

TM024/2020 - LEASING OF PREMISES FOR STORAGE SPACE FOR IMPOUNDED VEHICLES

Date Published: 24th December 2020

Deadline for Submission: 20th January 2021

at 09:30am
CET/CEST

Tender Opening: 20th January 2021

at 10:00am
CET/CEST

IMPORTANT:

- No Bid Bond is requested for this tender.

AUTHORITY FOR TRANSPORT IN MALTA

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SECTION 1 – INSTRUCTIONS TO TENDERERS

In submitting their tenders, tenderers must respect all instructions, forms, Terms of reference, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation within the deadline specified may lead to the rejection of the tender.

1. General Instructions

- 1.1 In submitting a tender, the tenderer accepts in full and in its entirety, the content of this tender document, including subsequent Clarifications issued by the Department of Contracts being the Central Government Authority (CGA) or the Contracting Authority (CA), whatever the economic operator's own corresponding conditions may be, which through the submission of the tender is waived. Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this tender documentation.

No account can be taken of any reservation in the tender in respect of the procurement documents; any disagreement, contradiction, alteration or deviation shall lead to the tender offer not being considered any further.

Prospective tenderers must submit their response to this tender by completing the necessary documentation and by submitting in the prescribed tender box.

Note:

Where in this tender document a standard is quoted, it is to be understood that the Central Government Authority/Contracting Authority will accept equivalent standards. However, it will be the responsibility of the respective bidders to prove that the standards they quoted are equivalent to the standards requested by the Central Government Authority/Contracting Authority.

- 1.2 The subject of this call is the leasing of premises for storage space for impounded vehicles.
- 1.3 The lease period is for 3 years from the commencement date which can be extended by a further period of 1 year, in line with the contract at the same rates as per previous years.
- 1.4 This Procurement procedure is regulated by L.N. 163 of 2020 PUBLIC FINANCE

MANAGEMENT ACT (CAP. 601) Procurement of Property Regulations, 2020.

- 1.5 The Contracting Authority (CA) for this tender is Transport Malta.
- 1.6 The Estimated Procurement Value for this Call has been based on comprehensive research including appropriate financial analysis. In the context of this procurement, the Estimated Procurement Value, based on market research, is that of € 180,000 excluding VAT.

The purpose of this value shall be the guidance of prospective bidders when submitting their offer and is not to be considered as a binding capping price.

Therefore, the published Estimated Procurement Value is not restrictive and final on the Contracting Authority. Economic Operators are free to submit financial offers above or below the Estimated Procurement Value. However, the Contracting Authority reserves the right to accept or reject Financial Offers exceeding the Estimated Procurement Value.

2. Timetable

	DATE	TIME
Deadline for request for any additional information from the Central Government Authority/Contracting Authority Clarifications by registered users to be sent online through (e-mail of Contracting Authority)	7 th January 2021	0930hrs
Last date on which additional information can be issued by the Central Government Authority/Contracting Authority	15 th January 2021	0930hrs
Deadline for Submission of Tenders	20 th January 2021	0930hrs
Deadline for Submission of Tender Guarantee	n/a	n/a
Tender Opening Session	20 th January 2021	1000hrs

* All times Central European Summer Time (CEST)/Central European Time (CET)

3. Lots

- 3.1 This tender is not divided into lots, and tenders must be for the properties being requested. Incomplete offers will not be accepted.

4. Financing

- 4.1 The lease shall be financed by local funds.

5. Workshop/Clarification Meeting

- 5.1 No clarification meeting is planned.

6. Selection and Award Requirements

In order to be considered eligible for the award of the contract, economic operators must provide evidence that they meet or exceed certain minimum criteria described hereunder.

(A) Eligibility Criteria

- (i) No Bid Bond is required. ^(Note 1)
- (ii) Power of Attorney (if applicable). ^(Note 2)
- (iii) Details of bidder Form ^(Note 2)
- (iv) Joint Venture ^(Note 2)

As part of the selection criteria requirements the following may be requested during adjudication:

A.

The bidder is to furnish, a title report covering the Leased Premises showing the condition of title as of the date of such certificate

B. Include any Licenses attached to premises when applicable;

(C) Technical Specifications

- (i) Tenderer's Technical Offer in response to specifications to be submitted.^(Note 3)
 - Appendix 1
 - Technical Declaration Form
- (ii) Documents Requested within Appendix 1

(D) Financial Offer

- (i) A financial offer as per the financial bid form. ^(Note 3)

Notes to Clause 6:

1. Tenderers will be requested to clarify/rectify, within five (5) working days from notification, the tender guarantee only in the following four circumstances: incorrect validity date, and/or incorrect value, and/or incorrect addressee and incorrect name of the bidder. Rectification in respect of the Tender Guarantee (Bid Bond) is free of charge.

2. Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete Central Government documentation, and/or submit any missing documents within five (5) working days from notification.

All Rectifications are free of charge.

3. No rectification shall be allowed. Only clarifications on the submitted information may be requested.

7. Tender Guarantee (Bid Bond)

7.1 *No tender guarantee (bid bond) is required. (Not Applicable)*

Bid Bonds may be requested for calls with a minimum estimated value of Euro2million.

8. Period during which tenders are binding

Tenderers are bound by their tenders for 90 days after the deadline for the submission of tenders. In exceptional cases and prior to the expiry of the original tender validity period, the Central Government Authority/Contracting Authority/may ask tenderers in writing to extend this period. Tenderers that agree to do so will not be permitted to modify their tenders. If they refuse, their participation in the tender procedure will be terminated.

The selected tenderer must maintain its tender for a further 60 days from the date of notification that its tender has been recommended for the award.

9. Costs for preparing tenders

No costs incurred by the tenderer in preparing and submitting the tender shall be reimbursable. All such costs shall be borne by the tenderer.

10. Ownership of tenders

The Central Government Authority/Contracting Authority retains ownership of all tenders received under this tendering procedure. Consequently, tenderers have no right to have their tenders returned to them.

11. Ethics clauses / Corruptive practices

- a) Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the Evaluation Committee or the Central Government Authority/Contracting Authority during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties.
- b) The tenderer must not be affected by any potential conflict of interest and shall have no particular link with other tenderers or parties involved in the project.
- c) The Contracting Authority reserves the right to suspend or cancel project financing if corrupt practices of any kind are discovered at any stage of the award process or during the implementation of a contract. For the purposes of this provision, "corrupt practices" are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or implementation of a contract already concluded with the Contracting Authority.

12. Notification of award and signing of contract(s)

Before the period of validity of tenders expires, the Contracting Authority will

notify the successful tenderer in writing that its tender has been successful as well simultaneously in writing informing the unsuccessful tenderers.

The notification to the successful tenderer implies that the validity of its tender is extended for a period of 60 days from the date of notification of award of the contract. Unless there is challenge of the award decision by any of the unsuccessful tenderers within 10 calendar days from the date of the award notification, the Contracting Authority will send the contract to the tenderer for signature.

Within 15 calendar days of receipt of the contract the lessor shall return the signed contract to the Contracting Authority, together with a copy of the Energy Performance Certificate (EPC) as regulated by S.L. 513.01. Failure of the selected tenderer to comply with this requirement may constitute grounds for the annulment of the decision to award the contract. In such a case, the Central Government Authority/Contracting Authority may award the tender to another tenderer or cancel the tender procedure.

The unsuccessful tenderers will be informed in detail on the grounds by which their tenders were not accepted, by means of a standard letter, which includes an indication of the relative shortcomings of their tender – which could not be rectified.

13. Criteria subject to negotiations and Criteria for Award

- 13.1 No negotiations are to take place.
- 13.2 The sole award criterion will be the price. The contract will be awarded to the tenderer submitting the cheapest rent payable satisfying the administrative and technical criteria. Moreover, the evaluation team will give first preference to premises located in the following localities: Attard, Balzan, Birkirkara, Iklin, Lija, Mosta, Naxxar, Qormi, Zebbug (Malta). For avoidance of doubt, premises located in these localities will be preferred to others in other localities even if they are not necessarily cheaper.
- 13.3 The evaluation process: At this step of the evaluation process, the Evaluation Committee will analyse the administratively compliant tenders' technical conformity in relation to the published Specifications.

