



Verification of Procurement Procedures – Public Procurement and Utilities Procurement Regulations

This template should be filled in by the Managing Authorities¹ when carrying out administrative verifications² of procurement procedures falling under the Public Procurement Regulations (PPR) and the Utilities Procurement Regulations (UPR). The template is applicable for Schedule 2, 3 and 16 Contracting Authorities

1. GENERAL INFORMATION	
Reference	
Initial date of Verification	
Member State	Malta
Programming Period	202X-202X
Fund	
Project / Measure Number	
Title of the Project / Measure	
Beneficiary/Implementing Body	
Contracting Authority's Schedule	<i>Specify if the CA falls under Schedule 2, 3 or 16</i>
Project Leader	
Officer/s carrying out this verification	
Reference of procurement procedures included in this report	

¹ The Managing Authority / Coordinating Body reserve the right to add additional questions to this template or request additional information in relation to the verifications being made to ensure that the Beneficiary is in line with the Conditions of the Grant Agreement and addenda to it.

² Administrative verifications as required in Article 74 (2) of Regulation (EU) 2021/1060. The template is also in line with the requirement included in Article 22 of Regulation (EU) 2021/241.

2.1 REQUEST FOR A QUOTATION which does not exceed €5,000 excluding VAT

These procedures are administered by the Contracting Authority.

Regulations 100 and 102 to 113 of the Public Procurement Regulations (PPR) S.L.601.03 shall mutatis mutandis apply to the Utilities Procurement Regulations (UPR) S.L.601.05

Reference	<i>Insert Ref</i>				
Title	<i>Insert Title</i>				
Procurement Type	<i>Supplies, Services or Works</i>				
Amount allocated in Grant Agreement / Addenda	<i>Insert price exc. VAT</i>		Estimated Value		
Date of correspondence for invitation of quotations	<i>DD/MM/YYYY</i>		Deadline for submission of quotations		
Recommended Bidder			Amount of Recommended Offer		
Bidders (add rows as appropriate)	Financial Offer (excl. VAT)	Quotation is comparable and according to the specifications asked for by the Beneficiary			Comments
		Selection Yes, No or N/A	Technical Yes, No or N/A	Financial Yes, No or N/A	
		--	--	--	
		--	--	--	
		--	--	--	
		Yes, No or N/A	Comments		
1.	Is the request for provision of Works / Supplies / Services in line with the Project Application / Grant Agreement / MA Approvals and any Addenda?	--			
2.	Is the request for quotation published through ePPS? (not mandatory)	--			
3.	Have rules concerning non-division of contracts been respected (i.e. no artificial split)?	--			
4.	Did a prospective candidate / tenderer file a reasoned application before the Public Contracts Review Board (PCRB) during the tendering period? If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board?	--			
5.	If request for quotation was not published via ePPS, were a minimum of 3 quotations received by the stipulated deadline?	--			
6.	Is a justification / evaluation for the recommended quotation available?	--			
7.	Is a Notification to selected / not selected bidder/s available?	--			

8.	Is a Commitment / LPO / Agreement available, where applicable?	--	
----	--	----	--

2.2 CALL FOR A QUOTATION which exceeds €5,000 but does not exceed €10,000 excluding VAT

These procedures are administered by the Contracting Authority.

Regulations 100 and 102 to 113 of the Public Procurement Regulations (PPR) S.L.601.03 shall mutatis mutandis apply to the Utilities Procurement Regulations (UPR) S.L.601.05.

Reference	Insert Ref				
Title	Insert Procurement Document Title				
Procurement Type	Supplies, Services or Works				
Amount allocated in Grant Agreement / Addenda	Insert price exc. VAT	Estimated Value		Insert price exc. VAT	
Date of Publication	DD/MM/YYYY	Deadline for submission of quotations		DD/MM/YYYY	
Recommended Bidder		Amount of Recommended Offer			
Bidders (add rows as appropriate)	Financial Offer (excl. VAT)	Quotation is comparable and according to the specifications asked for by the Beneficiary			Comments
		Selection ³ Yes, No or N/A	Technical ⁴ Yes, No or N/A	Financial ⁵ Yes, No or N/A	
		--	--	--	
		--	--	--	
		--	--	--	
			Yes, No or N/A	Comments	
1.	Is the Call for Quotations published through ePPS?	--	--		
2.	Is approval of Evaluation Committee members available?	--	--		
3.	Published Procurement Document including annexes:				
3.1.	Are the scope of Works / Supplies / Services specified in the Call, in line with the Project Application / Grant Agreement / MA Approvals and any Addenda ?	--	--		
3.2.	Have rules concerning non-division of contracts been respected (i.e. no artificial split)?	--	--		
3.3.	Are the criteria for selection and award, the conditions for performance of contract and the technical specification non-discriminatory and do not restrict competition ?	--	--		

