



**Office of the Commissioner**  
for Voluntary Organisations

Ref: OCVO/01/2020

## **LEASING OF PREMISES**

Office of the Commissioner for Voluntary  
Organisations

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**Date Published:** 10<sup>th</sup> July 2020

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**Deadline for Submission:** 7<sup>th</sup> August 2020

at 09:30am  
CET/CEST

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**Tender Opening:** 7<sup>th</sup> August 2020

at 10:00am  
CET/CEST

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**IMPORTANT:**

- No Bid Bond is requested for this tender.

### **CONTRACTING AUTHORITY (CA)**

Office of the Commissioner for Voluntary Organisations

Block C

Beltissebħ

Floriana FRN 1700

Email: [procurement.cvo@gov.mt](mailto:procurement.cvo@gov.mt)

Tel. No: 25687262 / 25687263

## SECTION 1 – INSTRUCTIONS TO TENDERERS

***In submitting their tenders, tenderers must respect all instructions, forms, Terms of reference, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation within the deadline specified may lead to the rejection of the tender.***

### **1. General Instructions**

- 1.1 In submitting a tender, the tenderer accepts in full and in its entirety, the content of this tender document, including subsequent Clarifications issued by the Department of Contracts being the Central Government Authority (CGA) or the Contracting Authority (CA), whatever the economic operator's own corresponding conditions may be, which through the submission of the tender is waived. Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this tender documentation.

**No account can be taken of any reservation in the tender in respect of the procurement documents; any disagreement, contradiction, alteration or deviation shall lead to the tender offer not being considered any further.**

**Prospective tenderers must submit their response to this tender by completing the necessary documentation and by submitting in the prescribed tender box.**

**Note:**

Where in this tender document a standard is quoted, it is to be understood that the Central Government Authority/Contracting Authority will accept equivalent standards. However, it will be the responsibility of the respective bidders to prove that the standards they quoted are equivalent to the standards requested by the Central Government Authority/Contracting Authority.

- 1.2 The subject of this call is for leasing of office space for the Office of the Commissioner for Voluntary Organisations.
- 1.3 The lease period is for 5 years from date of signature of the contract/commencement date.
- 1.4 This Procurement procedure is regulated by L.N. 163 of 2020 PUBLIC FINANCE MANAGEMENT ACT (CAP. 601) Procurement of Property Regulations, 2020.

1.5 The Contracting Authority (CA) for this tender is the Office of the Commissioner for Voluntary Organisations (OCVO).

1.6

The Estimated Procurement Value for this Call has been based on comprehensive research including appropriate financial analysis. In the context of this procurement, the Estimated Procurement Value, based on market research, is that of € 300,000 excluding VAT.

The purpose of this value shall be the guidance of prospective bidders when submitting their offer and is not to be considered as a binding capping price.

Therefore, the published Estimated Procurement Value is not restrictive and final on the Contracting Authority. Economic Operators are free to submit financial offers above or below the Estimated Procurement Value. However, the Contracting Authority reserves the right to accept or reject Financial Offers exceeding the Estimated Procurement Value.

## **2. Timetable**

	DATE	TIME
Deadline for request for any additional information from the Contracting Authority	31 <sup>st</sup> July 2020	11:00am
Last date on which additional information can be issued by the Contracting Authority	3 <sup>rd</sup> August 2020	11:00am
Deadline for Submission of Tenders	7 <sup>th</sup> August 2020	9:30am
Tender Opening Session	7 <sup>th</sup> August 2020	10:00am

\* All times Central European Summer Time (CEST)/Central European Time (CET)

## **3. Lots**

3.1 This tender is not divided into lots, and tenders must be for the properties being requested. Incomplete offers will not be accepted.

3.2 The tenderer must offer the whole of the property or properties indicated for each lot. Under no circumstances will tenders for part of the property or properties

required be taken into consideration. Each lot may form a separate contract and the properties indicated for different lots will be indivisible.

- 3.3 Contracts will be awarded lot by lot, in accordance with the award criteria stipulated Article 8.

#### ***4. Financing***

- 4.1 The lease shall be financed by local funds.

#### ***5. Workshop/Clarification Meeting***

- 5.1 No clarification meeting is planned.

Meetings between economic operators and the Contracting Authority, other than that provided in this clause during the tendering period are not permitted.

