

Dynamic Purchasing System for the Procurement of Software Development Services – DPS 060/20

Guidance Notes for Contracting Authorities



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This document highlights the procedure to be followed by Government Contracting Authorities when issuing Specific Contracts related to the Dynamic Purchasing System for the Procurement of Software Development Services – DPS 060/20

05. Document control

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<https://procurement.mita.gov.mt/resources/dps/dps-software-development-services/>

which maintains the latest issues of all documents and forms.

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Issuing authority	Approval authority
Signature / Date Danielle Mercieca Leader – Legal (Contracts & Legal)	Signature / Date Robert Gixti Manager (Contracts & Legal)

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Version 6.0	14/03/2022	Danielle Mercieca	Included reference to Procurement Originators Form and Fees Schedule Template. Included guidance on EU funded Specific Contracts.
Version 7.0	17/10/2022	Danielle Mercieca	Replaced references to SPU with SPD. Minor amendments throughout.
Version 8.0	21/12/2022	Robert Gixti	Updated guidance on EU funded Specific Contracts.
Version 9.0	14/03/2023	Danielle Mercieca	Updated guidance on UBO Information Sheet for Specific Contracts.

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iii Glossary

CA Contracting Authority	MITA Malta Information Technology Agency
CIO Chief Information Officer	MPU Ministerial Procurement Unit
CfT Call for Tenders	OPM Office of the Prime Minister
CPB Central Purchasing Body	POF Procurement Originators Form
CPV Common Procurement Vocabulary	PCRB Public Contracts Review Board
DCC Departmental Contracts Committee	
DoC Department of Contracts	PPR Public Procurement Regulations
DPS Dynamic Purchasing System	PO/ES Purchasing Officer/Evaluation Staff
EO Economic Operator	PO/ESR Purchasing Officer/Evaluation Staff-Responsible
ePPS Electronic Public Procurement System	PO/OS Purchasing Officer/Opening Staff
GPP Green Public Procurement	SPD Sectoral Procurement Directorate
LoE Letter of Engagement	SC Specific Contract
MFIN Ministry for Finance and Employment	UBO Ultimate Beneficiary Owner
	XML Extensible Markup Language

1. Purpose of the Guidance Notes

The purpose of these Guidance Notes is to provide assistance to Contracting Authorities in issuing Specific Contracts under the Dynamic Purchasing System established by the Malta Information Technology Agency (MITA) for the Procurement of Software Development Services – DPS 060/20.

The Guidance Notes are intended to supplement the numerous instructions found throughout the standard tender and contract templates provided, by specifically noting key points or main sections of the documents, and to provide a chronological overview of the steps required for the procurement process on ePPS.

One standard template is provided for each of the Invitation Document and a Letter of Engagement (LoE). A template for the Mandatory General Requirements shall also be maintained in order to serve as a guideline for the CAs.

2. What is a Dynamic Purchasing System (DPS)?

A Dynamic Purchasing System (DPS) is a procurement procedure that can be used to procure commonly and repeatedly-used purchases, which are generally available on the market, whilst speeding up the process and reducing the administrative burden on the part of all stakeholders. A DPS is similar to an electronic framework agreement, with two exceptions:

- new Economic Operators (EOs) can join a DPS at any time and
- it can only be run as a completely electronic process.

The DPS procedure is catered for in Regulations 174 to 180 of the Public Procurement Regulations (Legal Notice 352 of 2016). DPS is considered as a restricted procedure in terms of the Regulations

A DPS can be established by a Central Purchasing Body (CPB) in respect of an identified type of requirement, which may be divided into categories of products, services or works.

The DPS has two main stages:

1. Establishment of the DPS: The DPS is established by the CPB and runs for a determined period (in years). At any point during the DPS term, Economic Operators (EOs) may apply to be admitted to the DPS and be invited to specific contracts. The EOs' administrative eligibility is determined by the CPB at this stage.
2. Issuing of Specific Contracts (SCs): Specific Contracts for particular purchases related to the broad categories/requirements of the DPS are issued. All Admitted participants are invited to tender, who only have technical and financial information to submit. The EOs' technical and financial offers are evaluated at this stage

3. How a Contracting Authority is admitted to the DPS

MITA, as a Central Purchasing Body administers the establishment of the DPS, which may comprise any Contracting Authorities listed in the Public Procurement Regulations (S.L 601.03) and all bodies governed by public law as defined therein, through ePPS.

Specific Contracts below €10,000:

CA authorised representatives are to contact the MITA Manager (Contracts and Legal) on dps.mita@gov.mt asking for their CA to be added as a participant to this DPS. The CA is to provide its active CA name as shown in the ePPS. In case the CA does not have an active ePPS account, it needs to contact the Department of Contracts on etenders@gov.mt in order to have its account created.

MITA shall add the CA to the active list of participants to this DPS within the shortest timeframes possible, by not later than the next working day from the date of the receipt of application.

Specific Contracts exceeding €10,000:

Pursuant to the provisions of Contracts Circular 04/2021, Ministerial Procurement Units (MPUs) have been replaced by a Sectoral Procurement Directorate (SPD) within the Department of Contracts. The SPD is responsible for the administration, evaluation and recommendation of Calls for Tenders published under both open and restricted procedures where the Procurement Estimated Value exceeds ten thousand Euro (€10,000) excluding VAT but does not exceed the value of seven hundred and fifty thousand Euro (€750,000) excluding VAT, including Specific Contracts under the DPS. A number of Sectoral Procurement units (SPDs) have been set which shall be responsible for issuing of SCs on behalf of CAs that fall under their responsibility.

