

PUBLIC PROCUREMENT REFORM

Presentation to MCESD

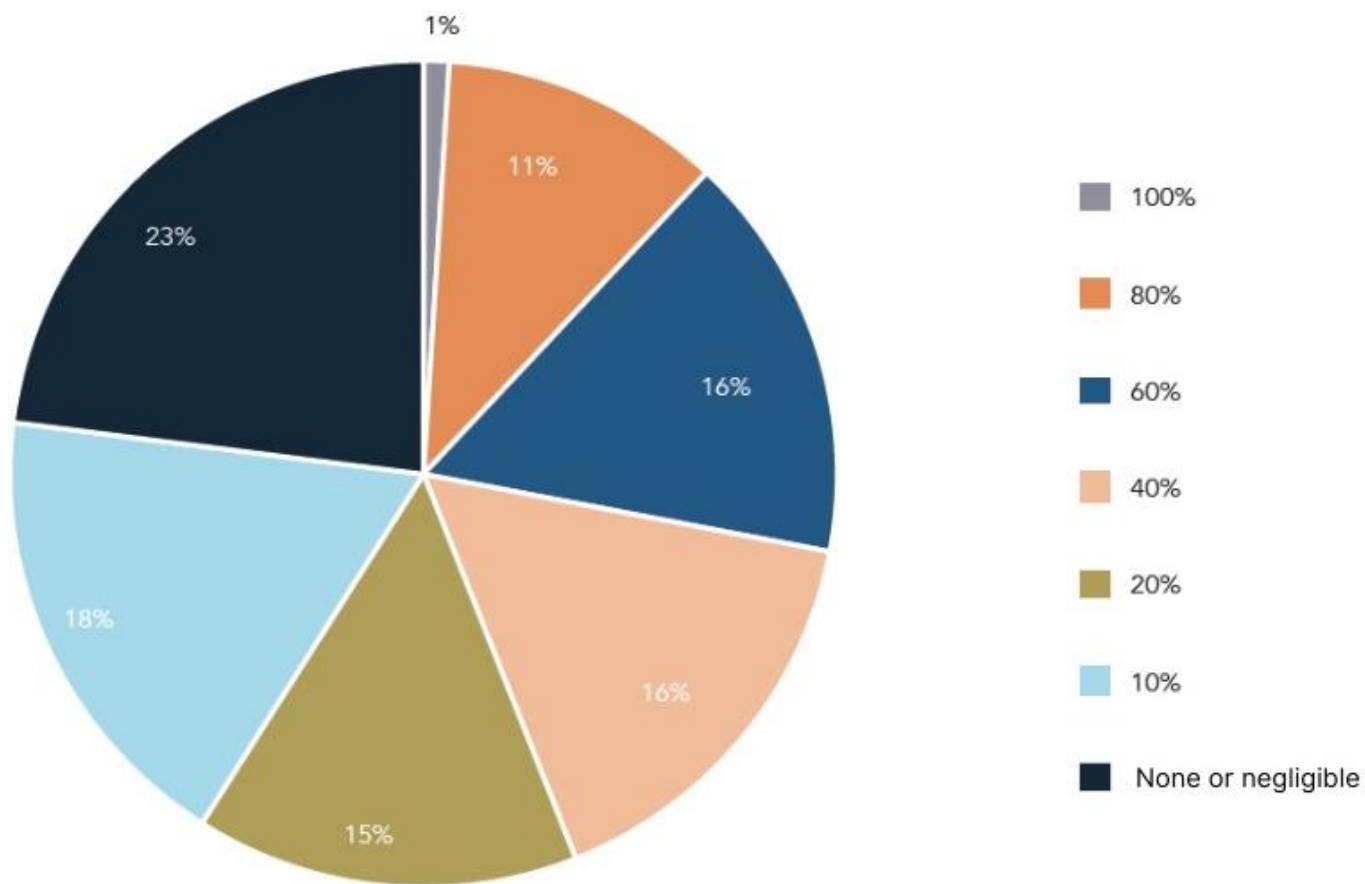


THE MALTA CHAMBER

CELEBRATING
175
YEARS

14.04.2023

Why Is The Reform Required



IMPORTANT and **SIGNIFICANT**
in terms of business opportunities

Fig 1: Proportion of Revenue Generated from Public Contracts

Extracted from Report on Public Procurement Reform 2021, published by The Malta Chamber

Key Elements



The Stages



Pre Tender Issue


During Response Compilation

At Submission

During Evaluation

At Award

Post Award (Start Date & Delivery/Implementation)



63%











Evaluation of tenders should be completed within **1 month of opening of tenders**

33%

Evaluation of tenders should be completed within **3 months of opening of tenders**

30+ proposals

Proposals (1)

-  Procurement **Outlook**
-  Preliminary **Market Consultations/Studies**
-  Clarity on **Clarifications**
-  Better Use of **Lots**
-  The **Green Criteria & OHS** Compliance
-  What Constitutes **Blacklisting**
-  Adequate Publicising & Scrutiny of **Direct Orders**
-  Project **Financing**
-  Timely **Evaluation** of Bids
-  The **Validity** Period



Proposals (2)

Cancellations

- by exception, based on clearly defined and limited situations (no generic exceptions)
- reason/s to be given to bidders
- indication of intended way forward of cancelled project in the short term & long term
- do away with the exclusion of liability of contracting authorities
- introduce liability for loss of profits where bad faith, gross negligence and/or wilful misconduct is proven in the conduct of the procurement procedure and the subsequent cancellation

Proposals (3)

Disclosure iro Recommended Award

- consortia members
- bidders to be able to request:
 - technical information which is already in public domain
 - financial bid form

i

86%

were in favour of the disclosure of the identity of the successful bidder, including, the names of all members of a consortium, joint venture or association

ii

60%

were in favour of the disclosure of successful bidder's technical information submitted and which is already in the public domain

iii

58%

were in favour of the successful bidder's score for each award-criteria (including sub-criteria) in case of a BPQR tender

iv

58%

were in favour of the disclosure of the successful bidder's financial bid form

v

47%

were in favour of the disclosure of the successful bidder's nominated subcontractors

vi

42%

were in favour of the disclosure of the successful bidder's Key Expert List

vii

28%

were in favour of the disclosure of the successful bidder's ESPD

viii

3%

were against the disclosure of any information

Proposals (4)

Public Contracts Register

- publicly accessible and easy to use contract register for **all** public contracts entered into by contracting authorities, including, direct orders
- maximised upon by keeping tabs on the status of public contracts, in particular, whether any payments were made, whether any specific milestones have been reached by the contractor and whether any disputes have been submitted
- show all modifications made, including, a record that necessary approvals have been obtained and also a brief summary of the justification
- no archiving is done iro past tenders and opened tender details on ePPS

Proposals (5)

Contracting Authority

- adequately staffed to oversee **entire** procurement across all government
- properly staffed with the right expertise and technical competencies
- from drafting to scrutiny post award
- set KPIs



Dr Marthese Portelli

CEO

14.04.2023

marthese.portelli@maltachamber.org.mt



THE MALTA CHAMBER

CELEBRATING
175
YEARS