

# PUBLIC PROCUREMENT REFORM

*Presentation to MCESD*

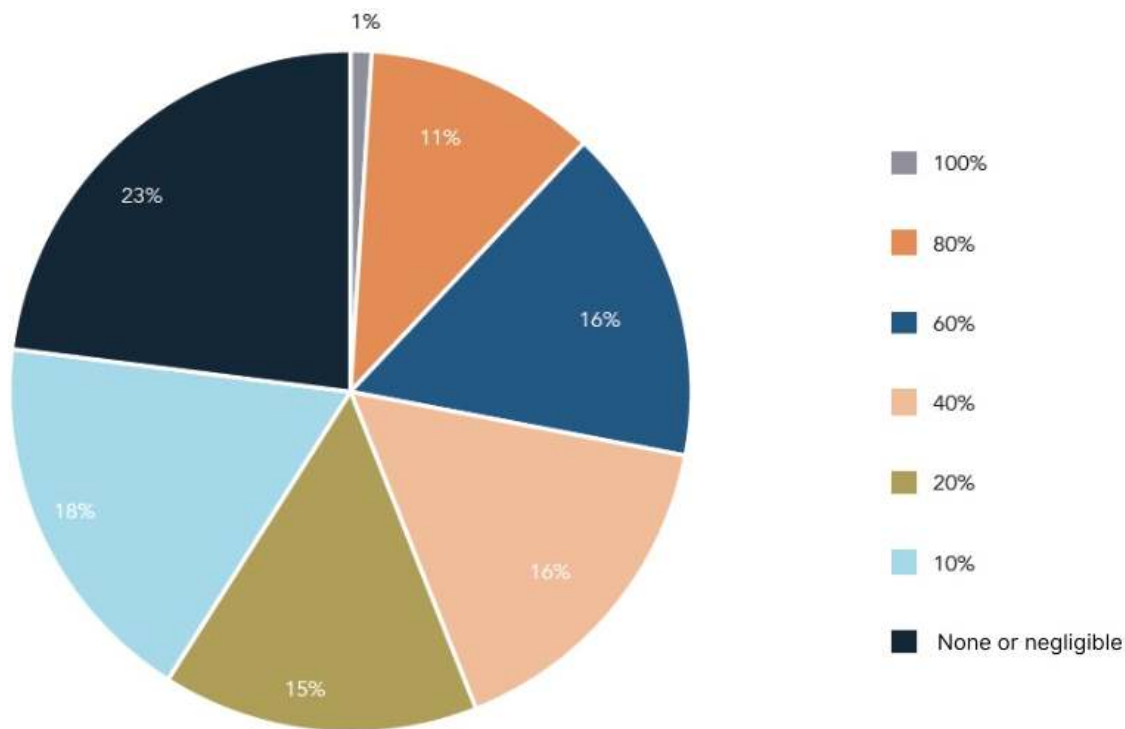


THE MALTA CHAMBER

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
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# 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
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# 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





# 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

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14.04.2023

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