The Sectoral Procurement Directorate has been admitted as a participant to the DPS and all Specific contracts under the DPS within the estimated values mentioned above are to be published through the SPD EPPS account. All users of Sectoral Procurement Directorates (SPDs) associated with the SPD account on EPPS will be able to issue specific contracts.

Schedule 16 Contracting Authorities previously admitted to the DPS are to ensure that they do not publish specific contracts through their own EPPS accounts, when the Specific Contract exceeds €10,000 and to liaise with their respective SPDs for publication.

In the case of Schedule 2 and Schedule 3 Contracting Authorities issuing Specific Contracts exceeding €10,000 and which do not fall under a designated SPD, CAs are to carry out all stages detailed in these Guidance Notes.

The DPS will be available to view from the **LIST OF CA DPS** under the **CFT MANAGEMENT** menu.

List of CA DPSs		
List of CA DPSs		
DPS Title:	Type:	
Procurement of Software Development Services - DPS060/20	Services	
Procurement of Printers and Scanners across the Government of Malta - DPS 020/20	Supplies	
Provision of Temporary IT Resources - DPS059/18	Services	
3 results in total. Displaying: 1-3 Page 1 of 1 << < > >>		

Figure 1 - The **List of CA DPSs** screen

For a detailed explanation of the allocation of responsibilities of Contracting Authorities and SPDs depending on whether the CA falls under Schedule 2, 3 or 16 of the Public Procurement Regulations, please refer to Appendices A and B of these Guidance Notes.

4. Some considerations on the Specific Contract

A Specific Contract (SC) is the term used to identify the tender document that is sent to tenderers when the procurement is carried out through a DPS.

In line with the **Interoffice Memorandum** issued by the Office of the Prime Minister (OPM) on the 27 October 2020, this DPS, through the Specific Contracts that could be issued, caters for the following work packages that cover the software development life cycle:

1. Requirements Analysis
2. Planning and Architectural Design
3. Software Development
4. Maintenance and Support

Each work package may incorporate different deliverables that are normally associated with each respective package, as outlined in the DPS Establishment Document. The software tools and technologies relating to the software development services being requested may vary from one Specific Contract to another, according to the individual Contracting Authority's specific requirements.

Contracting Authorities will be able to issue Specific Contracts for a defined set of combinations of these service packages, as follows:

- A. Full development cycle including planning, design, development and support services;
- B. Design, development and support services;
- C. Software development and support services;
- D. Development services only.

Combinations of Specific Contracts outside the ones outlined above shall not be allowed. Most notably, Contracting Authorities cannot issue Specific Contracts solely for 'Requirements Analysis' or 'Maintenance and Support' packages- these must necessarily be procured as part of one of the service packages outlined above.

The following considerations are to be scrupulously followed when issuing Specific Contracts:

1. Specific Contracts shall only be issued electronically, through the Electronic Public Procurement System (<https://www.etenders.gov.mt/>)
2. Unless otherwise directed by MITA, the value of each Specific Contract shall not exceed the following total values:
 - a. **€139,000 excluding VAT** when the CA is listed in **Schedule 2** of the PPR
 - b. **€250,000 excluding VAT** when the CA is listed in **Schedule 3 or Schedule 16** of the PPR
3. Contracting authorities shall ensure that Specific Contracts are issued in line with the established combinations of work packages.
4. Contracting Authorities shall retain their own authorisation levels/procedures for the issuance and award of Specific Contracts.
5. Contracting Authorities shall commit funds (whether local or EU funds) to cover the expenses related to these Specific Contracts out of their own budget.
6. Contracting Authorities shall issue Specific Contracts themselves, provided that where a Sectoral Procurement Unit (SPD) is established and the estimated value of the Specific Contract falls within the remit of the SPD, the SPD shall be responsible for issuing Specific Contracts for those CAs that fall under their responsibility, unless otherwise directed.
7. Unless otherwise instructed by MITA, all economic operators that are admitted to the DPS at the time of issuing the Specific Contract are invited to participate.
8. Contracting Authorities shall make use of the templates provided in terms of the invitation document and Specific Contract, with no alteration/deviation unless otherwise provided for in the same templates. Contracting Authorities shall remain responsible for utilising the correct template and for any alterations made outside those permitted.
9. Contract management and performance monitoring, as well as all payments due under Specific Contracts shall be handled directly by the respective Contracting Authorities.
10. The nature of the services must be drawn up under the proviso that a DPS caters for commonly used purchases the characteristics of which, as generally available on the market, meet the requirements of the Contracting Authorities. Specific Contracts awarded through this DPS shall not be subject to modifications, extensions or renewals. Any additional services would need to be procured via the publication of a new Specific Contract. Therefore, Ministries and Entities are expected to pay particular attention to

ensure proper planning of their procurement needs and requirements and are advised against any attempt towards circumvention through any means whatsoever.

5. Drawing up a Specific Contract

1. A SC will require information of a technical and financial nature only.
2. A SC will follow the restricted procedure from a procurement point of view, meaning that only those invited participants will be able to submit a bid. In terms of other procurement matters, the specific contract will be managed like a conventional tender in respect to:
 - a. A fixed deadline for submission of tender online through ePPS
 - b. Clear delineation of the award criteria (e.g. Cheapest Technically Compliant)
 - c. Evaluation Process
 - d. Notifications to successful/unsuccessful tenderers
 - e. Appeals procedure
 - f. Signing of a contract (Letter of Engagement)

6. Using the Templates

The CPB has provided templates for mandatory use in the issuing of Specific Contracts under the DPS. These include:

- Specific Contract (Invitation Document)
- Mandatory General Requirements
- Letter of Engagement
- Baseline Terms of Reference
- Baseline ePPS XML Structure
- Fees Schedule

These templates may be downloaded from the URL:

<https://procurement.mita.gov.mt/resources/dps/dps-software-development-services/>

and may be updated from time to time. It is therefore important to peruse the aforementioned link in order to ensure that the latest templates are utilised.

