

Notice Number MCST 06/2008
Closing Date 1200 hours 12th January 2009
Date of Publication 19th December 2008

**Provision of Public Consultation Services
To the Malta Council for Science and Technology**

Invitation to Tender
Subject to a funds agreement still under negotiation

December 2008

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01.0 Introduction

01.1 Objective

The Malta Council for Science and Technology (MCST) invites interested bidders and suitably qualified parties to submit proposals for the provision of **Public Consultation Services** to the Malta Council for Science & Technology (MCST). Further details regarding the required services and terms of reference are provided in Section 2 of this document 'Requirements and Response'.

01.2 Malta Council for Science and Technology Profile

The Malta Council for Science and Technology (MCST, <http://www.mcst.gov.mt>) was established in 1989 to provide advice on Science and Technology Policy to the Government of Malta. Its current responsibilities include:

- to provide policy advice to the government on Science and Technology as well as on Research, Technological Development and Innovation (RTDI);
- to promote the EU Framework Programmes in Malta;
- to manage the local RTDI 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.

01.3 Issuing Office and Awarding Authority

This Invitation to Tender (ITT) is being issued by MCST. The contact details for matters relating to this ITT are as follows:

The CEO,
Malta Council for Science and Technology,
Villa Bighi
Bighi, Kalkara KKR 1526
Malta
Telephone: +356 2166 0340
Fax: +356 2166 0341

MCST:

- reserves the right to cancel this ITT process without incurring any penalty or cost;
- may, at its own discretion, decide not to select any proposal or not to award any Contract even the most advantageous offer;
- reserves the right not to consider offers that have missing mandatory information;
- may disqualify the Bidder if it does not abide with the above instructions;
- may decide not to award the contract if the pending financing agreement is not concluded or is substantially different from the current draft.

01.4 Response

Interested bidders are requested to submit their responses using the **Tender Response Form** in Appendix A together with any supporting documentation they feel is relevant.

Incomplete or incorrectly filled in forms will be disqualified.

01.5 Submissions

The response is to be submitted in the form of **three** (3) printed copies (one of the copies clearly marked as 'Master'). Bidders or suitably qualified parties set up as a consortium or company must designate one contact person to provide all clarification. Such clarifications shall be considered binding on the tender. 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 Monday 12th January 2009**. Responses and any related supplementary information are to be drawn up in English ONLY and should be clearly marked:

'Call for Tender: 'Provision of Public Consultation Services to MCST – MCST 06/2008'

The submissions are to be deposited in the tender box between the hours of 0900 and 1200 at:

Malta Council for Science and Technology (MCST)
Villa Bighi
Kalkara KKR 1320
Malta

Late submissions will not be considered. Clarifications and addenda will be notified through the website: <http://www.mcst.gov.mt>

01.6 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.

01.7 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.

01.8 Interpretation or Correction of the ITT Document

01.8.1 A Bidder shall promptly notify The CEO, MCST of any ambiguity in or discrepancy between any of the ITT documents which they may discover upon examination of these documents.

01.8.2 A Bidder requiring clarification or interpretations of the ITT documents 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.

01.8.3 Any interpretations, corrections or changes to the ITT documents by The CEO, MCST will be made by official addenda which shall be communicated to all Bidders. Interpretations, corrections or changes made in any other manner will not be valid, and Bidders shall not rely upon such interpretations, corrections and changes.

01.9 Addenda

01.9.1 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.

01.9.2 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.

01.10 Arbitration

01.10.1 Any dispute, controversy or claim arising out of or relating to this tender, 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.

02.0 Requirements and Response

02.1 Tender Objectives

MCST is partner to an FP7 Project (http://cordis.europa.eu/fp7/home_en.html), based upon the idea that the process of defining relevant and proactive research agendas could in many respects gain from consultation of citizens. Our societies are changing rapidly as a consequence of globalisation, new technologies, multi-cultural societies, media developments, environmental and climate challenges, new energy futures, increasing welfare and consumption, etc. All these developments involve an interface between science, technology and society. Linked to these developments, issues arise about societal management of the relevant needs and uncertainties, for society as well as for the individual. The citizens are the carriers of the concerns and expectations for the future, and with the right facilitating methods, such concerns and expectations can be collected and transformed into relevant research agendas.

As part of the CIVISTI Project (<http://www.civisti.org>), MCST is implementing a Public Consultation in Malta. This Invitation to Tender is intended to cover **Animation, Facilitation and Reporting** of two workshops that will have as their overall objective finding out what are the priorities of the Maltese public in S&T research, and report this in a manner comparable to the findings in the other participating countries.

02.2 Specification of Requirements

The Malta Council for Science & Technology is seeking to engage a team of **TWO** consultants to animate, facilitate and report on **TWO** events, one of two full days focussing on identifying future visions and another of one full day that will focus on the S&T priorities.

- Both workshops will take place in the Maltese Islands.
- The first one is planned for the 13-14 June 09, but can move by up to 3 weeks earlier or later at MCST's discretion. The dates for the second one are still to be established by MCST, but it is currently planned for October 2010.

