



REFERENCE NUMBER: ERA_QTO4/2017

**CALL FOR QUOTATIONS FOR THE PROVISION OF
INDEPENDENT FINANCIAL AUDITING SERVICES**

Date Published: Tuesday 31st January 2017

Deadline for Submission: Tuesday 14th February 2017 at 12:00 p.m. CET

Tender Opening Session: Tuesday 14th February 2017 at 12.30 p.m. CET

Participation is free of charge

This Call for Quotations does not require print-outs from this document. Please consider your environmental responsibility before printing.

Call for Quotations

1. Scope

The Environment and Resources Authority is seeking the appointment of an auditor or auditing firm to perform the audit of its financial statements for the year ending 31st December 2016.

The audit serves to ensure that the financial statements give a true and fair view of the financial position of the Authority, of its financial performance and its cash flows in accordance to the International Financial Reporting Standards (IFRSs). These Standards require that the auditors plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

The audit should focus mainly on; examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The audit shall include the assessment of the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

The bidders are requested to quote a lump-sum fee for the total service (including Duties and other taxes/charges) and the estimated time-frame for the completion of such audit.

Qualifications

The auditor or auditing firm shall be a registered auditor or audit firm with the Accountancy Board within the Ministry of Finance. The list can be accessed through the following link: <https://secure3.gov.mt/accountancyboard/Registers/RegisteredAuditors.aspx>. A copy of the respective CPA warrant/s shall be submitted with the quotation.

Confidentiality and Impartiality

The selected auditor or auditing firm shall treat all documents and information received in connection with the contract as private and confidential, and shall not, save in so far as may be necessary for the purposes of the performance thereof, publish or disclose any particulars of the contract without the prior consent in writing of the Contracting Authority.

The selected auditor or auditing firm shall be totally independent from the Authority and therefore s/he should be independent from the Authority's operational activities and finances. All personnel must be independent and free from conflict of interest in the responsibilities accorded to them.

2. Procedure

This Call for Quotations is being issued in accordance with the Public Procurement Regulations 2016 (L.N. 352 of 2016).

This Call for Quotations is being issued as an OPEN procedure and will be also regulated by the Procurement General Conditions, available on the Department of Contracts website (<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28124&l=1>).

ERA shall determine the award of this Call of Quotations on the basis of the lowest price compliant with the requested specifications.

Bidders not registered with the VAT authority in Malta, must **still** include in their financial offer any VAT that the contracting authority may have to pay either in Malta or the country where the bidder is registered irrespective of the reverse charge mechanism.

The financial offer will be considered as the total financial cost to the contracting authority including any VAT that may have to be paid not through the winning bidder. Except as may otherwise be provided for in the contract, no payment will be made for items which have not been quoted.

3. **Timeframe**

	<u>Date</u>	<u>Time</u>
Date of Publication of Call for Quotations	Tuesday 31 st January 2017	n/a
Last Date on which clarifications are received by ERA	Tuesday 7 th February 2017	12:00
Last Date on which clarifications are issued by ERA	Thursday 9 th February 2017	12:00
Deadline for submission of quotations	Tuesday 14 th February 2017	12:00

4. **Quotation Format**

Bidders are to submit their quotation using the Financial Bid format defined in Appendix II of this Request for Quotations.

Bidders must also include:

- i) a signed copy of the Details of Bidder Form as defined in Appendix III;
- ii) a signed copy of the Bidder's Declaration as defined in Appendix IV;
- iii) a signed copy of the Statement on Conditions of Employment as defined in Appendix V;
- iv) a signed copy of the Blacklisting and Exclusion Declaration as defined in Appendix VI;

Full specifications of items being offered and illustrated literature are to accompany the quotation.

All documents must be in the English language.

5. **Request for Clarifications**

Bidders are urged to promptly notify ERA of any ambiguity in or discrepancy between any of the documents of this Request for Quotations which may be discovered upon examination of the documents.

Bidders may submit any written requests for clarification concerning this Request for Quotations to e-mail address procurement.era@era.org.mt until the deadline stipulated in Section 3, specifying the publication reference and the title of this Request for Quotations. Any requests after this date will not be accepted.

Any clarifications from ERA in response to any requests for clarification will be addressed and sent before the deadline stipulated in Section 3.