7. Invitation Document

The Invitation Document is based on the DoC template for open tenders, without the eligibility and selection criteria usually included in the latter. The Invitation Document would thus be comprising:

- The Instructions to Tenderers, linking with the General Rules Governing Tenders
- The Terms of Reference
- The Financial Schedule

- Any supplementary documentation (for example, the Glossary) and templates (for example, the Performance Guarantee Specimen)

➔ Important Note: Ultimate Beneficiary Owners (UBOs)

For specific contracts with an estimated value which exceeds €10,000 excluding VAT, the technical requirements must include a declaration committing the tenderer to provide a filled in UBO Information Sheet and any supporting documentation once the Specific Contract is awarded. The UBO form is available in the standard templates of the EPPS for visibility by the Economic Operators.

Contracting Authorities are to ensure that, following award, the recommended bidder submits the filled in UBO Information Sheet. The form is to be retained by the Contracting Authority and a copy is to be forwarded to DoC on compliance.contracts@gov.mt

8. Contracting Templates

Once the Invitation Document is finalised, CAs are to draft the Letter of Engagement (LoE) template. The following steps can be followed concerning the drafting of the contract:

- Review the Letter of Engagement template, taking note of the salient provisions;
- Field highlighted in yellow must be filled in or removed if not applicable. These include:
 1. The contract reference
 2. Scope of procurement
 3. Contracting Authority name
 4. Period for development and implementation
 5. Period for the provisions of maintenance services
 6. List of services to be provided by the supplier
 7. Penalty amounts for mere delay
 8. Signatory of Contracting Authority
 9. Amend list of maintenance services according to procurement requirement
 10. Frequency of preventive maintenance visits
 11. Service Levels by filling in response/ resolution times
 12. Coverage hours for maintenance services
 13. Penalty amounts for breach of Service Levels
 14. Fill in Annex A of Appendix D if supplier will be processing personal data
- Leave details relating to tenderer highlighted in green;
- Price, service requirements and timeframes in Appendix A are also to be left highlighted in green;

The Contract Template is to be published with the Invitation Document as outlined in Section 10.2.

9. Drawing up terms of reference

Terms of reference are to be drawn up in line with the Contracting Authority's specific requirements needs in the Invitation Document.

Besides making available a baseline framework for the terms of reference, the CPB cannot provide case-by-case assistance with respect to terms of reference, however Contracting Authorities are encouraged to liaise with their respective Chief Information Officers (CIOs) in order to outline appropriate terms of reference.

Every CA shall be responsible for drawing up and parameterize their own terms of reference which must then be transposed onto the ePPS in order to be evaluated.

10. Fees Schedule

A generic Fees Schedule template is available for use and is to be modelled according to the Contracting Authority's particular requirements. This Schedule includes instructions to tenderers for filling out the schedule and a number of tables catering for all combinations of software development work packages. Contracting Authorities are to fill in and/or remove the tables that are required or otherwise.

A section on Invoicing and Payment Terms is also included in the schedule and is to be tailored to the services being requested.

11. Procurement Originators Form

After all documents pertaining to the Specific Contract are finalised, Contracting Authorities are to fill in the Procurement Originators Form (POF) with the following details:

- Department/ Ministry
- Procurement Reference
- Procurement Description/ Title
- Procurement Type – **Services**
- Tender Procedure – which is to be set as **DPS 060/20: Specific Contract**
- Funding Source (locally-funded, EU co-funded, or as appropriate)
- Estimated value excl. VAT, Estimated potential cost and Total estimated value of procurement
- CPV Number/s
- Completion/ Delivery Period
- Project Leader/ Manager
- Indicate which officers have prepared the various documents for the Specific Contract
- Indicate the appropriate answers in the GPP sections
- Indicate the appropriate answers in the Data Processing section.

Invariably, a POF is required for every SC issued through this DPS. Every CA is responsible for including all details pertaining to the Specific Contract to be issued in the POF and SPDs are

to forward a signed copy to the CPB on dps.mita@gov.mt as soon as the SC is cleared to be issued.

➡ **Important Note:** Modifications or extensions on Specific Contracts are not permitted therefore any possible extensions or modifications are to be treated as optional items of expenditure, which are to be considered as part of the estimated value of the Specific Contract (rather than potential costs). In all other cases, once the Specific Contract expires or all funds are exhausted before the expiry of the contract, another Specific Contract would need to be issued.

Contracting Authorities are to abide by DoC Circular No 10/2021 when contemplating optional items in Specific Contracts, ensuring that the value of optional items does not exceed 20% of the estimated contract value.

➡ **Important Note: EU Funded Specific Contracts**

In order to ensure that publication through the DPS adheres to the public procurement principles, it is important for new suppliers being able to bid. With this in mind, this would necessitate an advance notice (20 working days) in the Malta Government Gazette (and the Official Journal of the EU for amounts more than €140,000). Raising awareness through other media can complement the publication on the Gazette and Journal.

The appropriate Managing Authority is to be consulted in case of further clarification being required.

