



REFERENCE NUMBER: ERA_QT03/2017

**REQUEST FOR QUOTATIONS FOR THE PROVISION OF
SERVICES OF ECONOMIC EXPERT ASSISTANCE IN
CARRYING OUT A COST EFFECTIVE ANALYSIS AND AN
IMPACT ASSESSMENT**

Date Published: Friday 27th January 2017

Deadline for Submission: Monday 13th February 2017 at 12:00 p.m. CET

Tender Opening Session: Monday 13th February 2017 at 12.30 p.m. CET

Participation is free of charge

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

Request for Quotations

1. Scope

The Environment and Resources Authority is issuing this Request for Quotations to identify bidders interested in the provision of services of economic expert assistance in carrying out a cost effective analysis and an impact assessment, including a cost-benefit analysis, of the new measure put forward as part of the Programme of Measures pursuant to the EU Marine Strategy Framework Directive 2008/56/EC.

Qualifications

The economic experts to be hired for this service should be suitably qualified in the field of economics or environmental economics.

2. Procedure

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

This Request 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&|=1>).

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

The total maximum budget available for this Request for Quotations is €8,000 including VAT.

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 Request for Quotations	Friday 27 th January 2017	n/a
Last Date on which clarifications are received by ERA	Friday 3 rd February 2017	12:00
Last Date on which clarifications are issued by ERA	Wednesday 8 th February 2017	12:00
Deadline for submission of quotations	Monday 13 th February 2017	12:00

4. Quotation Format

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

Bidders must also include:

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

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_QT03/2017**, 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 Request for Quotations Procedure

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

Bidders are advised that any cancellation 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.

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 Request 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) Copy of qualifications in the relevant fields of economics or environmental economics;
- ii) Proof of economic expert assistance in carrying out cost-effectiveness and cost-benefit analysis;
- iii) A signed copy of the Bidder's Declaration;
- iv) A signed copy of the Details of Bidder;
- v) Declare agreement, conformity and compliance with the provisions of the Statement on Conditions of Employment;
- vi) 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 quotations from suitably qualified economists for the provision of economic services. The expected result of this Request for Quotations is to contract economic experts to undertake a cost effective analysis and an impact assessment, including a cost-benefit analysis, of the new measures put forward as part of the Programme of Measures pursuant to the EU Marine Strategy Framework Directive 2008/56/EC. Details of the services to be provided and the results to be achieved are included in Appendix I to this Request for Quotations. The results need to be achieved within six (6) weeks of award 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: Terms of Reference

1. Background Information

The EU Marine Strategy Framework Directive calls for the achievement or maintenance of Good Environmental Status (GES) in the marine environment by the year 2020 through the development and implementation of marine strategies. Such marine strategies involve the development and implementation of a Programme of Measures seeking the achievement of GES in consideration of environmental targets put forward by Malta in the first reporting cycle and addressing predominant pressures and impacts on the marine environment.

The development of the Programme of measures should be sought in consideration of existing measures required under Community legislation, in particular the EU Water Framework Directive, and other international agreements. New measures are identified following a gap analysis that assesses the extent to which existing measures contribute to the achievement of environmental targets and hence achievement or maintenance of GES. Such new measures should thus address current gaps in management regimes for the achievement of GES.

Within this context, the Programme of Measures includes both existing and new measures which need to be classified in accordance with the following categories:

- Existing measures:
 - Category 1.a: Measures relevant for the achievement and maintenance of GES under the MSFD, that have been *adopted under other policies and implemented*;
 - Category 1.b: Measures relevant for the achievement and maintenance of GES under the MSFD that have been adopted under other policies but that have *not yet been implemented or fully implemented*;
- New measures:
 - Category 2.a: Additional measures to achieve and maintain GES which build upon existing implementation processes regarding other EU legislation and international agreements but go beyond what is already required under these;
 - Category 2.b: Additional measures to achieve and maintain GES which do not build on existing EU legislation or international agreements.

Malta is currently developing the Programme of Measures through collaboration across all relevant stakeholders. In view of the common objectives of the MSFD and the EU Water Framework Directive (WFD) for reaching the good status of the waters to which they apply, the new measures identified as part of the MSFD Programme of Measures build on those identified by Malta's second Water Catchment Management Plan pursuant to the WFD.