³ Tick as per details included in the Evaluation Report

⁴ Tick as per details included in the Evaluation Report

⁵ Tick as per details included in the Evaluation Report

3.4.	Is the relevant publicity included in the published Procurement Document? If publicity is not included what remedial action was carried out?	--	
4.	Was a site visit / clarification meeting held as per published Procurement Document and were minutes published during publication? (if applicable)	--	-
5.	Were any requests for clarifications received by prospective tenderers & replies published during publication? (if applicable)	--	-
6.	Did a prospective candidate / tenderer file a reasoned application before the Public Contracts Review Board (PCRB) during the tendering period? If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board?	--	
10.	Is the Opened Tender Details available and was opening of offers done on the published date?	--	
11.	Is the TEC approved Summary of Evaluation, including Annexes where applicable, available?	--	
12.	Is the Publication of Results (Award Notice / Cancellation Notice) available and were the letters sent to the successful bidder and to the non-successful bidder/s?	--	
13.	Was any Objection filed before the Public Contracts Review Board (PCRB)? If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board? If NO, is an email from the PCRB available confirming so?	--	
14.	Following a PCRB decision, did any party appeal to the Court of Appeal ? If YES, was the award process suspended until decision of the Court? What was the decision of the Court and did the authority responsible for the tendering process proceed with the process of the call for quotations as per Court's decision? If NO, did the authority responsible for the tendering process proceed with the process of the call for quotations as per PCRB decision?	--	
15.	Is a Commitment / LPO / Agreement available, where applicable?	--	

2.3 PUBLIC PROCUREMENT for OPEN (including Competitive Dialogue and the Establishment of a Framework Agreement / Dynamic Purchase System) or RESTRICTED Procedures which is equal or exceeds €10,000 excluding VAT

Public Procurement Regulations (PPR) S.L.601.03	For Schedule 2 CAs	Procedures equal or above €143,000 ⁶ administered by the Operations Directorate
	For Schedule 16 CAs	Open or Restricted Procedures between €10,000 and €750,000 administered by the Sectoral Procurement Directorate
		Procedures above €750,000 administered by the Operations Directorate

⁶ Financial threshold is applicable for 2024 and 2025. Refer to Notes at end of Template for further detail.

Utilities Procurement Regulations (UPR) S.L.601.05	Procedures equal or above €443,000⁷ administered by the Operations Directorate					
Type of Procedure	Open Procedure		<input type="checkbox"/>	Restricted Procedure		<input type="checkbox"/>
	Dynamic Purchase System (DPS) <i>Applicable only for tenders above threshold</i>		<input type="checkbox"/>	Framework Agreement		<input type="checkbox"/>
	Competitive Dialogue <i>Award Criteria to be used is the Best Price Quality Ratio as per Regulation 143 of the PPR</i> <i>Applicable only for the instances listed in Regulation 140 of the PPR</i>					<input type="checkbox"/>
Reference	<i>Insert Ref</i>					
Title	<i>Insert Procurement Document Title</i>					
Procurement Type	<i>Supplies, Services or Works</i>					
Amount allocated in EU Commitment Form	<i>Insert price exc. VAT</i>		Date of Request for Participation <i>(not applicable for Open Procedure)</i>		<i>Insert DD/MM/YYYY</i>	
Total Estimated Value as per Procurement Originators Form	<i>Insert price exc. VAT as per Procurement Originators Form.</i>		Deadline for participation submission ⁸ <i>(not applicable for Open Procedure)</i>		<i>Insert DD/MM/YYYY and time</i>	
Approval for the reduction in the time limit as per: Reg 116(3) or Reg 116(5) or Reg 122 of PPR ⁹ ; Reg 91(3) of UPR ¹⁰ <i>(where applicable)</i>	<i>DD/MM/YYYY - insert date of approval</i>		Date of Publication / Invitation to tender		<i>Insert DD/MM/YYYY</i>	
			Deadline for submission of tenders ¹¹		<i>Insert DD/MM/YYYY and time</i>	
			Tender Opening Session ¹²		<i>Insert DD/MM/YYYY and time</i>	
Award Criteria Used	Best Price Quality Ratio (BPQR)	<input type="checkbox"/>	Price (Cheapest Priced Offer satisfying administrative and technical criteria)		<input type="checkbox"/>	Cost (Lowest cost offer [LCC – life cycle costing] satisfying administrative and technical criteria)
Bidders <i>(add rows as appropriate)</i>	Stated Financial Offer <i>(excl. VAT)</i>	Financial Offer [after arithmetical correction] <i>(excl. VAT)</i>	Administrative Compliant ¹³ Yes, No or N/A	Technical Compliant ¹⁴ Yes, No or N/A	Financial Compliant ¹⁵ Yes, No or N/A	Comments
Lot 1 <i>(where lots are applicable, else remove)</i>			--	--	--	
<i>Add rows as necessary</i>			--	--	--	
Lot 2 <i>(where lots are applicable, else remove)</i>						