Bidders are advised that any interpretations, correction or changes to the Request for Quotations will be notified via the ERA website (<https://eracms.gov.mt/en/Pages/Calls-for-Quotations.aspx>). It is the responsibility of the bidders to visit the website and be aware of the latest information published on the ERA website prior to submitting the quotation.

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.

6. Submission of Quotations

All quotations must be submitted in full, signed as requested, and sealed in an envelope/package bearing the reference code **ERA_QT04/2017**, so that the bid can be identified. **A soft copy saved on CD/USB should be submitted together with the quotation.**

Submissions must be hand-delivered and deposited before the deadline for submission of quotations stipulated in Section 3 at:

**Quotation Box (ERA Foyer)
Environment & Resources Authority
Hexagon House, Spencer Hill, Marsa MRS 1441**

Quotations submitted by other means will not be considered for evaluation. Late quotations will be rejected and will not be considered for evaluation. No liability will be accepted for rejection of late quotations.

Prices shall be quoted in Euro and shall be inclusive of duty, VAT, delivery and all other charges and taxes.

In submitting their quotation, bidders will be submitting their best and 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 rates and prices.

Quotations having any handwritten correction to the quoted rates and/or totals will not be considered for evaluation.

Quotations must comply with the requirements as stated in this Request for Quotations.

7. Validity of Quotations

Price quoted shall remain valid for a period of six (6) months from the closing date for the submission of the quotation stipulated in Section 3.

8. Cancellation of the Call for Quotations Procedure

ERA shall have the option to cancel any published Call for Quotations prior to its closing date stipulated in Section 3.

Bidders are advised that any cancellation to the Call for Quotations will be notified via the ERA website (<https://eracms.gov.mt/en/Pages/Calls-for-Quotations.aspx>). It is the responsibility of the bidders to visit the website and be aware of the latest information published on the ERA website prior to submitting the quotation.

9. Evaluation of Quotations

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.

The Evaluation Committee ranks the bids based on lowest cost and the Evaluation Committee evaluates the quotation for the first ranked bidder.

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

ERA reserves the right to conduct an interview with the bidder to assess the bidder's experience and approach to the delivery of the requirements.

If the quotation submitted by the first ranked bidder complies with the requirements, the bidder will be recommended to be awarded the contract.

In the case that the quotation submitted by the first ranked bidder does not meet the requirements set out in this Call for Quotations, the submission will be deemed to have failed to qualify and the evaluation process is re-iterated with the next best-ranked bidder in accordance with the results of the process set in this Section, until there is a match to compliance or else the list is exhausted and no quotation is found to be in compliance with the requirements.

ERA is not bound to accept any of the submitted quotations and has the right to refuse in part or in full any or all the submissions, even the most advantageous, without giving reasons to do so. The lowest priced quotation submitted by the bidders shall not necessarily be an indicator of best value for money and may be refused.

10. 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:

- i) A copy of the respective CPA warrant/s of the key employee/s conducting the audit;
- ii) A signed copy of the Bidder's Declaration;
- iii) A signed copy of the Details of Bidder;
- iv) Declare agreement, conformity and compliance with the provisions of the Statement on Conditions of Employment;
- v) Exclusion (including Blacklisting) and Selection Criteria.

Criteria for Award

This Request for Quotations shall be awarded on the basis of the lowest price offered compliant with all the requirements. Notification of award is uploaded on the ERA website.

Upon award, the winning bidder will be expected to abide by the signed Bidder's Declaration.

11. Data Protection and Freedom of Information

Any personal data submitted in the framework of the procurement procedure and/or subsequently included in the contract shall be processed pursuant to the Data Protection Act (2001). It shall be processed solely for the purposes of the performance, management and follow-up of the procurement procedure and/or subsequent contract by the 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 contract are without prejudice to the obligations of the Contracting Authority in terms of the Freedom of Information Act (Cap. 496 of the Laws of Malta). The Contracting Authority, prior to disclosure of any information to a third party in relation to any provisions of this contract which have not yet been made public, shall consult the contractor 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 Contracting Authority in terms of the Act.

12. **Gender Equality**

In carrying out his/her obligations in pursuance of this contract, the bidder shall ensure the application of the principle of gender equality and shall thus 'inter alia' refrain from discriminating on the grounds of gender, marital status or family responsibilities.

