

Notice Number MCST 09/2009
Closing Date **1200 hours on 7th August 2009**
Date of Publication 31st July 2009

**Provision of Consultancy Services
(Innovation Policy)
to the Malta Council for Science and Technology**

Invitation to Tender

July 2009

AVVIZ TAL-MCST

NRU MCST 09/2009

OFFERTA GĦAL:

Provision of Consultancy Services (Innovation Policy) to MCST

1. Dan l-uffiċċju jirċievi offeriti magħluqin u miktubin fuq formola magħmula għalhekk u skond kif speċifikat fil-formoli u fil-kundizzjonijiet meħmuża ma' l-istess formola sa nofs-in-nhar **tas-7 t'Awissu 2009**.
2. Ma titqies ebda offerta jekk:-
 - a) ma tasalx għand l-MCST sal gurnata u l-ħin imsemmijin hawn fuq;
 - b) ma tkunx miktuba fuq formola magħmula għalhekk;
 - c) (i) fil-każ ta' Kumpanija b'responsabbilita' limitata ma tkunx iffirmata minn persuna jew persuni awtorizzati/i li jiffirmaw għan nom tal-Kumpanija;
(ii) fil-każijiet l-oħra kollha ma jkunx iffirmit minn min jagħmel l-offerta;
 - d) ma jissemmewx fl-offerta ta l-indirizz postali u l-eta' min jagħmel l-offerta - fejn ikun applikabbli
3. Min jieħu l-offerta għandu meta dan ikun rikjest mill-kundizzjonijiet ta' l-offerta, jiġi biex jiffirma l-kuntratt fejn u meta jkun mitlub jagħmel hekk. Id-drittijiet tal-kuntratt iħallashom min jieħu l-appalt. Min jieħu l-appalt ikollu jħallas piena li tkun daqs il-għaxra fil-mija tal-valur stmat tal-kuntratt, Jekk huwa jonqos li jmur jiffirma personalment jew bi prokura, il-kuntratt għal darbtejn wara xulxin meta jkun mitlub jagħmel dan. Barra minn hekk, jekk min jagħmel l-offerta ma jagħtix xi informazzjoni u/jew dokumenti meħtieġa biex jiġi formulat il-kuntratt dan jitqies li ma jridx jiffirma l-kuntratt u b'hekk dak li jkun iffirma l-offerta jsir responsabbli personalment u jsir sugġett għal-piena msemmija hawn fuq. Ma' dan kollu min jagħmel l-offerta jibqa' responsabbli li jwettaq l-obbligi taħt il-patt u jista jkun imġiegħel iwettaq dawn l-obbligi taħt il-kundizzjonijiet li jirregolaw il-kuntratt u jkun sugġett għall-pieni li hemm imsemmija f'dawn il-kundizzjonijiet għalkemm il-kuntratt formali jkun għadu ma sarx.
4. Kull min jagħżel offerta ma jistax irregġgagħha lura jew jirtiraha fiż-żmien imsemmi fil-formola relattiva ta' l-offerta. Matul dan iż-żmien, li jibda jghodd mid-data li fiha jkun għalaq iż-żmien li jixteħtu l-offerti, dawn l-offerti jibqgħu jghoddu u jistgħu jintlaqgħu f'kull żmien.

MCST

NOTICE NO MCST 09/2009

TENDER FOR:

Provision of Consultancy Services (Innovation Policy) to MCST

1. Sealed tenders on the prescribed form and in accordance with the specification and conditions attached thereto will be received at this office up to 1200hours (noon) on **7th August 2009**.
2. No tender shall be considered unless:-
 - a) it is received at MCST on or before the date and time fixed above;
 - b) it is made on the prescribed form;
 - c) (i) in the case of a Limited Company it is signed by a person of persons duly authorised to act on behalf of the company;
(ii) in all other cases it is signed by the party tendering;
 - d) the postal address and age of the tenderer - where applicable - are stated in the tender
3. The successful tenderer shall where the conditions of the tender so specify, call to sign the contract where and when required to do so. The contract fees shall be borne by the successful tenderer. The tenderer whose offer is accepted shall incur a penalty equal to ten per cent of the estimated value of the contract should he fail to call either personally or by proxy to sign the contract for two consecutive times when requested to do so. Moreover, if the said tenderer fails to furnish information and/or documents necessary for the drawing up of the contract this shall be construed as unwillingness on the part of the tenderer to sign the contract, and shall render the signatory of the tender personally responsible and liable to the penalty aforesaid. This notwithstanding the said tenderer shall remain responsible to carry out his obligations under the agreement, and may be compelled to carry out such obligations under the conditions governing the contract and shall be subjected to the penalties specified in those conditions although a formal contract was not executed.
4. Tenderers shall not retract or withdraw their tenders for the period specified in the relative form of tender. During this period, which shall commence from the date of expiration of the time fixed for the presentation of tenders, the tenders shall remain binding and may be accepted at any time.