12. Drawing up the Specific Contract on ePPS

12.1 Creating the Specific Contract

In order to create a Specific Contract in the context of the DPS for the procurement of Software Development Services (DPS 060/20), from the DPS menu, select the **CREATE SPECIFIC CONTRACT** link:

View DPS Workspace My CFT role is: PO/TC+PO/ESR

DPS: **Procurement of Software Development Services - DPS060/20** (Status: Established)

Hide DPS Menu

DPS core information
Specific contracts
Associated officers
DPS documents
Clarifications
Online evaluation
Participants
Restricted area
View Tender Structure
Specify Alerts
Manual notification
Auditing reports

Name of Contracting Authority:	Malta Information Techno
Published on behalf of:	Malta Information Techno
Status:	Established
Title:	Procurement of Software Development Services as a Dynamic Purchasing System (DPS060/20)
CFT CA Unique ID:	DPS060/20
Evaluation Mechanism:	Price/Cost Effectiveness
Description:	The subject of this procurement is the development of a Dynamic Purchasing System (DPS) for the procurement of software development services as a Dynamic Purchasing System (DPS) through the Specific Contract (SC) mechanism. The following software development services are required: 1. Requirements Analysis 2. Planning and Architectural Design 3. Software Development 4. Maintenance and Support
Procurement Type:	Services

Figure 2 – The DPS Workspace **DPS Menu**

Once the page is loaded, Specific Contracts can be created by clicking the **CREATE SPECIFIC CONTRACT** button:

List Of All Specific Contracts

DPS: **Procurement of Software Development Services - DPS060/20** (Status: Established)


Show DPS Menu

All SC CFTs

Sc ID	Title	Name of Contracting Authority	Status
<div>Create Specific Contract</div>			

Figure 3 – The **List of All Specific Contracts** screen and **Create Specific Contract** button

In the following **CREATE SPECIFIC CONTRACT** screen, the following information is to be provided:

- Specific Contract Title *
- Cft CA Unique ID
- Description of the specific contract *
- Name of CA ('Published on Behalf of:' searched from the  link) *
- Estimated value *
- Time limit for submission of tenders*
- If documents can be uploaded within clarifications *
- If the Specific Contract is EU-funded
- If multiple offers will be accepted
- If the Cft falls under the scope of Green Public Procurement (GPP) *

- If Certification Checks are required*
- * These fields are mandatory.

The following information is pre-filled and no user intervention is required:

- Procurement type
- Procedure
- Directive
- CfT involvement
- CPV Codes
- Inclusion of e-Auctions
- Payment Options
- Evaluation Mechanism

Once all the information is filled in, click the **CREATE CFT WORKSPACE** button.

Once the CfT Workspace has been created, two tasks will be shown in the user's ePPS homepage:

The **FINALISE CFT CORE INFORMATION** link is to be selected in order to make some final edits to the Workspace (for example, setting the time-limit for the submission of tenders for the Specific Contract). Click the **SAVE CHANGES** button to save any modifications to the Workspace.

The **DEFINE TENDER STRUCTURE** will now be displayed in the List of Tasks.

Task List		
List of Tasks		
CfT Title	Task	
Framework for the Provision of Wireless Equipment, NAC Tool and Services - T058/20	Answer Clarification Request	
Framework for the Provision of Wireless Equipment, NAC Tool and Services - T058/20	Associate PO/OS and PO/ES	
Development of an Online Form for the Sourcing and Legal Unit - MITA	Define Tender Structure	
Development of an Online Form for the Sourcing and Legal Unit - MITA	Associate PO/OS and PO/ES	
Procurement of Software Development Services - DPS060/20	Evaluate Submissions	

Figure 4 – The **Define Tender Structure** link from the User Homepage screen

The user must define the tender structure by indicating whether the tender structure defined for the Specific Contract will be created afresh, or whether the tender structure will be imported from a pre-defined XML file.

Tender Structure My CFT role is: PO/TC

▼ CFT: **Development of an Online Form for the Sourcing and Legal Unit - MITA** (Status: Draft) Show CFT Menu

Import Template (XML): ☒ No ☐ Yes

Tender will be packed in: ☒ Single envelope ☐ Multiple envelope

Next

Figure 5 - The **CfT Tender Structure** screen: Create the XML afresh

Tender Structure My CFT role is: PO/TC

▼ CFT: **Development of an Online Form for the Sourcing and Legal Unit - MITA** (Status: Draft) Show CFT Menu

Import Template (XML): ☐ No ☒ Yes

Tender will be packed in: ☒ Single envelope ☐ Multiple envelope

Please upload a valid Final Tender Structure XML file: Choose File No file chosen Upload File

Next

Figure 6 - The **CfT Tender Structure** screen: Import XML

➡ **Important Note:** A baseline ePPS XML Structure is available as part of the templates provided by MITA. This Structure can be imported and amended to suit the particular requirements of the Specific Contract.

CAs are responsible for creating the technical sections and criteria required in ePPS, in accordance with the details included in the Invitation Document, unless otherwise advised by the SPD. Unlike the creation of an open tender Cft, no information relating to the administrative aspects (eligibility and selection criteria) are to be included in the Cft Tender Structure.

Tender Structure My CFT role is: PO/TC

▼ CFT: **Lease of 10 Multi-Function Printers for the Finance and Contracts Department** (Status: Draft) Show CFT Menu

Technical Financial

Definition Management

Definition Management

Figure 7 – The **Technical** screen within the CfT Tender Structure

In order to insert the technical criteria, a minimum of one Section is to be created. In order to do so, from the **TECHNICAL** tab:

- Select 'Definition' button
- Select 'Add Section'
- In the new window fill the field entitled 'Label'
- Press 'Submit'

The screenshot shows a web interface titled 'Define Section Element'. It features a single text input field labeled 'Label' with the text 'Technical Requirements' entered. To the right of the input field is a blue button labeled 'Submit'.

Figure 8 – The **Define Section Element** screen

Multiple sections and sub-sections can be created. It is however recommended to keep the Technical Structure as simple and streamlined as possible.

To add technical criteria within the Section, ensure that the relevant Section's radio button is checked, and the select **ADD CRITERIA** from the Definition menu.