Bidders are to ensure that these principles are manifest in the organigram of the company where the principles aforementioned, including the selection criteria for access to all jobs or posts, at all levels of the occupation hierarchy are amply proven. In this document words importing one gender shall also include the other gender.

13. **Specifications and Conditions**

The Environment and Resources Authority invites applications from accounting/audit firms interested in being appointed as Auditors for a period of one (1) year, from date of award of contract. The successful firm will be required to act as auditors for the Environment and Resources Authority and present an audit report by the end of April, which report is to be approved by the Environment and Resources Authority Board of Directors.

The main scope of the contract is to conduct a complete and final audit of the Environment and Resources Authority annual financial statements for the year ending December 2016.

The audit shall be conducted in accordance with International Financial Reporting Standards (IFRSs) and IFAC Code of Ethics. Within this context the external auditor is to examine the relevant accounting systems and internal controls to evaluate their adequacy with respect to the preparation of the Annual Accounts and to issue an audit opinion thereon. As part of the audit, the auditor or auditing firm is expected to review the present accounting systems, procedures, and internal controls.

The expected result of this Call for Quotations is to contract an Auditor or an Audit firm, registered with the Accountancy Board within the Ministry of Finance, to audit the project's financial statements and prepare audit reports as follows:

No progress reports are required. However, regular monitoring meetings will be held with management throughout this assignment to ensure progress as per plan and Contracting Authority reserves the right to demand the compilation of progress reports. An audit plan is to be presented with set milestones for the completion of the audit project - and this within six (6) weeks of award of the contract.

The final audit is expected to be carried out during March 2017 so as to enable clearance with Management. The audited draft annual report and the consolidated financial statements are expected to be presented to the Board of Directors for their approval by the end of April.

The Audit plan, the yearly final audit report for ERA and any documentation submitted must be written in English and are subject to the approval of the Contracting Authority.

Successful applicants will be required to sign a declaration of confidentiality and impartiality prior to the commencement of the contract.

14. **Payment**

The Contractor shall be paid upon completion of the full assignment to the satisfaction of the Authority. Payment will be made against an invoice issued by the contractor, and it will be subject to a thirty (30) day payment term from date of invoice.

Appendix I: Specifications and Conditions

<u>Mandatory (Minimum) Requirements</u>	<u>Bidder's Response</u> <u>(Confirm</u> <u>Yes/No/Remarks)</u>
The bidder is independent and declares that he/she was never been involved in one way or another with the Environment and Resources Authority.	
The bidder is a Registered Auditor or Audit Firm with the Accountancy Board within the Ministry of Finance (https://secure3.gov.mt/accountancyboard/Registers/RegisteredAuditors.aspx)	
A copy of the respective CPA warrant/s of the key employee/s conducting the audit	
The bidder confirms that the audit will be conducted in accordance with International Financial Reporting Standards (IFRSs) and IFAC Code of Ethics.	

Signature of the Bidder: 	Stamp of the firm/company:
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Appendix II: Financial Bid

<u>Description</u>	<u>Grand Total including Duties, other taxes/charges (Delivered Duty Paid-DDP) and Discounts but excluding VAT</u>	<u>Unit cost VAT</u>	<u>Total including VAT, Duties & Other Taxes/Charges (Delivered Duty Paid-DDP) and Discounts</u>
Provision of Independent Financial Auditing Services			
Signature of the Bidder:		Stamp of the firm/company:	

Bidders must quote all components of the price inclusive of taxes, customs and import duties and any discounts.

Bidders not registered with the VAT Authority in Malta, must still include in their financial offer any VAT that the contracting authority may have to pay either in Malta or the country where the bidder is registered irrespective of the reverse charge mechanism.

The financial offer will be considered as the total financial cost to the contracting authority including any VAT that may have to be paid not through the winning bidder. Except as may otherwise be provided in the contract, no payment will be made for items which not been costed.

Appendix III: Details of Bidder

Full name of the bidder in Block Letters (individual or organisation):	
Address:	
Phone Number:	Fax Number:
Organisation Registration Number or ID Number:	VAT Registration Number:
E-mail Address:	

Appendix IV: Bidder's Declaration

(To be completed and signed by the bidder and submitted with the quotation.)