- Both consultants are required to participate in both events.
- The methodology to be used is the one provided by MCST. A draft copy of it is available from MCST.
- One of the consultants should participate in the briefing and training full-day session that will be held in Austria on the 27th of January 2009.
- One of the consultants might be asked to participate in another briefing / debriefing and / or training session in 2010 or 2011 for a maximum of 2 days. MCST will inform the contractor three months in advance.

The necessary logistical and technical support for organising the events will be provided by MCST (including arrangements for venue, organising invitations to the local participants and offering technical support during the events).

02.3 Timeline for Organising the Consultation Events

The bidder must clearly indicate the consultants' availability in the established time frame. The exact dates of the workshops will be decided in consultation with MCST, the latter's decision being final.

02.4 Response

In the tender Response Form provided in Appendix A of this document, the bidder must provide the following information regarding the execution of tasks:

- An indication of the individuals' availability to participate in the events indicated in 02.2.
- An outline of the approach proposed for the workshops.
- The charges for providing the required service. Please refer to section 02.5 below for further details.
- In the case of a tender being submitted by individuals, a profile of TWO consultants who will be delivering the animation, facilitation and reporting together with detailed *curricula vitae*.

For submissions made by an organisation, a profile of each of the consultants / partners who will be providing an input in the form of animation, facilitation and reporting, together with their respective detailed *curricula vitae*.

02.5 Charges

The proposed charges should comprise the fee for the bidder's services in planning and delivering the animation, facilitation and reporting services requested. The total fee should not exceed the threshold of €3000, inclusive of VAT and any other taxes payable.

The quoted fee should be *exclusive* of the following costs, which will be borne separately by MCST if the case arises:

- Air tickets (economy class) for TWO persons to and from Malta for each workshop, and ONE person for each training / briefing / debriefing as decided by MCST.
- Boarding and accommodation for two persons in Malta and one person in the country where the training / briefing / debriefing takes place.
- All charges relating to the organisation of the sessions including the venue, refreshments, and administration.

02.6 Insurance

For the period of execution of the contract, the Consultants shall obtain medical and third-party liability insurance for themselves and other persons employed for the execution of the tasks contained in this Tender. The Contracting Authority shall be under no liability in respect of medical expenses and other liabilities of the Consultants.

03.0 Tender Procedures and Regulations

03.1 Eligibility

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

03.2 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.

03.3 Evaluation Criteria

The evaluation process will be based on the following criteria:

- Track record of the Bidder (15%)
- Consultants' curriculum and competences in the fields covered by this Tender (55%)
- Approach (20%)
- Cost (10%)

03.4 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.

Appendix A – Tender Response FORM

Public Consultation Services to the Malta Council for Science and Technology

*to be submitted in three copies, together with the supporting documentation and clearly marked
'Call for Tender: 'Provision of Public Consultation Services to MCST – MCST 06/2008'*

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Section 1 – Bidder's Details

This table should be filled in if the submission is being made by an organisation

Organisation Name	
Registered Address	
Year organisation was founded	
VAT Number	
Website address:	
Name of contact person	
Position of contact person	
Email address of contact person	
Telephone Number(s):	
Fax Number(s):	

This table should be filled in if the submission is being made by an individual

Name	
Email	
Telephone Number(s):	
Fax Number(s):	
VAT Number	

Section 2 – Consultants’ Details

This section should include the details of the two consultants being nominated to provide the required services. Kindly attach detailed *curricula vitae* of the nominees.

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

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

Section 3 – Bidder’s Profile

In this section provide a description of your main activities and professional experience, including in the subject covered by this tender.

Kindly include project(s) that you have undertaken and that you are currently involved in and that are relevant to the subject of this tender (i.e. animation, public consultation, convergence of different interest groups, facilitation, reporting, etc.)

Areas of Competence	
Projects Undertaken <i>Include date of execution of Project(s), Project(s) Name and Brief Description of tasks undertaken</i>	

Section 4 – Proposed Approach

- In this section kindly describe the approach you are proposing, including the tools to be adopted during each event.

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Section 5 – Charges

In this section please specify the charges for providing the required workshops and training.. The total fee should not exceed the threshold of €3000, inclusive of VAT and any other taxes payable.

The quoted fee should be *exclusive* of the following costs, which will be borne by MCST if the case arises:

- Air tickets (economy class) for TWO persons to and from Malta for each workshop, and ONE person for each training / briefing / debriefing as decided by MCST.
- Boarding and accommodation for two persons in Malta and one person in the country where the training / briefing / debriefing takes place.
- All charges relating to the organisation of the sessions including the venue, refreshments, and administration.

Charge in euros (€)	Letters:	Numbers:

Section 6 – List of enclosed documents

1	Curricula Vitae of consultants who will be providing the animation, facilitation and reporting services
2	Bidder's Profile
3	Approach
4	Charges
5	
6	
7	
8	
9	
10	

Section 7 – Declaration / Conflict of Interest

I (bidder's name)

On behalf of (if applicable) (name of organisation)

of
 (address)

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 / organisation 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 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 MCST.