#### ***6. Selection and Award Requirements***

In order to be considered eligible for the award of the contract, economic operators 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) Power of Attorney (if applicable). <sup>(Note 2)</sup>
- (iii) Exclusion and Blacklisting Criteria <sup>(Note 2)</sup>

As part of the selection criteria requirements the following can be requested (optional):

A. *The bidder warrants he is empowered to dispose of the property which is the subject of the tender and that the property in question is free and clear of all encumbrances, except for the easements.*

**or**

*The bidder is to furnish, a title report covering the Leased Premises showing the condition of title as of the date of such certificate*

B. *Include any particular Licenses attached to premises when applicable;*

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

- (i) Tenderer's Technical Offer in response to specifications to be submitted. <sup>(Note 3)</sup>
- (ii) **Literature** as per Form marked 'Literature List' to be submitted with the Technical offer at tendering stage. <sup>(Note 2)</sup>

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

- (i) A financial offer as per the financial bid form. <sup>(Note 3)</sup>

**Notes to Clause 6:**

1. Tenderers will be requested to clarify/rectify, within five (5) working days from notification, the tender guarantee only in the following four circumstances: incorrect validity date, and/or incorrect value, and/or incorrect addressee and incorrect name of the bidder. Rectification in respect of the Tender Guarantee (Bid Bond) is free of charge.

2. Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete Central Government documentation, and/or submit any missing documents within five (5) working days from notification.

*All Rectifications are free of charge.*

3. No rectification shall be allowed. Only clarifications on the submitted information may be requested.

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**7. Tender Guarantee (Bid Bond)**

7.1 *No tender guarantee (bid bond) is required.*

**8. Period during which tenders are binding**

Tenderers are bound by their tenders for 90 days after the deadline for the submission of tenders. In exceptional cases and prior to the expiry of the original tender validity period, the Contracting Authority/may ask tenderers in writing to extend this period. Tenderers that agree to do so will not be permitted to modify their tenders. If they refuse, their participation in the tender procedure will be terminated.

The selected tenderer must maintain its tender for a further 60 days from the date of notification that its tender has been recommended for the award.

**9. Costs for preparing tenders**

No costs incurred by the tenderer in preparing and submitting the tender shall be reimbursable. All such costs shall be borne by the tenderer.

**10. Ownership of tenders**

Contracting Authority retains ownership of all tenders received under this tendering procedure. Consequently, tenderers have no right to have their tenders returned to them.

**11. Ethics clauses / Corruptive practices**

- a) Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the Evaluation Committee or the Contracting Authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties.
- b) The tenderer must not be affected by any potential conflict of interest and shall have no particular link with other tenderers or parties involved in the project.
- c) The Director of Contracts reserves the right to suspend or cancel project financing if corrupt practices of any kind are discovered at any stage of the award process or during the implementation of a contract. For the purposes of this provision, "corrupt practices" are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or implementation of a contract already concluded with the Central Government Authority.

## **12. Notification of award and signing of contract(s)**

Before the period of validity of tenders expires, the Contracting Authority will notify the successful tenderer in writing that its tender has been successful as well simultaneously in writing informing the unsuccessful tenderers.

The notification to the successful tenderer implies that the validity of its tender is extended for a period of 60 days from the date of notification of award of the contract. Unless there is challenge of the award decision by any of the unsuccessful tenderers within 10 calendar days from the date of the award notification, the Contracting Authority will send the contract to the tenderer for signature.

Within 15 calendar days of receipt of the contract the lessor shall return the signed contract to the Contracting Authority. together with a copy of the Energy Performance Certificate (EPC) as regulated by S.L. 513.01. Failure of the selected tenderer to comply with this requirement may constitute grounds for the annulment of the decision to award the contract. In such a case, the Contracting Authority may award the tender to another tenderer or cancel the tender procedure.

The unsuccessful tenderers will be informed in detail on the grounds by which their tenders were not accepted, by means of a standard letter, which includes an indication of the relative shortcomings of their tender – which could not be rectified.

## **13. Criteria subject to negotiations and Criteria for Award**

- 13.1 No negotiations are to take place.

13.2 The sole award criterion will be the price. The contract will be awarded to the tenderer submitting the cheapest rent payable satisfying the administrative and technical criteria.

13.3 The evaluation process

At this step of the evaluation process, the Evaluation Committee will analyse the administratively-compliant tenders' technical conformity in relation to the published Specifications.

Tenderers must achieve an average technical score of (70)%. The average technical score is arrived at by adding the individual weighted scores of each evaluator divided by the number of evaluators. Those tenderers that do not obtain the minimum set average technical score will be eliminated.