The screenshot shows a web interface titled 'Tender Structure'. At the top right, it says 'My CFT role is: PO/TC'. Below this, there's a dropdown menu showing 'CFT: Development of an Online Form for the Sourcing and Legal Unit - MITA (Status: Draft)' and a 'Show CFT Menu' button. The main area has two tabs: 'Technical' (selected) and 'Financial'. Under the 'Technical' tab, there's a list of sections. The first section is 'Technical Requirements [1599308080878]', which is highlighted with a red box. To the right of this section, a context menu is open, showing options like 'Definition', 'Management', 'Add Section', 'Add Subsection', 'Add Criteria' (highlighted with a red box), 'Copy Section/Criteria', 'Paste Section/Criteria', 'Section Evaluators', 'Edit', and 'Delete'.

Figure 9 – The **Add Criteria** link within the Technical Section screen

From the resultant new window, fill in/select the following details:

- Type- choose from Text field, Text area, Number, Date, File or List
- Label
- If mandatory criteria or not
- If Supplier read only
- If textual evaluation
- If criterion included in Evaluation and if yes, the weight and threshold for the criterion
- Press 'Submit'

Edit List

Label: Confirmation that the participant has examined, and accepts

Mandatory: ☒

Supplier read only: ☐

Textual evaluation* (only ESR will provide score): ☒

Define Options Type

When using combo boxes please make sure to enter short labels to ensure proper presentation

☒ Radio buttons ☐ Check boxes ☐ Combo box

Define number of options: 1 Create Options

Label: Confirmed Evaluation Score: 100

Criterion included in Evaluation: ☒

Define evaluation parameters

Threshold: 100

Submit

Figure 10 – The **Technical Define Criteria** screen

Criteria may be added, removed, or edited until the CFT Structure is finalised.

Financial criteria need to be included from the **FINANCIAL** tab:

- Define the financial evaluation approach (whether the financial element will be a pass/fail component of the Specific Contract evaluation, or not)
- To add financial criteria, select the select **INSERT FINANCIAL CRITERIA** from the Definition menu.

Tender Structure My Cft role is: PO/TC

CFT: Development of an Online Form for the Sourcing and Legal Unit - MITA (Status: Draft) Show CFT Menu

Technical **Financial**

Evaluation Approach: **Not defined**

Define financial

Definition Management

Insert financial criteria

Edit

Delete

Figure 11 – The **Insert Financial Criteria** screen

- From the new Window, set the appropriate label, and check whether the criterion is mandatory, and if the document attachment is mandatory. Click the **Submit** button to save settings.

Define Financial Criterion

Label: Financial Offer. Please attached the Financial Offer Form.

Mandatory: ☒

Attachment mandatory: ☒

Submit

Figure 12 – The **Define Financial Criterion** screen

Once all technical and financial criteria are defined, the user can proceed with finalizing the Specific Contract Tender Structure:

- It is important that the user clicks the **SAVE DRAFT** link from the **MANAGEMENT** button, if the technical/financial criteria are not finalised – otherwise any additions or changes will be lost.
- The user should click the **VALIDATE** button to ensure that the XML structure is validated successfully, thus ensuring that the Specific Contract structure is complete.
- The Specific Contract Tender Structure is finalised by clicking the **SAVE FINAL** button.

Technical Financial

Definition Management

± ● Technical Requirements [1599308080878] W

Confirmation that the participant has examined, and accepts in full and in its entirety, the content of the Mandatory General Requirements (including any amendments made through subsequent Clarifications Notes issued by the Contracting Authority) without reservation or restriction.

Radio buttons

± ● Technical Requirements and Specifications W T ▼ ▲

● Please upload filled-in Key Experts Form * W T ▼ ▲

BROWSE... Max file size: 5MB

● Please upload CV of [Resource] [Delete if not applicable, duplicate as may be required] * W T ▼ ▲

BROWSE... Max file size: 5MB

● (For internal use only) Overall Decision: Compliant? W T 100 ▼ ▲

Radio buttons

Definition Management

Figure 13 – The **Save Draft, Validate and Save Final** links from the **Management** Menu

12.2 Adding Contract Documents

The documents drafted for the Specific Contract must be uploaded onto the ePPS, which should as a baseline include:

- The Invitation Document
- Letter of Engagement
- Financial Schedule

In order to add these documents onto the ePPS, from the Cft Menu click the **CFT DOCUMENTS** link and follow these steps:

- Select the 'Contract Documents' tab
- Select 'Add Contract Documents'
- Fill in the Title of the Document (Invitation Document/ Draft Specific Contract etc) and provide a Description for the document if necessary
- Select 'Browse' to select the file to be uploaded
- Choose whether the document status is 'Draft' or 'Final' (documents cannot be edited/removed once saved as final)
- Select 'Save Changes'
- The uploaded document will appear in the 'Contract Documents' tab
- Repeat these steps for all documents which need to be uploaded.

The screenshot displays the 'Notice & Contract Documents' interface. At the top, it shows 'My Cft role is: PO/TC' and a dropdown menu for 'CFT: Development of an Online Form for the Sourcing and Legal Unit - MITA (Status: Draft)' with a 'Show CFT Menu' button. Below this is a 'Contract Document List' section with tabs for 'Notices', 'Contract Documents', and 'Invitations'. A table header is visible with columns: Select, Addendum ID, Title, File, Creator, Status, and a calendar icon. Action buttons 'View', 'Edit', 'Delete', and 'Add Contract Document' are present. The 'Add/Edit Contract Document' form includes fields for: *Title (Specific Contract), *Language (English), Description (Specific Contract including Instructions to Tenderers, with 1946 remaining characters), * Attachment (Choose File, No file chosen), and * Status (Draft, Final). 'Save Changes' and 'Cancel' buttons are at the bottom.