5. Il-MCST iżomm li tilqa' jew tirrifjuta kollha kemm huma jew parti mill-offerti li jaslulha, jew li taqşam l-appalt bejn żewġ kuntratturi jew iżjed.
 6. Il-formoli ta' l-offerta bil-ħlas tal-prezz iffissat fejn applikabli u kull tagħrif ieħor dwar il-kundizzjonijiet tal-kuntratt jistgħu jinkisbu minn dan l-Uffiċċju, f'kull gurnata tax- xogħol bejn it 8.30 ta' fil-ghodu u nofs in-nhar.
 7. Il-konferma ta' l-aċċettazzjoni tista' l-ewwel tiġi mogħtija lil min ikun ħa l-offerta bil-fomm jew b'telex, telegrammi, telefax jew l-ittra ta' aċċettazzjoni tiġi mibgħuta fi żmien għaxart ijiem (10) tax-xogħol mid-data ta' din il-konferma.
5. MCST reserves the right to accept or reject, wholly or in part, if the tenders received, or to divide the service among two or more contractors.
 6. Forms of tenders against payment where applicable of the prescribed fee and any further information regarding the conditions of the contract may be obtained on application at this office, on any working day between 8:30am and noon.
 7. Confirmation of acceptance may in the first instance be communicated to the tenderer verbally or by telex, cable, telefax, letter or other available means and in any such case the formal letter of acceptance will be despatched within a further ten (10) working days from such confirmation.

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01. Introduction

01.1 Objective

The Malta Council for Science and Technology (MCST) invites suitably qualified individuals and organisations to submit proposals for the provision of Consultancy Services related to **Innovation Policy** to the MCST. Further details regarding the required services and terms of engagement are provided in Section 2 of this document.

01.2 Issuing Office and Awarding Authority

The contact details for matters relating to this ITT are as follows:

The CEO,
Malta Council for Science and Technology
Villa Bighi, Bighi KKR 1320
Malta
Telephone: +356 2360 2118
Fax: +356 2360 2140

01.3 MCST Rights and Reservations

The MCST:

1. reserves the right to cancel this ITT process without incurring any penalty or cost;
2. may, at its own discretion, decide not to select any proposal or not to award any Contract even the most advantageous offer;
3. reserves the right not to consider offers that have missing mandatory information;
4. may disqualify the Bidder if it does not abide by the instructions in this document.

01.4 Clarifications and Addenda

1. A Bidder requiring clarification or interpretations of the ITT document should do so in writing. The written request should reach The CEO, MCST at least four (4) days prior to the closing date of receipt of the tenders. Any request after this date will not be accepted.
2. Any interpretations, corrections or changes to the ITT document by the CEO, MCST, will be made by official addenda. Interpretations, corrections or changes made in any other manner will not be valid, and Bidders shall not rely upon such interpretations, corrections and changes.
3. No addenda shall be issued later than six (6) days prior to the last date of receipt of responses with the exception of an addendum postponing the closing date of receipt of responses or notice of withdrawal of this ITT.
4. Each Bidder shall ascertain, prior to submitting the response, that he or she has received all addenda issued and shall acknowledge their receipt in his or her response.

Clarifications and addenda will be notified through the website: <http://www.mcst.gov.mt>.

01.5 Eligibility

Bidding will be open to both individuals and organisations. In the latter case, the submission must include named individuals who are being nominated to provide the service and any eventual selection shall be linked to those particular individuals.

01.6 Response

Interested bidders are requested to submit their responses using the form in Appendix A together with the following supporting documentation:

- A Curriculum Vitae (EU format)
- Photocopies of tertiary qualifications
- A sample of recent written work (2-3 pages)
- Any other supporting documentation the Bidder believes is relevant.

Incomplete or incorrectly filled in forms will be disqualified.

01.7 Submissions

Each submission must be presented in the form of **one** (1) printed copy. Information supplied by the Bidder in response to this tender will be treated as confidential and all materials provided by the Bidder are non-returnable.

The closing date and time for the submission of responses to this Invitation to Tender (ITT) is **1200 hours (noon)** Malta time on **Friday 7th August 2009**. Responses and any related supplementary information are to be drawn up in English ONLY and should be clearly marked:

Provision of Consultancy Services (Innovation Policy) to MCST – MCST 09/2009.