The offer achieving the highest technical score will be awarded 100% of the technical weight. The other offers will be awarded scores in proportion to the offer with the highest technical score as per below formula;

Technical score =

$$\frac{\text{Average Technical Score of the Respective Offer} \times \text{Technical Weight}}{\text{Highest Average Technical Score}}$$

The financial offers for tenders which were not eliminated during the technical evaluation (i.e., those which have achieved an average technical score of 70% or more and/or those which have achieved the set threshold for individual criterion/sub-criterion) will be evaluated. The Evaluation Committee will also check that the financial offers contain no arithmetical errors.

The offer with the lowest price will be awarded 100% of the financial weight. The other offers will be awarded scores in proportion to the offer with the lowest price as per below formula;

Financial score =

$$\frac{\text{Lowest Priced Offer}}{\text{Financial Offer of the Tender Being Considered}} \times \text{Financial Weight}$$

The tender will be awarded to the offer that has obtained the highest score after adding the respective technical and financial scores



## **Section 2 – Extracts from the Public Procurement Regulations**

### **Part IX Remedies – S.L.601.03**

#### **Remedies before Closing Date of a Call for Competition**

**262.** (1) *Prospective candidates and tenderers may, prior to the closing date of a call for competition, file a reasoned application before the Public Contracts Review Board:*

- (a) to set aside or ensure the setting aside of decisions including clauses contained in the procurement document and clarification notes taken unlawfully at this stage or which are proven to be impossible to perform; or*
- (b) to determine issues relating to the submission of an offer through the government's e-procurement platform; or*
- (c) to remove discriminatory technical, economic or financial specifications which are present in the call for competition, in the contract documents, in clarifications notes or in any other document relating to the contract award procedure; or*
- (d) to correct errors or to remove ambiguities of a particular term or clause included in a call for competition, in the contract documents, in clarifications notes or in any other document relating to the contract award procedure; or*
- (e) to cancel the call for competition on the basis that the call for competition is in violation of any law or is likely to violate a particular law if it is continued.*

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

*Part IX of the Public Procurement Regulations*

**Appeals from decisions taken after the closing date for the submissions of an offer**

*270. Where the estimated value of the public contract meets or exceeds five thousand euro (€5,000) any tenderer or candidate concerned, or any person, having or having had an interest or who has been harmed or risks being harmed by an alleged infringement or by any decision taken including a proposed award in obtaining a contract, a rejection of a tender or a cancellation of a call for tender after the lapse of the publication period, may file an appeal by means of an objection before the Public Contracts Review Board, which shall contain in a very clear manner the reasons for their complaints.*

*271. The objection shall be filed within ten (10) calendar days following the date on which the Contracting Authority or the authority responsible for the tendering process has by fax or other electronic means sent its proposed award decision or the rejection of a tender or the cancellation of the call for tenders after the lapse of the publication period.*

*272. The communication to each tenderer or candidate concerned of the proposed award or of the cancellation of the call for tenders shall be accompanied by a summary of the relevant reasons relating to the rejection of the tender as set out in regulation 242 or the reasons why the call for tenders is being cancelled after the lapse of the publication period, and by a precise statement of the exact standstill period.*

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

*274. The Secretary of the Public Contracts Review Board shall immediately notify the Director, the Ministerial Procurement Unit and, or the Contracting Authority, as the case may be, that an objection had been filed with his authority thereby immediately suspending the award procedure.*

*275. The Department of Contracts or the Contracting Authority involved, as the case may be, shall be precluded from concluding the contract during the period of ten (10) calendar days allowed for the submission of appeals. The award process shall be completely suspended if an appeal is eventually submitted.*

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

*(a) any decision by the General Contracts Committee, or the Special Contracts Committee or by the Contracting Authority, shall be made public by affixing it to the notice-board of the Department of Contracts or of the office of the Contracting Authority, as the case may be, or by uploading it on government's e-procurement platform prior to the award of the contract if the call for tenders is administered by the Department of Contracts;*

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

*(c) the Contracting Authority and any interested party may, within ten (10) calendar days from the day on which the appeal is affixed to the notice board of the Review Board and uploaded where applicable on the government's e-procurement platform, file a written reply to the appeal. These replies shall also be affixed to the notice board of the Review Board and where applicable they shall also be uploaded on the government's eProcurement platform;*

*(d) the authority responsible for the tendering process shall within ten (10) days forward to the chairman of the Public Contracts Review Board all Central Government Authority documentation pertaining to the call for tenders in question including files and tenders submitted;*

