

From: [REDACTED]
Sent: 19 January 2018 14:33
To: INEA CEF GAS
Cc: [REDACTED]
Subject: RE: Ares(2017)6258793 - RE: Action 5.19-0011-MTIT-S-M-15 - Final Report & Financial Statement official submission - Sampling - Submission of Supporting Documentation - follow-up
Attachments: Sampling and Procurement table_5.19-0011-MTIT-S-M-15 compiled.xlsx; 4_CT 3033_2015.pdf; L N 296-2010 document.pdf
Importance: High

Dear [REDACTED]

Thanks for your kind email.

Kindly find attached the completed excel file – please excuse me for not including it in my original email.

Also kindly note our feedback to clarifications below:

- Clarification of cost for sampling Item 4: [REDACTED]
- With reference to Section 2. Timetable (pg 6) and Article 8.1 of Section 1 (pg 10) of the tender document (CT3033/2015) attached, the bidders were obliged to submit by post or by hand to the Department of Contracts, an original copy of the bid bond within 5 working days from the closing date of tender (i.e. by the 21st July 2015 at 12:30pm CEST). Six of the bidders did not submit this original bid-bond to the Department of Contract within the stipulated time and thus had to be considered as administratively non-compliant during the evaluation.
- With respect to your clarification re. minimum time limit for the receipt of tenders according to Directive 2004/18/EC, it is to be noted that **Article 41 Clause (4) & (5) highlighted below of Maltese subsidiary legislation notice LN 296 of 2010** (attached) which was in force at the time of publication of the tender, allows the time limit for the receipt of tenders to be reduced by a total of 12 days (7+5) for notices that are transmitted by electronic means. In our case the tender was published through the electronic public procurement system (<https://www.etenders.gov.mt/epps>) and the tender publication period was of 42 days. No prior information notice was published for the tender call.
 - *Article 41. (4) Where notices are drawn up and transmitted by electronic means in accordance with the format and procedures for transmission indicated in point 3 of*

Annex II in Schedule 10, the time-limits for the receipt of tenders referred to in sub-regulations (1) and (3) in open procedures, and the time limit for the receipt of the request to participate referred to in sub-regulation (2)(a), in restricted and negotiated procedures and the competitive dialogue, may be shortened by seven days.

- **Article 41. (5)** *The time-limits for receipt of tenders referred to in subregulations (1) and (2)(b) may be reduced by five days where the contracting authority offers unrestricted and full direct access by electronic means to the contract documents and any supplementary documents from the date of publication of the notice in accordance with Schedule 10, Annex II, specifying the text of the notice and the internet address at which the documentation is accessible. This reduction may be added to that referred to in sub-regulation (4).*

Please do not hesitate to contact me for any further clarifications.

Thanks

[Redacted]

[Redacted]
The Energy & Water Agency

[Redacted]
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