Select	Addendum ID	Title	File	Creator	Status	
--------	-------------	-------	------	---------	--------	--

Add/Edit Contract Document

*Title: Specific Contract

* Language: English

Description: Specific Contract including Instructions to Tenderers
1946 remaining characters

* Attachment: Choose File No file chosen

* Status: ☐ Draft ☒ Final

Save Changes Cancel

Figure 14 – The **Add Contract Document** screen

12.3 Invitation to Specific Contracts

SPDs must invite all Economic Operators admitted to the DPS to take part in the Specific Contract competition, unless otherwise advised by the CPB. This is done by selecting the **INVITATIONS** tab from the **CFT DOCUMENTS** link within the Specific Contract's **CFT MENU**.

➡ **Important Note:** If the screen is not displaying any fields, invitations cannot be dispatched since a request for admittance to the DPS is still pending evaluation by the CPB. Please contact MITA on dps.mita@gov.mt for further assistance and guidance.

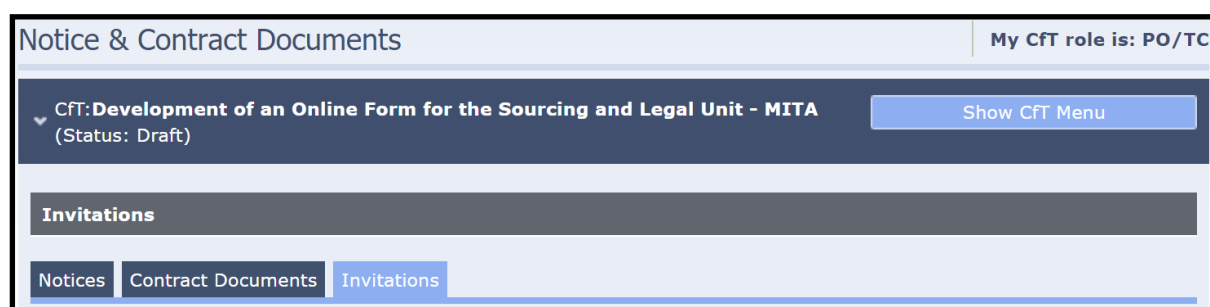


Figure 15 – The **Invitations** screen (no invitation possible)


If the Specific Contract has been finalised, and if there are no pending applications for admittance to the DPS, the **SEND INVITATIONS** task shall be shown on the user's ePPS homepage.

Task List		
List of Tasks		
CFT Title	Task	
Development of an Online Form for the Sourcing and Legal Unit - MITA	Send invitations	
Framework for the Provision of Wireless Equipment, NAC Tool and Services - T058/20	Answer Clarification Request	
Framework for the Provision of Wireless Equipment, NAC Tool and Services - T058/20	Associate PO/OS and PO/ES	
Development of an Online Form for the Sourcing and Legal Unit - MITA	Associate PO/OS and PO/ES	

Figure 16 – The **Send Invitations** link in the ePPS Task list.

Clicking the **SEND INVITATIONS** link, leads to the **INVITATIONS** tab within the Specific Contract's **CFT DOCUMENTS** section.

Notice & Contract Documents
My CFT role is: PO/TC


No invitation has been previously dispatched for the current cycle

Close

CFT: Development of an Online Form for the Sourcing and Legal Unit - MITA
(Status: Draft)

Show CFT Menu

Invitations

Notices
Contract Documents
Invitations

Create New Invitation

Figure 17 – The **Invitations** Screen.

Invitations are created by clicking the **CREATE NEW INVITATION** button.

Notices
Contract Documents
Invitations

Create New Invitation

*Subject:

Invitation to tender for: Development of an Online Form for the Sourcing an

*Body:

You are invited to submit a bid for the development of an online form for the Sourcing and Legal Unit, MITA. Further information is available in the Specific Contract documentation.

#PSFM

1811 remaining characters

Attachment:

Choose File

No file chosen

*Organisations:

(Please select (check) the EOs to invite)

	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>

Deadline for tender submission

*Date:

04/01/2021

Time:

hh: 11

mm: 30

Request for clarification

*To:

30/12/2020

hh: 09

mm: 30

Cancel

Send Invitation

Figure 18 – The **Create New Invitation** Screen.

The invitation is completed by:

- Filling in the body of the Invitation with a brief overview of the subject-matter of the Specific Contract
- Checking **ALL** EOs listed (in alphabetical order) in the screen
- Setting the date and time related to the deadline for tender submission
- Setting the date and time related to the deadline for request for clarification

➡ **Important Note:** With respect to deadlines for tender submission, the minimum time-limit for receipt of tenders shall be at least 10 days from the date on which the invitation to tender is sent (as per Regulation 175(3)(b) of the PPR).

There are no minimum time-limits for receipt of clarification requests. The principle of proportionality is however to be kept in mind when these deadlines are set.

The details of organisations admitted to the DPS are pre-filled. Once all information has been set, click the **SEND INVITATION** button to dispatch the invitation.

13. Opening and Evaluation of Specific Contracts

The ePPS process once the invitations are dispatched are similar to the conventional Open Tender process. This is a summary of the most salient steps:

13.1 Associating users

SPDs will be responsible for the unlocking of tenders and must therefore nominate two (2) opening staff (PO/OS). CAs will be responsible for the evaluation of Specific Contracts and must therefore nominate the voting members of the evaluation committee (PO/ES). Opening staff and Evaluating Staff can be associated through the CfT menu by selecting 'Associated officers' and associating users for opening and evaluation.

➡ **Important Note:** Evaluating Staff must declare that they do not have any conflict of interest through ePPS in order to be able to evaluate the bids received. This task is only available once bids are unlocked by the Opening Staff. Until such time, the EPPS shall display a task to associate the PO/OS, PO/ES and PO/ESR in the PO/TC's homepage task list.

