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| DoC-logo-eProc-5[Name of Specific Contract]  A Specific Contract issued under the Dynamic Purchasing System for the Procurement of Software Development Services  DPS 060/20  **Reference Number:** **XXXX/XXXX**  **Date of Publication: dd-Month-Year**  **Closing Date: dd-Month-Year**  [Publicity Requirements, if applicable]   |  | | --- | | **NAME OF SPD/ CONTRACTING AUTHORITY**  Contact details (address, telephone, email address) | |

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| IMPORTANT NOTES **Submission of Specific Contract tenders**  **Specific Contract tenders may only be submitted by admitted participants to the Dynamic Purchasing System for the Procurement of Software Development Services - DPS 060/20.**  **Participants are reminded that (where allowed to do so) when submitting more than one option for a particular Specific Contract, they should submit multiple applications.**  **Participants are reminded to follow the above instructions and other instructions in the Terms of Use of the ePPS and the Manual for Economic Operators available under the ‘Help’ tab of the epps homepage.**  **The Contracting Authority or the Evaluation Board will disqualify Economic Operators who do not abide by the above instructions.**  **Submission of Financial Offer**  **Participants must quote all components of the price inclusive of taxes/charges, customs and import duties and any discounts BUT excluding VAT. VAT shall be paid in accordance with the current VAT regulations.** |

