

IMPORTANT NOTE

Submission of e-tenders

Tenders must be submitted by registered Economic Operators.

EPPS users holding a sole trader account are kindly reminded that their account can only be used to submit tenders under their sole trader's name and not on behalf of any other organisation.

In case a tender needs to be submitted by any other type of Economic Operator (e.g. Company/Joint Venture/Consortium), an account needs to be created either through the ePPS or e-ID as per Terms of Use for Economic Operators and only this account must be used to submit the tender.

In the case where a person requires to submit a tender on behalf of an entity which may be an organisation or Joint Venture/Consortium, the submission must be performed through the account of the entity. The latter must assign the person an account to perform the submission on its behalf, if the person is not already assigned. The entity will be considered as the economic operator submitting the tender.

Economic Operators are reminded that **ONLY** in the case of **New Account Registrations**, irrespective of the type and form of the Economic Operators, they have a choice between registering either directly through the ePPS at www.etenders.gov.mt or through the e-ID Service via the MyGov website at www.mygov.mt. In the case of the latter, Economic Operators must qualify for e-ID as per the ePPS Terms of Use for Economic Operators.

Prospective Bidders are reminded that when submitting more than one option for a particular CfT, they should submit multiple tenders.

Prospective Bidders are reminded to follow the above instructions and other instructions in the Terms of Use of the e-procurement system (ePPS) and the Manual for Economic Operators available under the 'Help' tab of the epps homepage.

The Department of Contracts reserves the right to disqualify Economic Operators who do not abide by the above instructions.

Submission of Financial Offer

Tenderers must quote all components of the price inclusive of taxes/charges, customs and import duties and any discounts BUT excluding VAT. **VAT shall be paid in accordance with the current VAT regulations.**



REFERENCE NUMBER: MSDEC 212/2016

SERVICE TENDER FOR THE COLLATION OF PRIMARY AND SECONDARY DATA ON REGULAR BREEDING AND WINTERING BIRD SPECIES IN THE MALTESE ISLANDS AND COMPILATION OF ARTICLE 12 REPORT (BIRDS DIRECTIVE) FOR THE 2013–2018 REPORTING PERIOD, INCLUDING MALTA BREEDING BIRD ATLAS (2018)

Date Published: 09/08/2016

Deadline for Submission: 04/10/2016 at 10:00am CET/CEST


Tender Opening: 04/10/2016 At 10:30am CET/CEST

IMPORTANT:

- No Bid Bond is requested for this tender

IMPORTANT

Clarifications shall be uploaded and will be available to view/download from www.etenders.gov.mt

 This e-tender does not require print-outs from this document. Please consider your environmental responsibility before printing.

Ministry for Sustainable Development, The Environment and Climate Change

Procurement and Supplies Directorate
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**SERVICE TENDER FOR THE COLLATION OF PRIMARY AND SECONDARY DATA ON
REGULAR BREEDING AND WINTERING BIRD SPECIES IN THE MALTESE ISLANDS AND
COMPILATION OF ARTICLE 12 REPORT (BIRDS DIRECTIVE) FOR THE 2013–2018
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Table of Contents

Table of Contents	4
SECTION 1 - INSTRUCTIONS TO TENDERERS	5
1. General Instructions	5
2. Timetable.....	7
3. Lots.....	7
4. Variant Solutions	7
5. Financing	7
6. Clarification Meeting/Site Visit/Workshop	7
7. Selection and Award Requirements.....	7
8. Tender Guarantee (Bid Bond)	9
9. Criteria for Award.....	9
SECTION 2 - EXTRACTS FROM THE PUBLIC PROCUREMENT REGULATIONS.....	10
SECTION 3 - SPECIAL CONDITIONS.....	11
SECTION 4 - TECHNICAL SPECIFICATIONS/TERMS OF REFERENCE	14
SECTION 5 - SUPPLEMENTARY DOCUMENTATION	24
5.1 - Draft Contract Form	24
5.2 - Glossary.....	24
5.3 - Specimen Performance Guarantee	24
5.4 - Specimen Tender Guarantee (Bid Bond) - where applicable	24
5.5 - Specimen Pre-Financing Guarantee - where applicable.....	24
5.6 - Specimen Retention Guarantee - where applicable	24
5.7 - General Conditions of Contract	24

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## SECTION 1 - INSTRUCTIONS TO TENDERERS

### 1. General Instructions

- 1.1 In submitting a **tender<sup>1</sup>**, the tenderer accepts in full and in its entirety, the content of this tender document, including subsequent Clarifications issued by the Central Government Authority/Contracting Authority (CGA/CA), whatever his own corresponding conditions may be, which he hereby waives. Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this tender document. These Instructions to Tenderers complement the General Rules Governing Tenders **version 1.14 dated 4 January 2016** (available from [www.etenders.gov.mt](http://www.etenders.gov.mt) under 'Resources').