The submissions are to be deposited in the tender box between the hours of 0900 and 1700 at the address indicated above. Late submissions will not be considered.

01.8 Grounds for Disqualification

The MCST may at its discretion disqualify a submission on one or more of the following grounds. If the Bidder:

- i. is bankrupt, or whose affairs are being administered by the court, who has entered into an arrangement with creditors or who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;
- ii. is the subject of proceedings for a declaration of bankruptcy, or administration by the court or for an arrangement with creditors or of any other similar proceedings under national laws or regulations;
- iii. has been convicted of an offence concerning his professional conduct by a judgement which has the force of res judicata;
- iv. has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of Malta or the country in which he is resident;
- v. has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of Malta or the country in which he is resident;
- vi. has been declared guilty of grave professional misconduct proven by any means which the Department of Contracts deems conclusive;
- vii. is guilty of misrepresentation in supplying the information required under this contract notice.

01.9 Publication of Results

Once the CEO approves the recommendations made by the Evaluation Committee, the MCST will advise all Bidders of the result of the evaluation.

In line with the Procurement Regulations, a period of 14 working days shall be allowed to provide for any possible appeals to be made before the next stage of the process can be proceeded with.

01.10 Appeals Board

This ITT is being published and awarded, subject to the appeals board procedure as set forth in the Financial Administration and Audit Act (Cap 174), Legal Notice No. 177 Public Contracts Regulations 2005 published in the Government Gazette No. 17775 dated 3rd June 2005. A copy of the relevant Part XIII of these regulations is being included with this ITT document.

01.11 Arbitration

Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the rules of the Malta Arbitration Centre as at present in force.

01.12 Data Protection Clause

The information collected on this form shall be processed in accordance to the Data Protection Act 2001. The contents of this document are confidential (Public Contracts Regulations Subsidiary Legislation paragraph 44) and intended solely for the use of this ITT process, and will not be disclosed or copied without the Bidder's consent to anyone outside the Government of Malta unless the law permits us to do so.

02. Requirements

02.1 Malta Council for Science and Technology Profile

The Malta Council for Science and Technology (MCST) was established in 1989 to provide advice on Science and Technology Policy to the Government of Malta. Its current responsibilities are as follows:

- to provide policy advice to the government on Science, Technology, Research and Innovation Policy;
- to promote the EU Framework Programme for Research (FP7) in Malta;
- to manage the local R&I funding programme.

Besides the performance of its core responsibilities, the MCST regularly engages in projects and activities funded by the EU in support of its mandate, and is often requested to provide reports, information and statistics related to its area of competence.

02.2 Background

Innovation policy is often described as being about helping companies to perform better and contributing to wider social objectives such as growth, jobs and sustainability. At present, the main, overarching community innovation policy document is the "Broad-based innovation strategy for the EU" (COM (2006)502). It aims to couple industry-led and society-driven innovation with competitiveness and public policies at all levels as a key element of the renewed Lisbon strategy for growth and jobs. The Communication provides a framework and a broad agenda through which to take innovation forward by bringing together different policy areas which have a bearing on innovation. The broad-based innovation strategy makes it very clear that innovation is an output which is dependent on collective input from numerous other policy areas, and advocates the need for a clear governance of this policy area. In the national context, at the policy making level, various strategic policy documents refer to different aspects of innovation policy. At the policy implementation level numerous public sector bodies play a role in supporting innovation in Malta.

02.3 Required Services

The MCST is seeking, through this tender, to identify an individual to provide consultancy services in the area of innovation policy.

The individual will have the following responsibilities:

1. to keep up to date with and prepare official briefings on (a) developments in EU innovation policy, (b) Member State commitments towards implementation of innovation measures and (c) national initiatives relating to innovation on an ongoing basis;
2. to propose appropriate national responses to EU initiatives;
3. to liaise with other government entities whose mandate has a bearing on innovation policy, and coordinate the preparation of position papers to be used in EU fora on innovation policy dossiers;
4. to lead local activities related to implementation of innovation policy initiatives;
5. to review and document the present national governance system for innovation policy by the 6th month of engagement;
6. to prepare an action plan for innovation policy governance including resource requirements in the relevant entities and communication lines by the 12th month of engagement.

02.4 Terms of Engagement

It is the intention of MCST to engage an individual to work between 8 and 16 hours per week during office hours from MCST premises to provide the required services. The individual will also occasionally be required to work outside office hours to prepare urgent responses to EU documents as these are made available.