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

I / we understand and accept that any infringement of this warranty may, at the discretion of 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 bidder

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 – Appeals Procedure

COPY OF PARAGRAPH 83 PART XIII OF PUBLIC CONTRACT REGULATIONS, 2005 FOR THE GUIDANCE OF TENDERERS.

PROCEDURE FOR THE SUBMISSION OF APPEALS

Copy of Part XIII of Public Contract Regulations, 2005 for the guidance of tenderers.

(1) Any tenderer who feels aggrieved by a proposed award of a contract and any person having or having had an interest in obtaining a particular public supply, public service or public works contract and who has been or risks being harmed by an alleged infringement may, within ten calendar days of the publication of the decision, file a notice of objection at the Department of Contracts or the contracting authority involved as the case may be. Such a notice of objection shall only be valid if accompanied by a deposit equivalent to one per centum of the estimated tender value, provided that in no case shall the deposit be less than 450€ or more than 58,000€. The Head of a contracting authority shall immediately notify the Director that an objection had been filed with his authority thereby immediately suspending the award procedure. The department of Contracts or the Contracting Authority involved as the case may be, shall be precluded from concluding the contract during the period of 14 working days allowed for the submission of appeals. The award process shall be completely suspended if an appeal is eventually submitted.

(2) The procedure to be followed in submitting and determining complaints as well as the conditions under which such complaints may be filed shall be the following:

- i. Any decision by the General Contracts Committee (or a Special Contracts Committee) and by a Contracting Authority, shall be made public at the Department of Contracts or at the office of the Contracting Authority prior to the award of the contract.
- ii. The notice of objection duly filed in accordance with sub-regulation (1) above shall be made public by not later than the next working day following its filing.
- iii. Within three working days of the expiry of the fourteen-day period allowed for the filing of a notice of objection, any other tenderer and any person having or having had an interest involved in the call for tenderers may register an interest in the proceedings. The registration of interest shall only be valid if accompanied by a deposit amounting to the deposit paid under sub-regulation (1) above. The tenderer who had been indicated in the adjudication decision of the Director or the Contracting Authority as the one to whom the contract was to be awarded, shall be deemed to have registered an interest but does not need to pay a deposit.
- iv. The names of the tenderers or other person having or having had an interest in obtaining a particular public contract who register an interest shall be made public on the first working day after the lapse of the time limit specified in paragraph (iii) hereof.
- v. (a) Within three working days after the publication of the list of persons who register an interest, the tenderer filing the notice of objection shall send a reasoned letter of objection explaining the objection.

(b) The letter of objection and any accompanying documentation shall be submitted in a number of copies that equals the number of tenderers with a registered interest, plus three.

(c) The letter of objection shall be made public and shall be circulated to all persons with a registered interest.
- vi. (a) Within five working days from the publication of the letter of objection, any tenderer who had registered an interest may send a reasoned reply to the letter of objection.

(b) The reply and any accompanying documentation shall be submitted in a number of copies that equals the number of tenderers with a registered interest, plus three.

(c) The reply shall be made public and shall be circulated to all tenderers with a registered interest and to all tenderers who have filed an objection.
- vii. Within ten working days of the publication of the replies the Director or the Head of the contracting authority shall prepare a report (the Analysis Report) analysing the letter of objection and the replies thereto. This report shall be circulated to the persons who file an objection and who have a registered interest. After the preparatory process is duly completed, the Head of the contracting authority shall forward to the Director of Contracts all documentation

pertaining to the call for tenders in question including files, tenders submitted, copies of deposit receipts, any motivated letter, analysis report, etc.

- viii. The Director shall forward all the documentation related to any appeal case to the Chairman of the Appeals Board who shall then proceed as stipulated in Part XIV of these regulations.
- ix. The Director or the Head of the contracting authority shall publish a copy of the decision of the Appeals Board at his department or at the premises of the relevant contracting authority, as the case may be. Copies of the decision shall be forwarded to the complaining tenderer, any persons who had registered or had an implied interest and, by the Director only, to the contracting authority concerned when this is one listed in Schedule 2.

(3) Complaints in terms of this Part may only be submitted in respect of public contracts awarded by Authorities listed in Schedule 1 whose value exceeds 47,000€.

Regulation 33 of the Public contracts Regulations, 2005 – Appeals Board

(1) There shall be established a public contracts Appeals Board to be known as the Appeals Board which shall be regulated in terms of Part XIV of these regulations.

(2) It shall be the function of the Board to hear and determine complaints submitted by any person having or having had an interest in obtaining a particular public supply, public service or public works contract and who has been or risks being harmed by an alleged infringement by those Authorities listed in Schedule 1 of these regulations and whose value exceeds 47,000€ in accordance with the procedures laid down in Parts XII and XIII of these regulations.

(3) Every Contracting Authority listed in Schedule 1 shall indicate in its tender documents that the award of the contract is subject to the appeals procedure as set forth in these regulations. The document shall include a copy of Parts XII or XIII, as the case may be, of these regulations for the guidance of tenderers.