1.1- Related Programmes and Donor Activities

The Economic experts engaged would need to take note of the outcome of the socio-economic analysis carried out for the Marine Strategy Framework Directive (<http://era.org.mt/en/Pages/MSFD-IAs-GES-Targets.aspx>) and the cost-effectiveness analysis of the measures put forward as part of Malta's second Water Catchment Management Plan (<http://era.org.mt/en/Pages/Water-Catchment-Management-Plan.aspx>). ERA shall make all related information available.

2. Contract Objectives and Expected Results

2.1 - Overall Objectives

The overall objective of this contract is the provision of economic expert assistance in carrying out a cost-effectiveness and cost-benefit analysis of the new measures put forward as part of Malta's MSFD Programme of Measures.

2.2 - Specific Objectives

This contract shall achieve the following specific objectives in line with the requirements of the MSFD and in consideration of the economic analysis carried out as part of Malta's Second Water Catchment Management Plan:

- To assess the cost-effectiveness of the new measures proposed as part of Malta's Programme of Measures pursuant to the EU Marine Strategy Framework Directive, in line with the requirements of Article 13 of the Directive and in consideration of the guidance documents available to date.
- To undertake an impact assessment, including a cost-benefit analysis of the new measures in line with the requirements of Article 13 of the Directive and in consideration of the guidance documents available to date.

2.3 - Results to be achieved by the Consultant

This contract shall achieve a report including the cost-effectiveness analysis and an impact assessment, including the cost-benefit analysis, of the new measures proposed for the MSFD Programme of Measures. This report shall include a description of the methodologies used and their limitations, the outcome of the analysis and a discussion of the results. This report shall be submitted to ERA in soft and hard copies

3. Assumptions and Risks

3.1 - Assumptions Underlying the Project Intervention

It is generally assumed that the contractor will be technically conversant with the economic terms of the Marine Strategy Framework Directive and be well equipped in terms of expertise and resources to perform the work according to these terms of reference and in due time.

3.2 – Risks

The main risks that may be encountered relate to the currently limited knowledge in relation to the links between measures and their effects on the marine environment, coupled to the complexity of the marine environment and the lack of quantitative environmental targets, which may render the assessment of the effectiveness of and benefits of the measures difficult.

The bidder shall propose strategies to address the identified risks above, and any other risks identified by the bidder. These proposals shall be included in the bidder's technical offer.

4. Scope of the Work

4.1 – General

4.1.1 Project Description

This contract will carry out the required cost-effectiveness analysis and the impact assessment, including the cost-benefit analysis for the new measures proposed as part of the MSFD Programme of Measures.

In accordance with Article 13 of the EU Marine Strategy Framework Directive, new measures¹ put forward as part of the Programme of Measures should be subject to a cost-effectiveness analysis (CEA) and an impact assessment, including cost-benefit analysis (CBA). The required analysis is described in the “*Programmes of Measures under the Marine Strategy Framework Directive: Recommendations for implementation and reporting (final version 25 November 2014)*” as follows:

- Cost-effectiveness analysis involves the analysis of the costs of alternative individual and/or sets or programmes of measures designed to meet specified objective/s with a view to identify the highest level of physical benefit given available resources and the least-cost method of reaching a prescribed target.
- Cost-benefit analysis compares policy measures against the baseline situation in terms of their advantages (benefits) and disadvantages (costs), involving the estimation of all negative and positive economic, social and environmental impacts, including items for which the market does not provide an observable measure of value, accruing to all affected societal parties.
- An impact assessment identifies the direct and indirect costs and the benefits of implementing a measure, involving several societal actors and also including non-monetary items.

On the basis of this recommendation, the cost-effectiveness analysis should involve a qualitative or quantitative description of the contribution of the new measures to the achievement of MSFD targets and an assessment of the direct and/or indirect costs (as relevant) of such measures. The costs can be assessed for individual measures (specifically needed in case measures are mutually exclusive) and/or the costs can be grouped for sets of measures supporting each other in their contribution to an MSFD target. The combination of costs and effect of measures provides useful information for executing a cost-effectiveness assessment at various levels. This analysis can then be used to order/rank individual and/or sets of measures with a view to determine which measures should be implemented with higher or less priority.

The selection of new measures should not only take into account their cost-effectiveness but also significant positive and negative social, economic and environmental impacts the measure may incur. The impact assessment, including the cost-benefit analysis should take into consideration the various types of impacts which can be associated with the implementation of the new measures including:

- Economic impacts: financial and other economic impacts on businesses, wider impacts on economies, impacts on administrations,
- Social impacts: impacts on wider society and communities;
- Environmental impacts: impacts principally on the marine environment but also potentially wider impacts.