Section 2 – Extracts from the Public Procurement Regulations

Part IX Remedies – S.L.601.03

Remedies before Closing Date of a Call for Competition

262. (1) *Prospective candidates and tenderers may, prior to the closing date of a call for competition, file a reasoned application before the Public Contracts Review Board:*

- (a) to set aside or ensure the setting aside of decisions including clauses contained in the procurement document and clarification notes taken unlawfully at this stage or which are proven to be impossible to perform; or*
- (b) to determine issues relating to the submission of an offer through the government's e-procurement platform; or*
- (c) to remove discriminatory technical, economic or financial specifications which are present in the call for competition, in the contract documents, in clarifications notes or in any other document relating to the contract award procedure; or*
- (d) to correct errors or to remove ambiguities of a particular term or clause included in a call for competition, in the contract documents, in clarifications notes or in any other document relating to the contract award procedure; or*
- (e) to cancel the call for competition on the basis that the call for competition is in violation of any law or is likely to violate a particular law if it is continued.*

(2) The application shall only be valid if accompanied by a deposit equivalent to zero point five per cent (0.50%) of the estimated value set by the contracting authority of the whole tender or if the tender is divided into lots according to the estimated value of the tender set by the contracting authority for each lot submitted by the tenderer, provided that in no case shall the deposit be more than fifty thousand euro (€50,000) which may be refunded as the Public Contracts Review Board may decide in its decision.

Part IX of the Public Procurement Regulations

Appeals from decisions taken after the closing date for the submissions of an offer

270. *Where the estimated value of the public contract meets or exceeds five thousand euro (€5,000) any tenderer or candidate concerned, or any person, having or having had an interest or who has been harmed or risks being harmed by an alleged infringement or by any decision taken including a proposed award in obtaining a contract, a rejection of a tender or a cancellation of a call for tender after the lapse of the publication period, may file an appeal by means of an objection before the Public Contracts Review Board, which shall contain in a very clear manner the reasons for their complaints.*

271. *The objection shall be filed within ten (10) calendar days following the date on which the Central Government Authority/Contracting Authority or the authority responsible for the tendering process has by fax or other electronic means sent its proposed award decision or the rejection of a tender or the cancellation of the call for tenders after the lapse of the publication period.*

272. *The communication to each tenderer or candidate concerned of the proposed award or of the cancellation of the call for tenders shall be accompanied by a summary of the relevant reasons relating to the rejection of the tender as set out in regulation 242 or the reasons why the call for tenders is being cancelled after the lapse of the publication period, and by a precise statement of the exact standstill period.*

273. *The objection shall only be valid if accompanied by a deposit equivalent to 0.50 per cent of the estimated value set by the Central Government Authority/Contracting Authority of the whole tender or if the tender is divided into lots according to the estimated value of the tender set by the Central Government Authority/Contracting Authority for each lot submitted by the tenderer, provided that in no case shall the deposit be less than four hundred euro (€400) or more than fifty thousand euro (€50,000) which may be refunded as the Public Contracts Review Board may decide in its decision.*

274. *The Secretary of the Public Contracts Review Board shall immediately notify the Director, the Ministerial Procurement Unit and, or the Central Government Authority/Contracting Authority, as the case may be, that an objection had been filed with his authority thereby immediately suspending the award procedure.*

275. *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 ten (10) calendar days allowed for the submission of appeals. The award process shall be completely suspended if an appeal is eventually submitted.*

276. *The procedure to be followed in submitting and determining appeals as well as the conditions under which such appeals may be filed shall be the following:*

(a) any decision by the General Contracts Committee, or the Special Contracts Committee or by the Central Government Authority/Contracting Authority, shall be made public by affixing it to the notice-board of the Department of Contracts or of the office of the Contracting Authority, as the case may be, or by uploading it on government's e-procurement platform prior to the award of the contract if the call for tenders is administered by the Department of Contracts;

(b) the appeal of the complainant shall also be affixed to the notice-board of the Public Contracts Review Board and shall be communicated by fax or by other electronic means to all participating tenderers;

(c) the Central Government Authority/Contracting Authority and any interested party may, within ten (10) calendar days from the day on which the appeal is affixed to the notice board of the Review Board and uploaded where applicable on the government's e-procurement platform, file a written reply to the appeal. These replies shall also be affixed to the notice board of the Review Board and where applicable they shall also be uploaded on the government's eProcurement platform;

(d) the authority responsible for the tendering process shall within ten (10) days forward to the chairman of the Public Contracts Review Board all Central Government Authority documentation pertaining to the call for tenders in question including files and tenders submitted;

(e) the secretary of the Review Board shall inform all the participants of the call for tenders, the Department of Contracts and the Contracting Authority of the date or dates, as the case may be, when the appeal will be heard;

(f) when the oral hearing is concluded, the Public Contracts Review Board, if it does not deliver the decision on the same day, shall reserve decision for the earliest possible date to be fixed for the purpose, but not later than six (6) weeks from the day of the oral hearing:

Provided that for serious and justified reasons expressed in writing by means of an order notified to all the parties, the Public Contracts Review Board may postpone the judgment for a later period;

(g) the secretary of the Review Board shall keep a record of the grounds of each adjournment and of everything done in each sitting;

(h) after evaluating all the evidence and after considering all submissions put forward by the parties, the Public Contracts Review Board shall decide whether to accede or reject the appeal or even cancel the call if it appears to it that this is best in the circumstances of the case.