⁷ ibid⁸ Date as published or as revised through a published clarification note. In case of any discrepancy the xml tender structure/CFT workspace (ePPS) shall prevail.⁹ Accelerated procedure under PPR – Approval is required by the authority responsible for the tendering process¹⁰ Accelerated procedure under UPR – Approval is required from DG Contracts.¹¹ Date as published or as revised through a published clarification note. In case of any discrepancy the xml tender structure/CFT workspace (ePPS) shall prevail.¹² ibid¹³ Tick as per details included in the Evaluation Report¹⁴ ibid¹⁵ ibid

Add rows as necessary			--	--	--	
Recommended Bidder				Amount of recommended offer	Insert price exc VAT	
			Yes, No or N/A	Comments		
Applicable for ALL						
– Section 1: Preparation and Publication						
1.	Is a Needs Assessment / Market Research / Budget Estimate Breakdown available? With regards to the Budget Estimates Breakdown have rules concerning non-division of contracts been respected (i.e. no artificial split)?	--				
2.	Was a Preliminary Market Consultation published prior to this procedure? (if applicable)	--				
3.	Is the duly filled in and endorsed Procurement Originators Form (PoF) available?	--				
4.	Is the GPP Clearance to proceed with publication available?	--				
5.	Is the Data Protection Clearance to proceed with publication available?	--				
6.	In case of a Works Contract, are the Environment & Planning Permits available?	--				
7.	Is Approval of TEC members prior to publication of procurement document available?	--				
8.	Are the CVs of TEC members available?	--				
9.	Was a Prior Information Notice (PIN) published on the Official Journal of the EU? (not mandatory)	--				
10.	Is the Department of Contracts approval to carry out a restricted procedure, or the establishment of a framework agreement for a below threshold, available? (if applicable)	--				
11.	Is the procurement procedure / request for participation published through ePPS?	--				
12.	Is the duration of the published procurement procedure / request to participate in line with the minimum time limits?	--				
13.	Is the Publication of Contract Notice in the Official Journal of the EU available?	--				
14.	Published Procurement Document including annexes:					
14.1.	Are the scope of Works / Supplies / Services specified in the published Procurement Document in line with the Project Application / Grant Agreement / MA Approvals and any Addenda ?	--				

		Yes, No or N/A	Comments
14.2.	For above threshold contracts, did the Contracting Authority provide an indication of the main reasons for its decision not to subdivide the procurement procedure into lots?	--	
14.3.	Are the criteria for exclusion, selection and award, the conditions for performance of contract and the technical specification non-discriminatory and do not restrict competition ?	--	
14.4.	For a BPQR award criteria , is the published criteria same as approved prior to publication?	--	
14.5.	Is the relevant publicity included in the published Procurement Document? If publicity is not included what remedial action was carried out?	--	
15.	Was a site visit / clarification meeting held as per published Procurement Document and were minutes published during publication? <i>(if applicable)</i>	--	
16.	Were any requests for clarifications received by prospective tenderers & replies published during publication? <i>(if applicable)</i>	--	
17.	Is an extension to the publication period available in the Official Journal of the EU? <i>(if applicable)</i>	--	
18.	Did a prospective candidate / tenderer file a reasoned application before the Public Contracts Review Board (PCRB) during the tendering period? If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board?	--	
NOT Applicable to Open Procedures – Section 2: Receipt of Request for Participation and Invitation to Selected Participants			
19.	Is the Summary of Interested Candidates available and was opening of offers done on the published date?	--	
20.	Is approval from the authority responsible for the tendering process available to request rectification during evaluation to specific bidders as per Note 5 of Instructions to Tenderers? <i>(if applicable)</i>	--	
21.	Is approval from the authority responsible for the tendering process available to request clarifications during evaluation to specific bidders as per Note 5 of Instructions to Tenderers? <i>(if applicable)</i>	--	