The individual may also be requested to represent Malta in EU fora abroad which are relevant to his or her assignment.

The contractual agreement will be a 'Contract for Service' type of contract and not an employment contract.

The engagement will be for a period of one year, renewable on an annual basis at the discretion of the MCST for a maximum total duration of four years.

02.5 Required Qualifications and Experience

The MCST is looking for individuals with the following qualifications, competencies, skills, knowledge and experience:

1. A first degree from a recognised University, preferably in a discipline related to the provision of the required services, such as public policy, commerce, economics or business management. Current tertiary-level students in these areas may also be considered.
2. A good understanding of the theoretical background of innovation policy concepts.
3. Knowledge of EU initiatives in the area of innovation policy.
4. Good working knowledge of both English and Maltese.
5. Good writing skills.

The following will be considered advantageous:

1. Experience in the formulation of policy in the area of innovation.
2. Knowledge of procedures related to preparation of position papers on EU matters.
3. Knowledge of the national scenario in relation to innovation – key policy documents and actors.

02.6 Charges

Bidders are invited to quote for their charges subject to a maximum rate of €15 / hour inclusive of VAT.

02.7 The Evaluation Methodology

The entire evaluation procedure is confidential and the Evaluation Committee meetings will be held in closed session. The members of the Evaluation Committee are bound to secrecy.

The evaluation reports and written records, in particular, are for official use only and may not be communicated either to the Bidders or to any party.

02.8 Evaluation Criteria

Evaluation of tender submissions will be on the basis of the criteria listed below. In the case that the Bidder is an organisation (as opposed to an individual), the evaluation will be carried out on the merits of the nominated individual and not on the merits of the organisation.

The evaluation criteria are:

Criterion	Weighting
• Qualifications of the individual nominated to provide the required services.	15
• Relevant knowledge.	35
• Relevant work experience of the individual.	35
• Quoted price	15

The MCST reserves the right to introduce additional evaluation procedures including but not limited to interviews and psychometric tests.

Appendix A –Tender Response Form

Provision of Consultancy Services (Innovation Policy) to the Malta Council for Science and Technology

Notice Number MCST 09/2009
Closing Date **1200 hours on 7th August 2009**
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Section 1 - Organisation Details (if applicable)

Guidance note: this section should only be filled in if the submission is being made by an organisation. In the case of a submission by an individual in his or her own capacity, do not fill in this section.

Organisation Name	
Registered Address	
Local Address (if different from above)	
Year organisation was founded	
Website address:	
Name of contact person	
Position of contact person	
Email address of contact person	
Telephone Number(s):	

Section 2 – Individual Details

Guidance note.

- 1. In the case of a submission by an **individual** in his or her own capacity, kindly include your details in this section.*
- 2. In the case of a submission by an **organisation**, this section should include the details of the individual or individuals being nominated to provide the required services. Kindly note that the address and VAT number are not required in this case.*

Name & Surname	
Address	
ID Number	
Telephone Number(s):	
e-Mail address	
VAT Number	

Section 3 – Charges

Kindly indicate the proposed charges inclusive of VAT.

Hourly rate	
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Section 4 – Knowledge of Innovation Policy

Guidance note: This section should be approximately 100 – 500 words in length. You should address the following points:

- *how you developed your knowledge of Innovation Policy, whether through formal academic training or through some other means;*
- *your knowledge related to EU Innovation Policy;*
- *your familiarity with the local higher education landscape;*
- *your familiarity with the local industry landscape.*

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Section 5 – Work Experience in Innovation Policy

Guidance note: In this section kindly provide information on any work you have done related to Innovation Policy. This section should be approximately 100 – 500 words in length.

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Section 6 – List of enclosed documents

1	Curriculum Vitae
2	Photocopies of tertiary qualifications
3	A sample of recent written work (2-3 pages)
4	

Section 6 – Declaration / Conflict of Interest

I/We (contractor's name)

declare that the information submitted in this application is correct

and warrant, under my/our sole responsibility, that at the time of entering into any contract for service with the Malta Council for Science and Technology (MCST), throughout the duration of any such contract, and for three (3) months thereafter, neither the contracting individual/company nor any of its associated companies or their directors is or shall be in business, or has or shall have commercial, or employer / employee relations with any employee or consultant of the MCST, whether directly or indirectly, full or part-time, paid or unpaid, in a consultancy or in any other role or form whatsoever without the prior written consent of the MCST.

I/we understand and accept that this warranty may be made public by MCST if, in the company's considered opinion, circumstances arise which warrant such publicity.

