarifications on the submitted information may be requested.*

11 *I acknowledge that the Contracting Authority shall request rectifications in respect of incomplete/non-submitted information pertinent to the documentation listed in Clause 10(a) of this Tender Form. We understand that such rectification/s must be submitted within five (5) working days, and will be subject to a non-refundable administrative penalty of €50, and that failure to comply shall result in our offer not being considered any further.*

12 We note that the Contracting Authority is not bound to proceed with this invitation to tender and that it reserves the right to cancel or award only part of the contract. It will incur no liability towards us should it do so.

Name and Surname: \_\_\_\_\_

I.D. / Passport Number: \_\_\_\_\_

Signature of tenderer: \_\_\_\_\_

Duly authorised to sign this  
tender on behalf of: \_\_\_\_\_

Company/Lead Partner VAT No:  
(if applicable) \_\_\_\_\_

Stamp of the firm/company: \_\_\_\_\_

Place and date: \_\_\_\_\_

## ***Statement on Conditions of Employment***

It is hereby declared that all employees engaged on this contract shall enjoy working conditions including wages, salaries, vacation and sick leave, maternity and parental leave as provided for in the relative Employment Legislation. Furthermore, we shall comply with Chapter 424 of the Laws of Malta (Occupational Health and Safety Authority Act) as well as any other national legislation, regulations, standards and/or codes of practice or any amendment thereto in effect during the execution of the contract.

It is hereby declared that no part of the services to be provided under this contract shall be sub-contracted to an economic operator who has in his employment employees, who are already in employment with the bidding entity and are carrying out, with the sub-contractor, the same or very similar duties as those in their contract of employment with the bidding entity.

The sub-contractor/s agree to all the conditions listed in this statement.

It is hereby declared that the service being provided under this contract will be carried out solely by the bidding entity employees, or bona fide self-employed individuals. No work will be carried out by persons designated as self-employed where their actual employment status in terms of the Employment Status National Standard Order LN 44/2012 is that of an employee.

It is hereby declared that all the employees of the bidding entity, whether providing services to the contracting authority or not, have a written contract of service and are registered with the competent authority of my country, which in the case of Malta is the Employment and Training Corporation. If this tender is awarded to us, we shall furnish a list of employees who will be providing the services. Copies of the written contracts of service of the employees will be available at any time for inspection.

It is hereby declared that the bidding entity's employees shall be given a detailed payslip containing all relevant details including the amount paid, normal hours worked, overtime hours, hours worked on Sundays and Public Holidays, hours availed of as leave or sick leave, a breakdown of bonuses/allowances as well as deductions made (such as social security contributions and income tax).

It is hereby declared that all the wages/salaries of the bidding entity's employees are paid only by direct payment in the employee's bank account.

It is hereby declared that the relevant bank statements of wage/salaries' deposit and copies of the detailed payslips will be made available as and when required by the Director of Industrial and Employment Relations.

It is hereby declared that if the bidding entity is found in breach of any of the above declarations it is accepted that this contract will be terminated and that we will have no right to be compensated for any damage we may have suffered or will suffer in the future in respect to this termination.

A list of the minimum hourly workers' costs involving the provision of the employees' services in this tender is being attached.

Signature .....

Name of Signatory .....

I.D. No. ....

Name of bidder/contractor .....

Date .....



## MINIMUM HOURLY WORKERS' COSTS

The tenderer is to fill in this form and attach it as indicated in the Statement on Conditions of Employment.

The employee's cost per hour of work is worked out on the following:

|                        |  |
|------------------------|--|
| Basic Hourly Rate      |  |
| N.I.                   |  |
| Vacation Leave         |  |
| Bonus/Weekly Allowance |  |
| Public Holidays        |  |
| Sick Leave             |  |
| Total                  |  |