		Yes, No or N/A	Comments
22.	<p>Is the TEC approved Summary of Evaluation – Shortlisting of Candidates including Annexes available?</p> <p>Summary Evaluation Report – Short listing of candidates (final version approved by DCC / GCC for Schedule 2 and 16 CAs)</p> <p>Annexes should include:</p> <ul style="list-style-type: none"> Declarations of Impartiality of Consultant / Technical Advisor and Report (<i>where applicable</i>) Clarifications/Rectifications correspondence with candidates (<i>where applicable</i>) 	--	
23.	<p>Was any request for clarifications made by DCC / GCC on the submitted Summary of Evaluation prior to their approval of Evaluation Committee's recommendation?</p> <p>(<i>Not applicable for Schedule 3 CAs</i>)</p>	--	-
24.	<p>Is approval of shortlisting by DCC / GCC available for Schedule 2 or 16 CAs?</p> <p>(<i>Not applicable for Schedule 3 CAs</i>)</p>	--	
25.	<p>Were the shortlisted candidates published and were letters sent to the shortlisted and non-shortlisted candidates?</p>	--	
26.	<p>Was any Objection filed before the Public Contracts Review Board (PCRB)?</p> <p>If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board?</p> <p>If NO, is an email from the PCRB available confirming so?</p>	--	
27.	<p>Did any party appeal to the Court of Appeal?</p> <p>If YES, was the award process suspended until decision of the Court? What was the decision of the Court and did the authority responsible for the tendering process proceed with the process of the call for tenders as per Court's decision?</p> <p>If NO, did the authority responsible for the tendering process proceed with the process of the call for tenders as per PCRB decision?</p>	--	
28.	<p>Is the duration of the Invitation to tender to shortlisted candidates in line with the minimum time limits?</p>	--	
29.	<p>Was a site visit / clarification meeting held as per published Procurement Document and were minutes published during publication?</p> <p>(<i>if applicable</i>)</p>	--	
30.	<p>Were any requests for clarifications received & replies published during publication?</p> <p>(<i>if applicable</i>)</p>	--	-
31.	Specifically for a Competitive Dialogue :		
31.1.	<p>Was equal treatment of all tenderers ensured by the contracting authority during the negotiations?</p> <p><i>Refer to Reg 145(2) of the PPR</i></p>	--	
31.2.	<p>If the Contracting Authority decided that the dialogue should take place in successive stages in order to reduce the number of solutions to be</p>	--	

		Yes, No or N/A	Comments
	discussed by applying the award criteria specified in the contract notice or in the descriptive document, did it indicate in these documents that it will use this option? <i>Refer to Reg 145(4) of the PPR</i>		
31.3.	Declaring that the dialogue is concluded, did the Contracting Authority accordingly inform the remaining participants and ask each of them to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue, which contain all the elements required and necessary for the performance of the project? <i>Refer to Reg 145(6) of the PPR</i>	--	
31.4.	If the Contracting Authority requested that the tenders be clarified, specified and optimised, did it ensure that such clarification, specification, optimisation or additional information did not change the essential aspects of the tender or of the public procurement, including the needs and requirements, where variations to those aspects, needs and requirements are likely to distort competition or have a discriminatory effect? <i>Refer to Reg 146 of the PPR</i>	--	
32.	Is the Opened Tender Details available and was opening of offers done on the published date?	--	
33.	Is approval from the authority responsible for the tendering process available to request rectification during evaluation to specific bidders as per Note 5 of Instructions to Tenderers? <i>(if applicable)</i>	--	
34.	Is approval from the authority responsible for the tendering process available to request clarifications during evaluation to specific bidders as per Note 5 of Instructions to Tenderers? <i>(if applicable - requests referring to arithmetical errors do not require approval)</i>	--	
35.	Is the TEC approved Summary of Evaluation including Annexes available? Annexes should include: <ul style="list-style-type: none"> • Declarations of Impartiality of Consultant / Technical Advisor and Report <i>(where applicable)</i> • Clarifications/Rectifications correspondence with bidders <i>(where applicable)</i> • Individual Signed Technical Evaluation Grid <i>(only for BPQR)</i> • Summary of the Evaluation Grid <i>(only for BPQR)</i> • Average Score Grid <i>(only for BPQR)</i> • Log sheet of Samples received <i>(if applicable)</i> • Updated EU Commitment Form <i>(where the recommended tenderer exceeds the estimated value)</i> 	--	
36.	Specifically for a Competitive Dialogue : If the contracting authority requested to negotiate with the tenderer identified as having submitted the tender presenting the best price-quality ratio in	--	