13.2 Opening

On accessing the ePPS, opening staff will be able to unlock tender through their task list by selecting 'Unlock Tenders'.

The first PO/OS is to ensure all bids submitted have been selected by selecting the appropriate tick boxes and then selecting 'Submit List of Tenders'.

The second PO/OS, on selecting 'Unlock Tenders' from his/her task list, will be able to unlock the tenders submitted by selecting 'Approve list of Tenders'

Once both opening staff have unlocked the tenders, a list of opened tenders will be visible and the opening report can be downloaded by selecting 'Download'. The minutes of tender opening must be signed by opening staff and retained for the CA's records.

13.3 Evaluation

Once unlocked, submissions must be evaluated by the voting members of the Evaluation Committee solely on the technical and financial criteria as detailed in the Invitation Document. On selecting 'Evaluate Tenders' from their task list, evaluators will be directed to the main evaluation page in which only the Technical and Financial criteria tabs will be visible. Where necessary, clarifications and/or rectifications may be sought by the Evaluation Committee through email.

Evaluators have the option of saving their evaluation as draft by selecting 'Save as Draft' to allow further updates to be done; if the evaluator has finalised the evaluation and no further updates will be required, he/she can select 'Save as Final'.

The Chairperson (PO/ESR) must approve the evaluation of all the evaluators by:

- Selecting 'Overall evaluation status'
- On the page displaying the list of evaluation scores from all evaluators, select 'Finalise the Evaluation' for all offers.
- The status of all evaluations will be changed to 'Finalised'
- Offers will be ranked by the system according to the evaluation

The chairperson must then select 'Generate Evaluation report' and an Excel document will be created with the details of the evaluation.

Contracting Authorities must compile the evaluation report and the Chairperson is to upload the report signed by all members of the Evaluation Committee on ePPS. By selecting 'Upload New Version'. Evaluators will receive a task on ePPS to approve the final evaluation report.

Contracting Authorities are to seek the necessary authorisations (internal, DCC, MPU etc.) in order to award the Specific Contract to the successful bidder according to their own authorisation levels/procedures for the award of Specific Contracts.

➡ Important Note: SCs estimated below €10,000 require the approval of the Head of CA. DCC approval is only required where the SC is estimated from €10,000 upwards.

Once approval is received, the Chairperson is to 'Approve as Final' the evaluation report and the ranking of tenderers is generated.

The Notice of Award is to be uploaded in the Specific Contract's **CFT DOCUMENTS** Section, and sent to all bidders in the respective notifications to successful and unsuccessful bidders. A ten-day appeals period is to be allowed for.

➡ **Important Note:** The appeals period only applies where the estimated value of the Specific Contract is in excess of €5,000. Specific Contracts below this threshold need not provide for the procedure for submission of appeals.

14. Award and Post-Award Obligations

14.1 Contract Award

Once the appeals period has lapsed, SPDs are to finalise the process on ePPS and award the contract to the successful tenderer, by selecting 'Award Contracts'. SPDs are to inform the successful tenderer to formally accept the Contract Award through ePPS.

SPDs are to finalise the ePPS process by generating and publishing the Award Notice as follows:

- From the CfT menu select **CFT DOCUMENTS**
- In the notices and contract documents page, select **CREATE NOTICE**
- Select **AWARD NOTICE** (no TED publication)
- In the Form Filing Tool, fill in the mandatory fields and on completion, select **SAVE FINAL**. Some fields may be pre-populated.
- The Contract Award Notice will be listed with the earlier Contract Notice and the status will be 'Final'.
- In the notices page, select the Contract Award Notice and press **PUBLISH NOTICE**. The status of the award notice will change to 'Published'.

SPDs are to ensure that they inform the CPB of the award of any Specific Contract and the value of the awarded Contract by sending a copy of the Contract Award Notice on dps.mita@gov.mt.

14.2 Populating the Specific Contract

The Specific Contract template, as published with the Invitation Document, must then be compiled by the SPD following the steps below:

- Fill in greyed out details including:
 1. Date
 2. Address of tenderer
 3. Contracting Authority details
 4. Tenderer details
 5. Total charges for the Specific Contract
 6. Terms of Reference as published in Invitation in Appendix A
 7. Include Price Schedule as submitted by Tenderer in Appendix A
 8. Include CVs of Key Personnel in Appendix E
 9. Include Architecture Design and Specifications in Appendix F (if applicable)
 10. Attach Performance Guarantee as provided by Supplier as Appendix G

- Contact successful bidder for any missing details example, VAT number, company registration, signatory details.

Once the Specific Contract is compiled, the signatory for the CA must sign two copies of the LoE and these are to be sent to successful bidder for counter-signature. The CA is to retain one counter-signed copy for their record. The contract shall only be sent for endorsement after the mandatory lapse of the 10 calendar days appeal period and confirmation that no appeal has been lodged with the Public Contracts Review Board (PCRB).

14.3 Post-Award Obligations

After the completion of the Specific Contract process and endorsement of the Contract, CAs are to:

- Ensure Suppliers provide the CA with a Performance guarantee (where applicable), in accordance with the Contract provisions;
- Notify Suppliers of any police conduct certificates and/ or Security screening certificates, as the CA may deem necessary;
- Monitor performance under the Contract;
- Ensure the Supplier abides by the timeframes specified in the Contract and enforce penalties if necessary;
- Issue acceptance certificate/ delivery note on delivery of the equipment;
- Process invoices and payments according to the Contract provisions;
- Ensure the Supplier adheres to the SLAs specified in the Contract and enforce penalties if necessary;
- Draft any contractual amendments that may become necessary during the Term, after obtaining the appropriate approvals;
- Follow-up the contract right up until completion, where the relative Completion Report is to be completed by the CA.