Section 3: Specifications

A. Scope

- 1) Through this tender, the Contracting Authority (CA) intends to rent premises to be provided as storage space for impounded vehicles.

The following are the specifications that the premises must abide with in order to be considered eligible for use by the CA.

- 2) The following conditions shall apply:
 - a) It is intended that the premises must be ready for use in accordance with all the requirements by not later than 30 calendar days from last signature date on the contract.
 - b) Architect's condition report of property offered as part of the technical offer.

1.0 The following requirements must be satisfied:

- a) The premises must have an accessible indoor area of at least 550sqm and must have a width of at least 15m clear to permit maneuvering of vehicles within the internal space.
- b) The premises must be located on the Island of Malta. Furthermore the following localities where the located premises are will be given preference: Attard, Balzan, Birkirkara, Iklin, Lija, Mosta, Naxxar, Qormi, Zebbug
- c) The premises must be in a finished state and ready to move into on the date of the last signature on the contract.
- d) The premises shall have all planning permits in hand, which permits should reflect the required use as detailed in these terms.
- e) The premises shall be free and unencumbered. Tenderers must prove that they have vacant possession of the premises and shall submit documents to the satisfaction of the Contracting Authority proving their legal title thereon and in particular with a view to showing that they are entitled to grant them on lease.

The successful tenderer/s must submit information vis-a-vis the ownership of the premises offered, including a document indicating the personal and contact details of the property owner.

- f) The premises must be accessible from road level; which road must be at least 10.8m wide (3 Car lanes). The access road may be public or private, however in the case of a private road, the Authority shall be given free access to the premises under no condition and at any time. Car lift solutions and basement

garages shall not be accepted.

- g) The premises shall be accessible to a towing truck towing a vehicle. Vehicle is intended as any passenger car unit. For the avoidance of doubt, the tow truck towing a vehicle should be freely able to manoeuvre in /out and around the premises and park in front of a parked vehicle to take any vehicle stored inside in a maximum of ten minutes and without the need to move any other parked vehicles inside same premises.
- h) The premises shall be already serviced with water and electricity meters which services should be fixed on site up to third fix and functional.
- i) The premises shall have a minimum clear internal height of 2.5m.
- j) The premises must have CCTV system installed, with full visibility of the inside and outside of the premises and shall cover all entrances and internal passages and spaces.
- k) The premises must also be equipped with a burglar alarm system with notifications. The system must notify the winning bidder with the names/numbers who receive such notifications.
- l) The premises must also be equipped with an engineer certified fire alarm and fire extinguishing system. Maintenance of this system shall rest on the owner.
- m) The premises must have secure doors and windows. The minimum level of security required is that the Garage door must be lockable and electrically operated. The windows must be able to be locked from the inside. The Building and its environment must have a general level of security to restrict unauthorized personnel from physically accessing the building.
- n) The premises must be well lit.
- o) Flooring must be finished in a hard surface being concrete or tiles. Flooring must be able to take traffic loads.

2.0 The bid should also include the information enlisted hereunder:

- a) A document indicating the personal and contact details of the Bidder;
- b) In the case of a company, a copy of the Memorandum and Articles of Association is required;
- c) A site plan (scale 1:2500) which clearly indicates the location of the site;
- d) A block plan (scale 1:100) which clearly indicates the detail of the proposed storage space (as built). This should also include a typical layout plan of the internal spaces showing the number of cars that can fit within the premises with an allocated space of 15 sqm per car and should also show clear space for

manoeuvring through the garage

- e) Planning permits and approved drawings which clearly indicate the approved use of the premises and which are in conformance with the requirements of this call;
- f) A list of previous uses of the premises proposed;
- g) Photos of the site indicating access to the site, the building (including the interior), and other facilities in the building and on site;
- h) A drawing showing manoeuvres in and out of the premises with a tow truck and vehicle and the parked vehicles;
- i) Details of security features, and CCTV system proposed (saving the provision of security features and CCTV required from Lessor, it will be the Lessee's responsibility, i.e. the Contracting Authority's responsibility to oversee the contents and vehicles to be stored in the premises being leased). Hence, the Authority reserves the right to fix any additional systems which it deems necessary, which systems will be taken up by the Authority once that the agreement comes to an end;
- j) Declaration binding the Bidder's plan and undertaking that the premises will be accessible and equipped to these requirements within 30 calendar days of the date of the last signature of the contract.