		Yes, No or N/A	Comments
	accordance with Reg 148 of the PPR, to confirm financial commitments or other terms contained in the tender by finalising the terms of the contract provided, did it ensure that such negotiations do not have the effect of materially modifying essential aspects of the tender or of the public procurement, including the needs and requirements set out in the contract notice or in the descriptive document and does not risk distorting competition or causing discrimination?		
37.	Was any request for clarifications made by DCC / GCC on the submitted Summary of Evaluation prior to their approval of Evaluation Committee's recommendation? <i>(Not applicable for Schedule 3 CAs)</i>	--	
38.	Is approval of recommendation for award by DCC / GCC available? <i>(Not applicable for Schedule 3 CAs)</i>	--	
39.	Is the Publication of Results (Award Notice / Cancellation Notice) available and were the letters sent to the successful bidder/s and to the non-successful bidder/s?	--	
40.	Was any Objection filed before the Public Contracts Review Board (PCRB)? If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board? If NO, is an email from the PCRB available confirming so?	--	
41.	Following a PCRB decision, did any party appeal to the Court of Appeal ? If YES, was the award process suspended until decision of the Court? What was the decision of the Court and did the authority responsible for the tendering process proceed with the process of the call for tenders as per Court's decision? If NO, did the authority responsible for the tendering process proceed with the process of the call for tenders as per PCRB decision?	--	
42.	Were Compliance Certificates submitted by the recommended bidder in accordance with Reg 193 and Reg 194 of the PPR / Reg164 of the UPR? <i>(applicable for procurement procedures with an estimated value exceeding €500,000 exc VAT)</i>	--	
43.	Was a Contract Award Notice in the OJEU published within 30 days of decision to award in accordance with Reg 43 of the PPR / Reg 65 of the UPR?	--	
44.	Is the signed Contract (and any other document required by law) available?	--	
45.	Is a valid Performance Guarantee available?	--	

2.4 PUBLIC PROCUREMENT for a DIRECT AWARD which is below threshold

Public Procurement Regulations (PPR) S.L.601.03	For Schedule 2 & 16 CAs	Procedures which are between €10,000 and €143,000 ¹⁶ are approved by the Direct Order Office within the Ministry for Finance	
	For Schedule 3 CAs	Procedures which are between €10,000 and €143,000 ¹⁷ are approved by the Contracting Authority's Minister who may delegate his authority in writing to the Permanent Secretary, any senior official in his Ministry or to the Head of the Contracting Authority	
Utilities Procurement Regulations (UPR) S.L.601.05	For Schedule 3 CAs	Procedures which are between €10,000 and €443,000 ¹⁸ are approved by the Contracting Authority's Minister who may delegate his authority in writing to the Permanent Secretary, any senior official in his Ministry or to the Head of the Contracting Authority	
Reference	Insert Ref		
Title	Insert Procurement Document Title		
Procurement Type	Supplies, Services or Works		
Amount allocated in Grant Agreement / Addenda	Insert price exc. VAT	Estimated Value	Insert price exc. VAT
Recommended Bidder		Amount of Recommended Offer	
		Yes, No or N/A	Comments
1.	Is the request for provision of Works / Supplies / Services in line with the Project Application / Grant Agreement / MA Approvals and any Addenda?	--	
2.	<u>Where the estimated value does not exceed €500 excl. VAT:</u> Is the request for a Direct Contract endorsed by the Head of Contracting Authority or a senior official of the Contracting Authority, taking into consideration the amount involved, the urgency attached to the procurement or restrictions of choice and availability, as stated in Reg 100 (1) of the Public Procurement Regulations?	--	
3.	<u>Where the estimated value does not exceed €5,000 excl. VAT:</u> Is the request for a Direct Contract endorsed by the Head of Contracting Authority, taking into consideration the amount involved, the urgency attached to the procurement or restrictions of choice and availability, as stated in Reg 100 (1) of the Public Procurement Regulations?	--	
4.	<u>Where the estimated value does not exceed €10,000 excl. VAT:</u> Is the request for a Direct Contract endorsed by the Head of Contracting Authority or any person delegated by him in writing, taking into consideration the amount involved, the urgency attached to the procurement or restrictions of choice and availability, as stated in Reg 100 (2) of the Public Procurement Regulations?	--	

¹⁶ Financial threshold is applicable for 2024 and 2025. Refer to Notes at end of Template for further detail.

¹⁷ ibid

¹⁸ ibid

5.	<p><u>Where the estimated value is above €10,000 excl. VAT but below the threshold:</u></p> <p>Is the request for Direct Order justified in line with MFIN Circular 03/2013 and PPN 32?</p> <p>Sufficient evidence must support the justification provided for the Direct Order:</p> <p>(a) When no tenders or no suitable tenders or no applications have been submitted in response to an open procedure; or</p> <p>(b) When for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services may be provided only by a particular economic operator; or</p> <p>(c) Where the contract concerned is awarded subsequent to a design contest and must be awarded to the successful candidate or to one of the successful candidates; or</p> <p>(d) In so far as is strictly necessary, when the time-limits for open, restricted or negotiated procedures referred to in the Public Procurement Regulations cannot be respected for reasons of extreme urgency occasioned by unforeseeable events. The circumstances invoked to justify urgency must not be attributable to the contracting authority; or</p> <p>(e) In so far as is strictly necessary, for additional supplies, services and/or works not included in the project initially considered or in the contract first concluded but which have, through unforeseen circumstances, become necessary for the performance of the service or works or supplies described therein, on condition that the award is made to the economic operator executing the contract.</p>	--	
6.	For Contracting Authorities falling under Schedule 2 and Schedule 16, is the request for a Direct Order endorsed by the Permanent Secretary within the relevant Ministry?	--	
7.	Is prior written approval from the relevant authority, as detailed in Reg 103 of the Public Procurement Regulations, available?	--	
8.	Please specify the relevant sub-clause as per PPN 32, as approved by the competent authority:		
9.	Is the procedure used to resort to a Direct Order considered regular in line with the applicable national regulations?	--	
10.	Is a Purchase Order / Agreement available, where applicable?	--	