15. Useful References, Websites and Contact Details

References

Public Procurement Regulations (S.L. 601.03)

<https://legislation.mt/eli/sl/601.3/eng/pdf>

Interoffice Memorandum - Procurement of Software Development Services

You need to be logged in to ePPS and your Organisation associated with this DPS in order to access the file

Websites

ePPS Link for DPS 060/20 – Procurement of Software Development Services

<https://www.etenders.gov.mt/epps/dps/prepareViewCfTDPSWS.do?resourceId=7033337>

DPS Contract Notice in the Official Journal of the EU

<https://ted.europa.eu/udl?uri=TED:NOTICE:531304-2020:TEXT:EN:HTML>

ePPS Resources Link (to download General Rules Regarding DPS/Tenders)

<https://www.etenders.gov.mt/epps/viewInfo.do?section=statistics&selectedItem=viewInfo.do%3Fsection%3Dstatistics>

MITA Procurement Website dedicated page

<https://procurement.mita.gov.mt/resources/dps/dps-software-development-services/>

Useful email addresses

MITA Manager (Contracts and Legal) and MITA DPS Team

dps.mita@gov.mt

Office of the Prime Minister (DPS Liaison)

dps.opm@gov.mt

Sectoral Procurement Directorate at OPM

spd.opm@gov.mt

Department of Contracts (ePPS Liaison)

etenders@gov.mt

Appendix A

MITA Dynamic Purchasing Systems Process Flow

Contracting Authorities listed in Schedule 16

Task	Responsibility		
	MITA	SPD	CA
DPS Administration			
Administering the establishment of the DPS	✓		
Making available templates and guidance notes including updating as necessary	✓		
Admittance of SPD and CAs	✓		
Evaluation of applications for admittance to the DPS by interested suppliers and admitting/rejecting accordingly	✓		
Monitoring of budget associated with DPS	✓		
Specific Contract Publication			
Filling in templates made available for Specific Contracts			✓
Drafting of Terms of Reference and/or technical specifications			✓
Seeking GPP clearance where necessary			✓
Obtaining internal authorisations for specific contracts, including signature of Procurement Originators Form (PoF)			✓
☞ If the value of the Specific Contract is below €10,000:			
Seek guidance/assistance from MITA in relation to Specific Contract drafting			✓
Creation of EPPS XML structure			✓
Dispatch of invitation to admitted candidates			✓
Sending copy of signed PoF to MITA, prior to publication			✓
Tender unlocking			✓
☞ If the value of the Specific Contract exceeds €10,000:			
Vetting of SC documentation from CAs		✓	
Seek guidance/assistance from MITA in relation to Specific Contract drafting		✓	
Creation of EPPS XML structure			✓ *
Dispatch of invitation to admitted candidates		✓	
Sending copy of signed PoF to MITA, prior to publication		✓	
Tender unlocking		✓	
Specific Contract Adjudication and Post-Award			
☞ If the value of the Specific Contract is below €10,000:			
Evaluation of specific contracts			✓
Finalisation of process on EPPS including awarding of contract, informing successful and unsuccessful tenders of outcome, creating award notice and contract on EPPS.			✓
Populating Letter of Engagement/ Purchase Order following award			✓
Signature of Specific Contract			✓
Sending copy of Contract Award Notice to MITA, following award			✓
Contract management including receipt of performance guarantees, monitoring performance, issuing delivery notes, payments, adherence to contractual obligations, drafting amendments, completion reports.			✓
☞ If the value of the Specific Contract exceeds €10,000:			
Evaluation of specific contracts			✓
Finalisation of process on EPPS including awarding of contract, informing successful and unsuccessful tenders of outcome, creating award notice and contract on EPPS.		✓	
Populating Letter of Engagement/ Purchase Order following award		✓	
Signature of Specific Contract			✓
Sending copy of Contract Award Notice to MITA, following award		✓	
Contract management including receipt of performance guarantees, monitoring performance, issuing delivery notes, payments, adherence to contractual obligations, drafting amendments, completion reports.			✓

* Unless SPD advises otherwise

Appendix B

MITA Dynamic Purchasing Systems Process Flow

Contracting Authorities listed in Schedules 2 and 3

Task	Responsibility		
	MITA	SPD	CA
DPS Administration			
Administering the establishment of the DPS	✓		
Making available templates and guidance notes including updating as necessary	✓		
Admittance of SPD and CAs	✓		
Evaluation of applications for admittance to the DPS by interested suppliers and admitting/ rejecting accordingly	✓		
Monitoring of budget associated with DPS	✓		
Specific Contract Publication			
Filling in templates made available for Specific Contracts			✓
Drafting of Terms of Reference and/or technical specifications			✓
Seeking GPP clearance where necessary			✓
Obtaining internal authorisations for specific contracts, including signature of Procurement Originators Form (PoF)			✓
Seek guidance/assistance from MITA in relation to Specific Contract drafting			✓
Creation of EPPS XML structure			✓
Dispatch of invitation to admitted candidates			✓
Sending copy of signed PoF to MITA, prior to publication			✓
Tender unlocking			✓
Specific Contract Adjudication and Post-Award			
Evaluation of specific contracts			✓
Finalisation of process on EPPS including awarding of contract, informing successful and unsuccessful tenders of outcome, creating award notice and contract on EPPS.			✓
Populating Letter of Engagement/ Purchase Order following award			✓
Signature of Specific Contract			✓
Sending copy of Contract Award Notice to MITA, following award			✓
Contract management including receipt of performance guarantees, monitoring performance, issuing delivery notes, payments, adherence to contractual obligations, drafting amendments, completion reports.			✓