I/we understand and accept that any infringement of this warranty may, at the discretion of the MCST, result in severance of any or all contracts of supply between an offending contractor and MCST. This shall not prejudice any rights pertaining to MCST which rights shall have arisen prior to any severance of contract as above stated.

Name of individual/company director

.....

Signature

.....

Date

.....

Appendix B – MCST Tender Regulations

MCST issues tenders in line with the Legal Notice of 2005 on Public Procurement Regulation

- 1 MCST is not bound to accept the lowest or any tender.
- 2 MCST reserves the right of accepting any tender wholly or in part, or of dividing the contract among two or more Bidders.
- 3 Any soliciting will render the Bidder'(s) proposal invalid. If evidence of canvassing is discovered after award of tender, MCST shall be entitled to cancel any agreement or contract with the offending Bidder. The Bidder will also be liable for any damages incurred by MCST directly arising from such a cancellation.
- 4 The tender will be conducted in English, and all documentation and correspondence will be in ENGLISH ONLY.
- 5 During the tender evaluation, the Bidder may be asked to supply further clarification to his proposal and any additional documentation relating to his solution.
- 6 Bidders are required to provide upon request a certificate issued by the Employment and Training Corporation, indicating the number and details of employees duly registered with the Corporation. In those cases where Bidders intend to sub-contract part of the works, they shall, upon request, produce an authentic certificate from ETC indicating the respective Registration number of the nominated sub-contractors. Any Bidder or sub-contractor who fails to provide the required certificate when requested to do so, will not be eligible for the award of the contract.

With regard to supply contracts, MCST reserves the right to request the submission of the ETC Certificate, prior to the award of the contract, in respect of that part of the contract which may involve local labour (for example, installation, commissioning or maintenance). This will apply also in those cases where the Bidder is a foreign firm that intends to utilise local sub-contracting for the elements of the contract just mentioned. The proviso in the last sentence of the preceding paragraph shall also apply in such cases.

- 7 Bidders shall bear all costs associated with the preparation and submission of their tender and any costs incurred in preparing subsequent presentations or attendance at same. MCST shall not be responsible or liable for any costs or expenses regardless of the conduct or outcome of the tender process.
- 8 Bidders are expected at all times to honour their commitment if awarded the contract. Performance monitoring of the contract will influence the adjudication of future tenders.

Appendix C – Right of Recourse Procedure

COPY OF PARAGRAPH 20 OF PUBLIC CONTRACT REGULATIONS, 2005 FOR THE GUIDANCE OF TENDERERS.

RIGHT OF RECOURSE

1. Where the estimated value of the public contract exceeds €12,000 but not €47,000 and is issued by a Local Council or by an authority listed in Schedule 2, any interested economic operator shall have a right to make a complaint to the General Contracts Committee in accordance with the procedure laid down in these regulations.
2. The contracting authority shall be obliged to issue a notice and affix an advertisement, in a prominent place at its premises, indicating the awarded public contract, the financial aspect of the award and the name of the successful tenderer.
3. Any interested economic operator who may be aggrieved by the award shall, within three working days from the publication of the notice, file a letter of objection, together with a deposit of €230, with the contracting authority, clearly setting forth any reason for his complaint. The letter by the complaining tenderer shall be affixed on the notice board of the contracting authority and shall be brought to the attention of the recommended tenderer. The contracting authority shall be precluded from concluding the contract during the period allowed for the submission of appeals. The award process shall be completely suspended if an appeal is eventually submitted.
4. After the expiry of the period allowed for the submission of a complaint, the contracting authority shall deliver the letter of complaint, the deposit receipt and all documents relating to the public contract in question to the Director of Contracts.
5. The Director of Contracts shall refer the case to the General Contracts Committee which shall examine the matter in a fair and equitable manner and determine the complaint by upholding or rejecting it. The written decision of the General Contracts Committee shall be affixed on the notice board of the contracting authority and copies thereof shall be forwarded to all the parties involved.
6. In its deliberation the Committee shall have the authority to obtain in any manner it deems appropriate, any other information not already provided by the contracting authority. The General Contracts Committee's decision shall be final and binding on the contracting authority and the interested economic operator who shall not be afforded any further recourse.
7. Tender documents issued in terms of this Part shall include a clause informing tenderers that the award of the contract is subject to the right of recourse as provided for in this regulation, a copy of which should be reproduced in the documents.
8. The Minister shall have the authority to order by legal notice, that recourse as provided in this regulation be made available also by authorities listed in Schedule 3 and to prescribe the procedure by which such recourse is to be granted.