I/We, the undersigned, hereby declare that:

1. I/We have examined and accept in full and in its entirety, the content of this Call for Quotations **ERA_QT04/2017** of January 2017 (including subsequent clarifications issued by ERA). We hereby accept the contents thereto in their entirety, without reservation or restriction. We also understand that any disagreement, contradiction, alteration or deviation shall lead to our quotation offer not being considered any further.
2. I/We offer to execute, in accordance with the terms of the Call for Quotations and the conditions and time limits laid down, the supplies and/or services as set out in the Call for Quotations within the time-frames submitted in this Call for Quotations.
3. I/We declare that none of the grounds listed in Part VI: Exclusion and Blacklisting of Economic Operators of the Public Procurement Regulations 2016 (L.N. 352 of 2016) apply to us.
4. I/We acknowledge that ERA may request us to submit signed certification from the competent authorities that none of the criteria listed in Part VI: Exclusion and Blacklisting of Economic Operators of the Public Procurement Regulations (L.N. 352 of 2016) apply to us and where applicable confirm the same for each member of the joint venture or consortium and/or subcontractor. We will be guided by the information published by the European Commission specifying the competent authorities within each Member States which can certify whether a bidder is in line with Part VI: Exclusion and Blacklisting of Economic Operators and available through the following link <http://ec.europa.eu/markt/ecertis/login.do>. I/We accept that I/we shall be excluded from the award of this call for quotations if the compliance certificates are not submitted upon the request by ERA and by the indicated dates.
5. I/We will inform ERA immediately if there is any change in the above circumstances at any stage during the delivery of the products and maintenance period. We also fully recognise and accept that any false, inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the Environment & Resources Authority.
6. I/We note that ERA is not bound to proceed with this Call for Quotations and that it reserves the right to cancel or award any part of this Call for Quotations. It will incur no liability towards me/us should it do so.
7. I/We, the undersigned, have availed myself/ourselves of the General Conditions for Service Contracts which are available on the Department of Contracts website ([http://contracts.gov.mt/en/Resources/Documents/Historic%20Files/General%20Conditions%20for%20Services%20Contracts%20\(1.05\).pdf](http://contracts.gov.mt/en/Resources/Documents/Historic%20Files/General%20Conditions%20for%20Services%20Contracts%20(1.05).pdf)), and have read and accepted in full and without reservation the conditions outlined therein, and are therefore waiving any standard terms and conditions which I/we may have.

Name and Surname:

ID / Passport Number:

Signature of bidder:

Duly authorised to sign on behalf of:

Stamp of the firm / company:

Place and Date:

Appendix V: Statement on Conditions of Employment

**Bidders are to ensure that self-employed personnel are not engaged on this contract.
Non-compliance will invalidate the contract.**

It is hereby declared that all employees engaged on this contract shall enjoy working conditions such as wages, salaries, vacation and sick leave, maternity and parental leave as provided for in the relative Employment Legislation. Furthermore, we shall comply with Chapter 424 of the Laws of Malta (Occupational Health and Safety Authority Act) as well as any other national legislation, regulations, standards and/or codes of practice or any amendment thereto in effect during the execution of the contract.

In the event that it is proved otherwise during the execution of the contract it is hereby being consented that the contract is terminated with immediate effect and that no claim for damages or compensation be raised by us.

Signature:
(the person or persons authorised to sign on behalf of the bidder)

Date:

Appendix VI: Blacklisting and Exclusion Declaration

I hereby declare that I do not fall under any of the grounds listed under Part VI of LN352/2016.

Signature

Name of Company

Date

SECTION 2 – EXTRACTS FROM THE PUBLIC PROCUREMENT REGULATIONS

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 calendar days following the date on which the 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 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 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 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, the Ministerial Procurement Unit or the contracting authority involved, as the case may be, shall be precluded from concluding the contract during the period of ten 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, the Ministerial Procurement Unit or the Special Contracts Committee or by the contracting authority, shall be made public by affixing it to the notice-board of the Department of Contracts, the Ministerial Procurement Unit 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 contracting authority and any interested party may, within ten 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 days forward to the chairman of the Public Contracts Review Board all 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, the Ministerial Procurement Unit 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 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.