2.5 PUBLIC PROCUREMENT for a NEGOTIATED PROCEDURE WITHOUT PRIOR PUBLICATION which is equal or above threshold			
Public Procurement Regulations (PPR) S.L.601.03	For Schedule 2 & 16 CAs	Procedures equal or above €143,000 ¹⁹ approved by the General Contracts Committee	
	For Schedule 3 CAs	Procedures equal or above €143,000 ²⁰ approved by the Head of the Contracting Authority	
Utilities Procurement Regulations (UPR) S.L.601.05	For Schedule 3 CAs	Procedures equal or above €443,000 ²¹ approved by the Head of the Contracting Authority	
Reference	Insert Ref:		
Title	Insert Procurement Document Title		
Procurement Type	Supplies, Services or Works		
Amount allocated in Grant Agreement / Addenda	Insert price exc. VAT	Estimated Value	Insert price exc. VAT
Recommended Bidder		Amount of Recommended Offer	
		Yes, No or N/A	Comments
1.	Is the request for provision of Works / Supplies / Services in line with the Project Application / Grant Agreement / MA Approvals and any Addenda?	--	
Sufficient evidence must support the justification provided.			
2.	Is the use of a negotiated procedure justified by the fact that there is no suitable tender / no (suitable) request to participate in open or a restricted procedure? If yes, can you confirm that the initial conditions of the cancelled procedure have not been substantially altered? <i>Refer to Reg 151 (a), 153 (a) and 154 (a) of PPR</i>	--	-
3.	Is the use of negotiated procedure without prior publication justified by that there is only one economic operator able to supply requested works, supplies, or services <u>as per reasons provided in the relevant Regulation?</u> <i>Refer to Reg 151 (b), 153 (b) and 154 (b) of PPR</i>	--	
4.	In the case of public supply contracts, is the use of negotiated procedure without prior publication justified by the purchase of the following supplies? Products involved are manufactured purely for the purpose of research, experimentation, study or development. <i>Refer to Reg 153 (d) of PPR</i>	--	
	Additional deliveries (partial replacement or extension of supplies or installations or as the extension of existing supplies or installations) by the original supplier in the case that the change of the supplier would result in incompatibility or	--	

¹⁹ Financial threshold is applicable for 2024 and 2025. Refer to Notes at end of Template for further detail.

²⁰ ibid

²¹ ibid

	disproportionate technical difficulties in operation and maintenance. <i>Refer to Reg 153 (e) of PPR</i> Supplies quoted and purchased on a commodity market. <i>Refer to Reg 153 (f) of PPR</i>	--	
6.	In the case of public supply or service contracts, is the use of negotiated procedure without prior publication justified by the purchase of the following supplies or services? Supplies or services on particularly advantageous term from either a supplier which is definitively winding up its business activities, or the liquidator in an insolvency procedure, an arrangement with creditors or a similar procedure under national laws or regulations. <i>Refer to Reg 153 (g) and Reg 154 (f)</i>	--	
7.	Is the use of negotiated procedure without prior publication justified by the reasons of extreme urgency? If yes, can you confirm that the reason of extreme urgency could not be foreseen by the contracting authority and that the time limits for the open / restricted procedure could not be met? <i>Refer to 151 (c), 153 (c) and 154 (c) of PPR</i>	--	
8.	Please specify and provide the extract of the relevant legal basis as approved by the competent authority:		
9.	For Contracting Authorities falling under Schedule 2 and Schedule 16, is the request to resort to a Negotiated Procedure endorsed by the Permanent Secretary within the relevant Ministry?	--	
10.	For Contracting Authorities falling under Schedule 2 and Schedule 16, is prior written approval from the General Contracts Committee in line with Article 150 (1) of the Public Procurement Regulations available? For Contracting Authorities falling under Schedule 3, is prior written approval from the Head of the Contracting Authority in line with Article 166 of the Public Procurement Regulations available?	--	
11.	Is the procedure used to resort to a Negotiated Procedure considered regular in line with the applicable National & EU regulations?	--	
12.	Is Contract (and any other document required by law) available?	--	

The below is applicable for Procedures approved based on Reg 151 (a) / 153 (a) / 154 (a) of PPR (i.e. after a failed open procedure) and Reg 151 (b) / 153 (c) / 154 (d) of PPR.