*(e) the secretary of the Review Board shall inform all the participants of the call for tenders, the Department of Contracts and the Contracting Authority of the date or dates, as the case may be, when the appeal will be heard;*

*(f) when the oral hearing is concluded, the Public Contracts Review Board, if it does not deliver the decision on the same day, shall reserve decision for the earliest possible date to be fixed for the purpose, but not later than six (6) weeks from the day of the oral hearing:*

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

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

*(h) after evaluating all the evidence and after considering all submissions put forward by the parties, the Public Contracts Review Board shall decide whether to accede or reject the appeal or even cancel the call if it appears to it that this is best in the circumstances of the case.*

### **Section 3: Specifications**

#### **A. Scope**

- 1) Through this tender, the Contracting Authority (CA) intends to rent premises to be used as offices for the personnel of the OCVO.

The following are the specifications that the premises must abide with in order to be considered eligible for use by the CA.

- 2) The following conditions shall apply:
  - a) It is intended that the premises must be ready for use in accordance with all the requirements by not later than August 2020.
  - b) Architect's condition report of property offered as part of the technical offer.
- 3) The property is to have a floor area of around 650 square metres (m<sup>2</sup>) which can be used as office space and other related office amenities.

This area must include:

*At least 12 rooms to be utilized as offices;*

*1 boardroom;*

*At least 1 Kitchenette (with all necessary pipework and kitchen cupboards);*

*Separate sanitary facilities for all abilities.*

*A waiting area;*

*A small area in which the Office's ICT Data cabinet can be stored securely.*

*Storage room/Archives*

*At least one Car park space*

*Level of finishes – ready to move into*

*Air conditioning*

*Lift*

*Smoke and fire detection*

*Telephone and networking infrastructure to cater for 70 people.*

*Wi-fi network*

The division walls of the above-mentioned rooms may be of any approved material as long as it offers a soundproofing performance and that such divisions are properly installed and finished.

- 4) The property must be located within any of the following locations:

Floriana, Valletta, Hamrun, Msida, G'Mangia and Blata I-Bajda.

The property being offered is to be ideally designed on one level and sited in a contiguous area.

If the property being offered is not at street level, the building must include a fully installed and certified Lift (by a warranted engineer).

Bidders will be required to indicate the floor in which the proposed property is located within the building.

- 5) The premises must also feature the following mandatory key characteristics:
  - a) Have an entrance at street level or an entrance through a common area which however must be exclusively utilized as a common entrance area.
  - b) The premises shall be fully accessible and in compliance with all the pertinent design standards for persons with special needs. In case of property chosen and which is not compliant, the bidder must undertake all the necessary changes, within two (2) months of the signing of the contract, to render the property accessible according to the design guide which can be accessed from <http://crpd.org.mt>.
  - c) Conform to local building regulations and standards and any other applicable laws and regulations.
  - d) Be in possession of the necessary permits as required by the relevant authorities including but not limited to the Planning Authority.

#### **Section 4: General Rules Governing Tendering**

##### **A. Clarification meeting**

A clarification meeting will be held on the date and time indicated in the timetable, to answer any questions on the 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 through the email given in the procurement document (Article 2 of the ITT).

Meetings by individual prospective bidders during the proposal period other than this clarification meeting for all prospective bidders cannot be permitted.

##### **B. Payment of Rent**

The rent will be paid by the CA on a monthly basis in advance.

##### **C. Duration of service**

The premises will be rented for a period of years stipulated in the Lease Agreement.

**D. Proposal Format**

Bidders are to submit their proposal using the format defined in Appendix I of this request for Tenders.

Full specifications of the premises being offered and illustrated literature are to accompany the proposal. All documents must be in the English language.

**E. Request for Clarifications**

Bidders are urged to promptly notify the CA of any ambiguity in or discrepancy between any of the Central Government Authority. Documents of this Request for Tenders which may be discovered upon examination of the documents.

Bidders may submit any written requests for clarification concerning this request for Tenders through the email provided in the procurement document (Article 2 of the ITT) until the deadline stipulated in the timetable, specifying the publication reference and the title of this request. Any requests after this date will not be accepted.

Any clarifications from the CA in response to any requests for clarification will be addressed and sent before the deadline stipulated in the timetable.

Bidders are advised that any interpretations, correction or changes to the Request for Tenders will be notified via the CA website. It is the responsibility of the bidders to visit the CA's website and be aware of the latest information published on the Central Government Authority/CA website prior to submitting the offer. Interpretations, corrections or changes made in any other manner will not be valid, and prospective bidders shall not rely upon such interpretations, corrections and changes.