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|  | SECTION 1 – INSTRUCTIONS TO TENDERERS | | This column and all instructions in the document are to be deleted upon finalisation |
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|  | 1. General Instructions | | Note to Compiler: Fill in the text [highlighted in yellow]. |
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| 1.1 | In submitting an application (unless otherwise indicated, an application above 100MB will not be accepted by the system (ePPS), the Participant accepts in full and in its entirety, the content of this Specific Contract document, including subsequent Clarifications issued by the Contracting Authority (CA), whatever the economic operator’s own corresponding conditions may be, which through the submission of the application is waived. Participants are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this Specific Contract document. These Instructions to Participants complement the latest version of the General Rules Governing Tendering applicable on the date of the publication of this Specific Contract, the Terms of Use and the Manual for Economic Operators applicable to Government’s e-Procurement Platform (available from [www.etenders.gov.mt](http://www.etenders.gov.mt)).  No account can be taken of any reservation in the application as regards the Specific Contract document; any disagreement, contradiction, alteration or deviation shall lead to the application not being considered any further.  **Participants must submit their response to this Specific Contract online, at** [**www.etenders.gov.mt**](http://www.etenders.gov.mt)**, by completing the prescribed response format using the Tender Preparation Tool (TPT) provided by the System. Please note that the TPT was recently updated. This means that anyone who has downloaded the TPT in the past will need to download this tool again. If this is not done, the application package, created using the old version of the tool, will not be accepted by the etenders portal. Therefore, to avoid the inconvenience of having the application package rejected, please make sure that you fill in the tender structure using the latest version which can be downloaded from the** [**www.etenders.gov.mt**](http://www.etenders.gov.mt) **portal. In case of any discrepancy between the requirements contained in this document and those in the response format (xml tender structure), the latter shall prevail.**  **Participants take full responsibility to submit their electronic response (offer) well before the submission deadline in order to avoid last minute upload restrictions. Applications must be fully uploaded/accepted by the ePPS prior to the deadline for submission of offers, that is, applications in transit upon submission deadline will be rejected.**   |  | | --- | | **Note:**  **Where in this Specific Contract document a standard, brand or label is quoted, it is to be understood that the Contracting Authority will accept equivalent standards, brands or labels. However, it will be the responsibility of the respective participants, at tendering stage, to prove that the standards, brands or labels they quoted are equivalent to the standards, brands or labels requested by the Contracting Authority.** | | |
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| 1.2 | The subject of this Specific Contract is the [insert subject-matter of Specific Contract]. | |  |
| 1.3 | The place of acceptance of the services shall be [insert place], the time-limits for the execution of the contract shall be [include time for completion and period for maintenance services]. | | *To be pre-set at vetting stage – No specific dates are to be included. Only number of days, weeks, months or years to be inserted* |
| 1.4 | This is a [unit price / global sum/ fee-based service] contract. | | *As applicable* |
| 1.5 | This Specific Contract is being issued as a Restricted Procedure, under the Dynamic Purchasing System DPS 060/20 – Procurement of Software Development Services. | |  |
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| 1.6 | The Contracting Authority for this Specific Contract is [name of Contracting Authority]. | |  |
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| 1.7 | The Estimated Procurement Value for this Call for Tenders 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 € [specify the value without the potential cost] 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 | |  |
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| 2. | |  |  |  | | --- | --- | --- | |  | DATE | TIME | | Deadline for request for any additional information from the Contracting Authority.  **Clarifications by registered users to be sent online through** [**www.etenders.gov.mt**](http://www.etenders.gov.mt) |  |  | | Last date on which additional information can be issued by the Contracting Authority |  |  | | Deadline for Submission of Applications  (unless otherwise modified in terms of Clause 10 of the  General Rules Governing Tendering) |  |  | | Applications Opening Session  (unless otherwise modified in terms of Clause 10 of the General Rules Governing Tendering) |  |  | | \* All times Local Time | | | | | *As applicable*  *As applicable*  *As applicable*  *As applicable* |
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|  | 3. Lots | |  |
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| 3.1 | This Specific Contract is not divided into lots, and applications must be for the whole of quantities indicated. Applications will not be accepted for incomplete quantities. | |  |
|  | This Specific Contract cannot be divided into lots as the individual components making up the overall project are indivisible and intrinsically linked to each other. The successful outcome of the project depends on the service being provided by one contractor. | |  |
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|  | 4. Variant Solutions | |  |
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| 4.1 | No variant solutions will be accepted. Participants must submit an application in accordance with the requirements of the Specific Contract document. | |  |
|  | 5. Financing | |  |
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| 5 | The project is financed from the local budget funds/ EU funds (provide financing details). | | *As applicable* |
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|  | 6. Clarification Meeting | |  |
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| 6.1 | No clarification meeting will be held. | | *As applicable* |
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| 6.1 | A clarification meeting/site visit will be held on [**include here the date and time**], at [**address**] 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 between economic operators and the Contracting Authority, other than that provided in this clause during the tendering period are not permitted | | Select Clause 6.1 appropriately. |
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|  | 7. Selection and Award Requirements | |  |
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|  | 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) Technical Specifications** | |  |
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|  | (i) | Participant’s confirmation that the participant has examined, and accepts in full and in its entirety, the content of the Mandatory General Requirements detailed in document named **XXX/XX-Mandatory General Requirements** found under the CfT documents in ePPS (including any amendments made through subsequent Clarifications Notes issued by the Contracting Authority) without reservation or restriction. (Note 3) | *To populate the* ***Mandatory General Requirements*** *document as necessary* |
|  | (ii) | Participants’ Technical Offer in response to technical requirements and specifications including:   1. Filled-in Key Experts Form (Note 2) 2. CVs of proposed resources  (Note 2) 3. [Any other non rectifiable technical requirement/s]  (Note 3)   to be submitted online through the prescribed Response Format and by using the Tender Preparation Tool provided. |  |
|  | (iii) | Processing of Personal Data (Note 2)    If the Participant (including any sub-contractor who will be processing personal data) is situated outside the European Economic Area, in a country which is considered as not offering an ‘adequate’ level of data protection by the European Commission (please refer to the URL: <https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en>), or if data for any reason is considered as being sensitive and/or ‘high-risk’ the following provisions are to be taken in consideration.    The contract shall only be awarded to this Participant if it is determined that indeed personal data may be transferred to such third countries.  In such cases, the transfer of such personal data will only be possible if:  (i)               the controller or processor exporting the data has himself provided for “appropriate safeguards” (particularly through the endorsement of the standard contractual clauses as published by the European Commission); and  (ii)             on the condition that enforceable data subject rights and effective legal remedies are available in the given country.    In such case, the Participant must submit a filled-in GPDR Questionnaire (as per tender documentation available on ePPS), together with all relevant documentation/declarations evidencing that it is indeed in a position to process personal data in line with the data protection legislation. The CA reserves the right to request the Participant to provide it with any additional documentation and/or safeguards to verify that the Service Provider is indeed in a position to process data in line with the data protection legislation.    In terms of the Article 28(1) of the General Data Protection Regulation (EU) 2016/679, the CA may also perform a due diligence exercise. This will enable the CA to obtain sufficient understanding from the various perspectives described in the GDPR Compliance Questionnaire. This exercise is critical from a good-governance and risk management, and to ensure that the Participant (as a data processor) provides sufficient guarantees to implement appropriate technical and organisational measures in accordance with the GDPR.    In all cases, Participants are to note that the CA will require the prior written authorization of the Data Controller to engage the Participant as a processor of the Controller’s personal data, prior to tender award.  The CA cannot award the tender to any bidder unless the Controller provides it with such authorization. | *As applicable.* |
|  | **(B) Financial Offer** | |  |
|  | (i) | A filled-in financial offer calculated as per Document A-Fees Schedule and to be submitted online through the prescribed response format and by using the Tender Preparation Tool provided. (Note 3) |  |
|  | **Notes to Clause 7:**  *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.* ***Not applicable for this Specific Contract.***  *2. Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete documentation, and/or submit any missing documents within five (5) working days from notification.*    *3. No rectification shall be allowed. Only clarifications on the submitted information may be requested.*  Requests for Clarifications and/or Rectifications concerning a previous request dealing with the same shortcoming shall not be entertained. | |  |
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|  | 8. Tender Guarantee (Bid Bond) | |  |
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| *8* | No tender guarantee (bid bond) is required. | | *No bid bond can be requested.* |
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|  | 9. Criteria for Award | |  |
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| 9.1 | The sole award criterion will be the price. The contract will be awarded to the participant submitting the cheapest priced offer satisfying the technical criteria. | | ***IMPORTANT:***  *No other award criteria can be used.* |
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SECTION 2 – CONDITIONS OF CONTRACT