Award Criteria Used	Best Price Quality Ratio (BPQR)	<input type="checkbox"/>	Price (Cheapest Priced Offer satisfying administrative and technical criteria)	<input type="checkbox"/>	Cost (Lowest cost offer [<u>LCC – life cycle costing</u>] satisfying administrative and technical criteria)	<input type="checkbox"/>
Bidders		Financial Offer [after	Administrative Compliant²²	Technical Compliant²³	Financial Compliant²⁴	Comments

²² Tick as per details included in the Evaluation Report

²³ ibid

²⁴ ibid

(add rows as appropriate)		Stated Financial Offer (excl. VAT)	arithmetical correction] (excl. VAT)	Yes, No or N/A	Yes, No or N/A	Yes, No or N/A	
Lot 1 (where lots are applicable, else remove)							
Add rows as necessary				--	--	--	
Lot 2 (where lots are applicable, else remove)							
Add rows as necessary				--	--	--	
				Yes, No or N/A	Comments		
14.	Are the CVs of TEC members available?			--			
15.	For Regulations 151 (a), 153 (a) and 154 (a) of the PPR:						
15.1.	Was the invitation to participate in the negotiated procedure sent to all bidders who submitted an offer under the cancelled procurement procedure?			--			
15.2.	Can you confirm that the initial conditions of the cancelled procedure have not been substantially altered?			--			
16.	Was a site visit / clarification meeting held as per invitation and were minutes submitted to all invited tenderers ? (if applicable)			--			
17.	Were any requests for clarifications received by prospective tenderers & replies submitted to all invited tenderers during tendering period? (if applicable)			--			
18.	Did a prospective tenderer file a reasoned application before the Public Contracts Review Board (PCRB) during the tendering period? If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board?			--			
19.	Is the Opened Tender Details available and was opening of offers done on the indicated date as stated in the invitation?			--			
20.	Is the TEC approved Summary of Evaluation including Annexes available? Annexes should include: <ul style="list-style-type: none"> • Declarations of Impartiality of Consultant / Technical Advisor and Report (where applicable) • Clarifications/Rectifications correspondence with bidders (where applicable) • Individual Signed Technical Evaluation Grid (only for BPQR) • Summary of the Evaluation Grid (only for BPQR) • Average Score Grid (only for BPQR) • Log sheet of Samples received (if applicable) • Updated EU Commitment Form (where the recommended tenderer exceeds the estimated value) 			--			

		Yes, No or N/A	Comments
21.	For Regulations 151 (a), 153 (a) and 154 (a) of the PPR: Was any request for clarifications made by GCC on the submitted Summary of Evaluation prior to their approval of Evaluation Committee's recommendation? And is approval of recommendation for award by GCC available? (Not applicable for Schedule 3 CAs)	--	
22.	For Regulations 151 (b), 153 (c) and 154 (d) of the PPR: Did the Contracting Authority present to DOC, GCC a request for a definite approval of the negotiated procedure once the costs and recommended bidder are known?	--	
23.	Were the letters sent to the successful bidder/s and to the non-successful bidder/s?	--	
24.	Was any Objection filed before the Public Contracts Review Board (PCRB)? If YES, was the award process suspended until publication of PCRB decision and what was the decision of the Review Board? If NO, is an email from the PCRB available confirming so?	--	
25.	Following a PCRB decision, did any party appeal to the Court of Appeal ? If YES, was the award process suspended until decision of the Court? What was the decision of the Court and did the authority responsible for the tendering process proceed with the process of the call for tenders as per Court's decision? If NO, did the authority responsible for the tendering process proceed with the process of the call for tenders as per PCRB decision?	--	
26.	Were Compliance Certificates submitted by the recommended bidder in accordance with Reg 193 and Reg 194 of the PPR / Reg164 of the UPR? (applicable for procurement procedures with an estimated value exceeding €500,000 exc VAT)	--	
27.	Is the signed Contract (and any other document required by law) available?	--	
28.	Is a valid Performance Guarantee available?	--	

3. CONCLUSION

3.1 **General remarks** on this verification

3.2 Indicate/list any **suspicion of irregularities** or actual **detection of irregularities**

3.3 List any **follow-up actions** required

3.4 Recommendations and remarks on general improvement
3.5 Is there any further information from external alerts which may need to be taken into consideration, or which may require further verifications?
3.6 List of Annexes (Any evidence / supporting documentation substantiating the verification)
-

4. ENDORSEMENT OF VERIFICATION REPORT**Officer/s Conducting Verification:**

Name in Block Letters	Signature
Designation	Date

Name in Block Letters	Signature
Designation	Date

Conclusion endorsed by:

Name in Block Letters	Signature
Designation	Date

Project Leader:

Name in Block Letters	Signature
Designation	Date

Notes

The Officer conducting the verification must ensure that procurement has been carried out in accordance with the Public Procurement Regulations (PPR) which refers to S.L.601.03 (LN 352 of 2016 and as amended by subsequent LNs).