**F. Submission of Tenders**

All tenders must be submitted through the tender box as instructed at: **The Office of the Commissioner for Voluntary Organisations, Block C, Beltissebh, Floriana FRN 1700 by the 17<sup>th</sup> July 2020 at 9:30am.**

The price(s) offered shall be quoted in Euro.

In submitting their tenders, bidders will be submitting their final offer. Bidders are deemed to have taken account of all that is required for the submission, including its correctness and completeness and that they have included all charges in their price offer. Tenders must comply with the requirements as stated in this request.

**G. Validity of Tenders**

Tenders shall remain valid for a period of 90 days from the closing date for the submission of the tenders stipulated in the timetable as stipulated in the ITT section.

#### **H. Cancellation of the Request for Tenders Procedure**

The CA shall have the option to cancel any published request for Tenders prior to its closing date stipulated in the timetable.

Bidders are advised that any cancellation to the request for Tenders will be notified via a letter sent to the bidders as well as a recommendation for cancellation on the notice board of the CA. It is the responsibility of the bidders to visit the website of the CA and be aware of the latest information published on prior to submitting the proposal.

#### **I. Evaluation of Tenders**

The entire evaluation procedure is confidential. The Evaluation Committee's decisions are collective and its deliberations are held in closed session. The members of the Evaluation Committee are bound to secrecy.

In the interest of transparency and equal treatment and without being able to modify the submitted proposal, the bidder may be required, at the sole written request of the CA to provide clarifications.

The CA will be conducting an inspection on premises, where this is deemed necessary, as part of the evaluation process.

The CA is not bound to accept any of the submitted offers and has the right to refuse in part or in full any or all the submissions, even the most advantageous.

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

Any personal data submitted in the tenders shall be processed pursuant to the Data Protection Act (laws of Malta). It shall be processed solely for the purposes of the performance, management and follow-up 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.

The provisions of this proposal are without prejudice to the obligations of the Contracting Authority in terms of the Freedom of Information Act (Laws of Malta). The Contracting Authority, prior to disclosure of any information to a third party in relation to any provisions of this proposal which have not yet been made public, shall consult the bidder in accordance with the provisions of the said Act,

pertinent subsidiary legislation and the Code of Practice issued pursuant to the Act. Such consultation shall in no way prejudice the obligations of the Contracting Authority in terms of the Act.



**Appendix 1: (to be filled by the bidder)**

<b>A- Central Government Authority/Documentation to be provided as part of the offer (this checklist comprises of both administrative and technical requirements)</b>	
	<b>Compliant: Yes / No</b>
A - Copies of PA (Planning Authority) permits and compliance certificates	
B – Proof of title or proof that the bidder can dispose of the property	
C – The latest plans of the premises, approved and stamped by PA	
D – Colour photographs of the premises interior covering roofs and flooring; a colour photograph of the entire façade; colour photographs of the street in both directions. A digital copy on CD or USB stick of the photographs is enough.	
E - Information on ownership of the premises and proof of legal title thereon.	
F – Condition certificate by a Perit	

<b>B- Financial Offer</b>			
<b>Item</b>	<b>Description of Service</b>	<b>Rate Excluding VAT, &amp; all Other Charges PER MONTH (€)</b>	<b>Total including all Other Charges &amp; Excluding VAT PER MONTH (€)</b>
	Monthly fee for Lease of Premises to be used		
<b>GRAND TOTAL Excluding Vat but including all other charges</b>			

1. The rates will cover all taxes duties, levies, charges, other liabilities, inclusive of all extra costs or additions which are not stated separately in the Schedule of Rates but **Excluding VAT**
2. The rates inserted in the Financial Offer are to be also inclusive values of all alteration works, services, improvements and finishes referred to in the Tender dossier, including all costs and expenses which may be required in and for the construction of the works described together with any temporary works and installations which may be necessary and all general risks, liabilities and obligations set forth or implied in the Central Government Authority. Documents on which the Tender is based. It will be assumed that establishment charges, profit and allowances for all obligations are spread evenly over all the unit rates.
3. Any errors will be corrected as follows:
  - (a) where there is a discrepancy between amounts in figures and in words, the amount in words will prevail; and
  - (b) where there is a discrepancy between the unit rate and the total amount derived from the multiplication of the unit price and the quantity, the unit rate as quoted will prevail.