Please refer to Document B –Letter of Engagement which may be found under the CfT documents Section of the Specific Contract within the EPPS.

# SECTION 3 –TECHNICAL SPECIFICATIONS / TERMS OF REFERENCE (Note 3)

**IMPORTANT** – This Section is to be read in conjunction with the XML Tender Structure found under the CfT documents of this CfT in the ePPS. The XML Tender Structure contains the technical specifications and requirements pertaining to this CfT. The XML Tender Structure may be viewed by using the Tender Preparation Tool. The structure may also be saved in printable format as a PDF document through the same Tool.

## 3.1 [Insert Section Title]

[to include terms of reference including background, business need, objectives and timeframes, in line with the baseline Terms of Reference made available].

## 3.2 [Insert Section Title if applicable]

[Insert specifications/requirements].

## 3.3 [Insert Section Title if applicable]

[Insert specifications/requirements].

# SECTION 4 – SUPPLEMENTARY DOCUMENTATION

## 4.1 – Glossary

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## 4.2 – Specimen Performance Guarantee

These are available to view and download from the ‘Resources Section’ at: [www.etenders.gov.mt](http://www.etenders.gov.mt)

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## 4.3 – General Rules Governing Tendering

The contents of this Specific Contract document complement the latest version of the General Rules Governing Tenders applicable on the date of the publication of this tender, the Terms of Use and the Manual for Economic Operators applicable to Government’s e-Procurement Platform (available from the Resources section of [www.etenders.gov.mt](http://www.etenders.gov.mt)).