The *Sectoral Procurement Directorate (SPD)* was established in March 2021 and falls under the remit of the Department of Contracts (DoC). The directorate is responsible for the issuing and administration on behalf of Contracting Authorities (CAs) listed under Schedule 16 of the PPR of calls for tenders published under an *open* or *restricted* procedure where the estimated value of such calls exceeds €10,000 but it does not exceed the threshold of €750,000, as defined in Reg 9(1)(c) of the PPR.

Approval of recommendation to award for procedures administered by SPD is provided by the Departmental Contracts Committee (DCC).

CAs falling under Schedule 2 of the PPR fall within the competence of the Operations Directorate of the Department of Contracts. Thus, the Department of Contracts is responsible for the issuing and administration on behalf of said CAs of calls for tenders which equal or exceed €143,000, as defined in Reg 9(1)(b) of the PPR.

Approval of recommendation to award for procedures administered by the Operations Directorate is provided by the General Contracts Committee (GCC).

CAs falling under Schedule 3 of the PPR shall administer their own public procurement in accordance with the provisions of the Regulations. The Local Councils, which fall under Schedule 3 of the PPR, are to follow also the procurement guidelines issued by the Department for Local Government.

At time of publishing of this template, the *above threshold* procurement procedures refer to those which equal or exceed an estimated value of €143,000 while the *below threshold* procurement procedures refer to those which are less than €143,000. The *EU threshold* procurement procedures refer to supplies and services which equal or exceed an estimated value of €143,000²⁵, and for works which equal or exceed €5,538,000²⁶.

For Entities operating in the Water, Energy, Transport and Postal Services, the Officer conducting the verification must ensure that procurement has been carried out in accordance with the Utilities Procurement Regulations (UPR) which refers to S.L.601.05 (LN 351 of 2016 and as amended by subsequent LNs). At time of publishing of this template, the *above EU threshold* procurement procedures for supplies and services refer to those which equal or exceed an estimated value of €443,000²⁷ and for works which equal or exceed €5,538,000²⁸.

The above financial thresholds apply for procedures published from 1st January 2024 (refer to Contracts Circular 02/2024). Since financial thresholds are amended every two years, Officers are encouraged to keep abreast with the Circulars published by the DoC and any developments in connection with the Regulations which may be accessed through MFJ's website, through the following links: <https://legislation.mt/eli/sl/601.3/eng>; <https://legislation.mt/eli/sl/601.5/eng/pdf>

Establishment of a Framework Agreement

A framework agreement is a general phrase for agreements with providers that set out terms and conditions under which agreements for specific supplies/services/works (known as call-off/mini-competition contracts) can be made throughout the term of the agreement. The 'Framework Agreement' is not a procurement procedure but rather a tool that may be applied for an Open Call for Tenders.

When a framework agreement is carried out all call-offs/mini-competition contracts issued shall all be bound by the terms and conditions stipulated in the initial tender document. For further information please refer to Guidance Note 7 issued by the DoC.

The term of a framework agreement cannot exceed a period of four years except in duly justified exceptional circumstances in particular by the subject of the framework agreement (Reg 168 of the PPR). The period of four years is the period within which the last call-off must be awarded.

Dynamic Purchase Systems

This is a tool, operated completely electronically, which may be used for the procurement of commonly used purchases. This tool is open to any economic operator who meets the selection criteria and has submitted a technically compliant tender, and which remains open for submissions of offers throughout the period of validity of the purchasing system.

This process is like a framework agreement, but the contracting authority will be able to include other economic operators in the process. For further information please refer to Guidance Note 13 issued by the DoC.

²⁵ For service and supply contracts under the Public Procurement Regulations, the above EU threshold is: €139,000 (2020,2021); €140,000 (2022, 2023); €143,000 (2024, 2025)

²⁶ For works contracts under the Public Procurement Regulations, the above EU threshold is: €5,350,000 (2020, 2021), €5,382,000 (2022, 2023), €5,538,000 (2024,2025)

²⁷ For service and supply contracts under the Utilities Procurement Regulations, the above EU threshold is: €428,000 (2020, 2021), €431,000 (2022, 2023), €443,000 (2024,2025)

²⁸ For works contracts under the Utilities Procurement Regulations, the above EU threshold is: €5,350,000 (2020, 2021), €5,382,000 (2022, 2023), €5,538,000 (2024,2025)