Section 4: General Rules Governing Tendering

A. Clarification meeting

No Clarification meeting is planned. Any clarifications are to be forwarded to the Authority through the ePPS.

B. Payment of Rent

The rent will be paid by the CA on a monthly basis in advance upon presentation of a proper Tax Invoice.

C. Duration of service

The premises will be rented for a period of 3 years from the date of the handover of the premises with the option to extend a further year at the end of the contract.

D. Proposal Format

Bidders are to submit their proposal using the format defined in Appendix I of this request for Tenders. Bidders also need to submit the Financial Bid Form and the Technical Questionnaire as provided.

Full specifications of the premises being offered and illustrated literature are to accompany the proposal. All documents must be in the English language.

E. Request for Clarifications

Bidders are urged to promptly notify the CA of any ambiguity in or discrepancy between any of the Central Government Authority. Documents of this Request for Tenders which may be discovered upon examination of the documents.

Bidders may submit any written requests for clarification concerning this request for Tenders through the ePPS until the deadline stipulated in the timetable, specifying the publication reference and the title of this request. Any requests after this date will not be accepted.

Any clarifications from the CA in response to any requests for clarification will be addressed and sent before the deadline stipulated in the timetable.

Bidders are advised that any interpretations, correction or changes to the Request for Tenders will be notified via the ePPS website. It is the responsibility of the bidders to visit the ePPS and be aware of the latest information published on the ePPS website prior to submitting the offer. Interpretations, corrections or changes made in any other manner will not be valid, and prospective bidders shall not rely upon such interpretations, corrections and changes.

F. Submission of Tenders

All tenders must be submitted through the ePPS.

The price(s) offered shall be quoted in Euro.

In submitting their tenders, bidders will be submitting their final offer. Bidders are deemed to have taken account of all that is required for the submission, including its correctness and completeness and that they have included all charges in their price offer. Tenders must comply with the requirements as stated in this request.

G. Validity of Tenders

Tenders shall remain valid for a period of 90 days from the closing date for the submission of the tenders stipulated in the timetable.

H. Cancellation of the Request for Tenders Procedure

The CA shall have the option to cancel any published request for Tenders prior to its closing date stipulated in the timetable.

Bidders are advised that any cancellation to the request for Tenders will be notified via a letter sent to the bidders as well as a recommendation for

cancellation on the notice board of the CA. It is the responsibility of the bidders to visit the ePPS and be aware of the latest information published on prior to submitting the proposal.

I. Evaluation of Tenders

The entire evaluation procedure is confidential. The Evaluation Committee's decisions are collective, and its deliberations are held in closed session. The members of the Evaluation Committee are bound to secrecy.

In the interest of transparency and equal treatment and without being able to modify the submitted proposal, the bidder may be required, at the sole written request of the CA to provide clarifications.

The CA will be conducting an inspection on premises, where this is deemed necessary, as part of the evaluation process.

The CA is not bound to accept any of the submitted offers and has the right to refuse in part or in full any or all the submissions, even the most advantageous.

J. Data Protection and Freedom of Information

Any personal data submitted in the tenders shall be processed pursuant to the Data Protection Act (laws of Malta). It shall be processed solely for the purposes of the performance, management and follow-up by the Central Government Authority/Contracting Authority without prejudice to possible transmission to the bodies charged with a monitoring or inspection task in conformity with National and/or Community law.

The provisions of this proposal are without prejudice to the obligations of the Central Government Authority/Contracting Authority in terms of the Freedom of Information Act (Laws of Malta). The Central Government Authority/Contracting Authority, prior to disclosure of any information to a third party in relation to any provisions of this proposal which have not yet been made public, shall consult the bidder in accordance with the provisions of the said Act, pertinent subsidiary legislation and the Code of Practice issued pursuant to the Act. Such consultation shall in no way prejudice the obligations of the Central Government Authority/Contracting Authority in terms of the Act.