¹ Research activities are considered supplementary to the new measures in the PoMs. Since these measures do not need to be aligned to specific environmental targets, there is no need to carry out cost-benefits and/or cost-effectiveness assessment for such measures.

The recommendations and guidance provided by the EU Commission for the purpose of the MSFD Programme of Measures acknowledge that as a result of:

- current limitations in the development of quantitative targets by EU Member States,
- the lack of clear quantitative relationships between measures and their effects on the marine environment,
- lack of knowledge on the links between potential measures, improvement of marine ecosystems and corresponding economic and social value,

the CEA and CBA would in general involve qualitative analysis primarily based on expert judgement. However, such qualitative analysis is still deemed to support the decision-making process.

Malta has an obligation to report this economic analysis as part of the MSFD Programme of Measures. The contract will also provide the economic justification supporting the adoption of the measures through the MSFD Programme of Measures.

4.1.2 Geographical Area to be covered

The required economic analysis is to be carried out for the preliminary list of new measures as agreed by all relevant stakeholders for MSFD GES descriptors. The implementation of the MSFD in Malta for the seabed/subsoil is applied for the area currently designated for hydrocarbon exploration and exploitation without prejudice to Malta's continental shelf and for the water column boundary Malta's marine waters within a boundary which extends to 25 nm without prejudice to Malta's jurisdiction beyond this limit.

4.1.3 Target Groups

The Maltese Government, the public and the different economic sectors making use of marine waters.

4.2. – *Specific Activities*

The contractor shall undertake a qualitative or semi-quantitative (i) cost-effectiveness analysis and (ii) an impact assessment, including a cost-benefit analysis, of the new measures put forward as part of the MSFD Programme of Measures.

For this purpose, the contractor shall review the guidance documents available to date, in particular other Member States' experiences as compiled in the "*Background document summarising experiences with respect to economic analysis to support Member States with the development of their Programme of Measures for the Marine Strategy Framework Directive (Project number BE0113000716 | final version | 23-01-2015)*" to determine the methodology to be employed for the required analysis. This review should also take into consideration the cost-effectiveness analysis undertaken as part of the Programme of Measures pursuant to the EU Water Framework Directive as presented in Malta's Second Water Catchment Management Plan and the economic analysis carried out for the Marine Strategy Framework Directive.

The contractor shall then apply the methodologies as agreed with ERA to the measures put forward through the MSFD Programme of Measures to achieve the required analysis by the Directive.

ERA will provide all the relevant documents for the analysis and will assist the contractor as necessary throughout the implementation of this contract.

The contract shall result in a report including:

- (i) a description of the methodology applied and justification for the selected methodology;
- (ii) a description of the baseline scenario explaining how the current scenario would evolve without additional MSFD measures
- (iii) the cost-effectiveness analysis for the new measures proposed as part of the MSFD Programme of Measures;
- (iv) the cost-benefit analysis of the new measures including an evaluation of the economic, social and environmental impacts of the new measures;
- (v) a discussion of the outcome of the cost-effectiveness analysis and the impact assessment (including the cost-benefit analysis) including:
 - the limitations of the methodologies applied
 - relevant information to be used during the decision-making process, including ranking of the new measures in terms of their cost-effectiveness
 - An economic justification for the adoption of the measures as part of the MSFD Programme of Measures.

This report shall be submitted to ERA for approval within five weeks from the signing of the contract.

Appendix II: Specifications and Conditions

A — Specifications and Conditions

Mandatory (Minimum) Requirements

Copy of qualifications in the relevant fields of economics or environmental economics

Proof of economic expert assistance in carrying out cost-effectiveness and cost-benefit analysis.

Signature of the Bidder:

Stamp of the firm/company:

Appendix III: Financial Bid

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>
<p>Report including the cost-effectiveness analysis and an impact assessment, including the cost-benefit analysis, of the new measures proposed for the MSFD Programme of Measures. This report shall include a description of the methodologies used and their limitations, the outcome of the analysis and a discussion of the results.</p>			
Signature of the Bidder:	Stamp of the firm/company:		

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 Request for Quotations **ERA_QT03/2017** 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 Request for Quotations and the conditions and time limits laid down, the supplies and/or services as set out in the Request for Quotations within the time-frames submitted in this Request 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 Request 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 Request for Quotations and that it reserves the right to cancel or award any part of this Request 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

Appendix VII: Details of Bidder

Details of the 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:	

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 request 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 request 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 Request 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 request 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 Request 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 request for tenders in question including files and tenders submitted;

(e) the secretary of the Review Board shall inform all the participants of the request 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.