No account can be taken of any reservation in the tender as regards the tender document; 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 online, at [www.etenders.gov.mt](http://www.etenders.gov.mt), by completing the prescribed tender response format using the Tender Preparation Tool (TPT) provided by the System. Please note that the TPT was recently updated. This means that anyone who has downloaded the TPT in the past will need to download this tool again. If this is not done, the tender package, created using the old version of the tool, will not be accepted by the etenders portal. Therefore, to avoid the inconvenience of having the tender package rejected, please make sure that you fill in the tender structure using the latest version which can be downloaded from the <http://www.etenders.gov.mt> portal. In case of any discrepancy between the requirements contained in this document and those in the tender response format, the latter shall prevail.

Prospective tenderers take full responsibility to submit their electronic tender response (offer) well before the tender submission deadline in order to avoid last minute upload restrictions. Tender offers must be fully uploaded / accepted by the ePPS prior to the deadline for submission of offers, that is, tenders in transit upon tender submission deadline will be rejected.

- 1.2 This tender requires the of the following *services*:

1. An Inception report delivered within 3 months from contract commencement date. This report shall outline in sufficient details the proposed approach, available data sources and methodologies for any field surveys that may be required to address data gaps.
2. The compilation of data on all regular wintering and regular breeding bird species of the Maltese Islands for the current (2013-2018) reporting period, including any regular breeding bird species established after the last reporting period (2008-2012) and/or reported in the Malta Breeding Bird Atlas (2008).

The reporting of breeding and wintering bird species using pre-set units and standards as specified by the Explanatory Notes & Guidelines for the 2013-2018 period (<https://circabc.europa.eu/sd/a/1b2c180e-7f18-4748-a3ce-c15b95572305/Doc%20Nadeg%2016-04-03%20%20Article%2012%20reporting%20format.pdf>

<https://circabc.europa.eu/sd/a/e09bb6e6-25f2-4056-be46-4cfd64c11f9/Doc%20Nadeg%2016-04-03%20Field-by-field%20guidance%20Art%2012.pdf>

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3. The plotting of INSPIRE-compliant distribution maps in the format specified in the guidelines, showing breeding distribution of each identified regular breeding species as per format specified in the 'Explanatory Notes and Guidelines for Article 12 reporting for 2013-2018' document.
  4. The submission to the Contracting Authority of all the data requested in Annex B of Article 12 of the Birds Directive reporting format for every identified species within the specified deadline.
  5. The submission to the Contracting Authority of a "Malta Breeding Birds Atlas 2018" within the specified deadline.
- 1.3 The place of acceptance of the services shall be; Wild Birds Regulation Unit, Triq Misrah il-Barrieri, Santa Venera, the time-limits for delivery shall be;
- first draft of Article 12 report and distribution maps shall be submitted to the Contracting Authority by **31st January 2019**. The Contracting Authority shall provide its comments following QA/QC within one month. The tenderer shall submit the Final report, all data and accompanying documentation in hard copy and digital formats to the Contracting Authority by the **29<sup>th</sup> March 2019**.
  - first draft "Malta Breeding Bird Atlas 2018" shall be of publishable quality and submitted, in digital format, by **15<sup>th</sup> June 2019**. The Contracting Authority shall provide its comments on the first draft within 10 working days. The tenderer shall submit the final "Malta Breeding Bird Atlas 2018" in digital format and two hard copies to the Contracting Authority by **31<sup>st</sup> July 2019**.
  - and the INCOTERM<sup>2010</sup> applicable shall be **Delivery Duty Paid (DDP)**.
- 1.4 This is a global price contract.
- 1.5 This call for tenders is being issued under an open procedure.

## 2. Timetable

|                                                                                                                                                                                                                                                                                                                                                 | DATE         | TIME     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------|
| Clarification Meeting/Site Visit (Refer to Clause 6.1)                                                                                                                                                                                                                                                                                          | N.A          | N.A.     |
| Workshop (Refer to Clause 6.2)                                                                                                                                                                                                                                                                                                                  | Refer to 6.2 | -        |
| Deadline for request for any additional information from the Contracting Authority<br>Clarifications to be sent either: <ul style="list-style-type: none"><li>• Online from <a href="http://www.etenders.gov.mt">www.etenders.gov.mt</a> or</li><li>• Via email on <a href="mailto:contracts.msdec@gov.mt">contracts.msdec@gov.mt</a></li></ul> | 23/09/2016   | 10.00hrs |
| Last date on which additional information are issued by the Contracting Authority                                                                                                                                                                                                                                                               | 28/09/2016   | 23.45hrs |
| Deadline for submission of tenders (unless otherwise modified in terms of Clause 10.1 of the General Rules Governing Tendering)                                                                                                                                                                                                                 | 04/10/2016   | 10.00hrs |
| Tender Opening Session (unless otherwise modified in terms of Clause 10.1 of the General Rules Governing Tendering)                                                                                                                                                                                                                             | 04/10/2016   | 10.30hrs |

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

## 3. Lots

- 3.1 This tender is not divided into lots, and tenders must be for the whole quantities indicated. Tenders will not be accepted for incomplete quantities.

## 4. Variant Solutions

- 4.1 No variant solutions will be accepted. Tenderers must submit a tender in accordance with the requirements of the tender document.

## 5. Financing

- 5.1 The project is financed from local budget funds.

## 6. Clarification Meeting/Site Visit/Workshop

- 6.1 No clarification meeting/site visit is planned.
- 6.2 Prospective tenderers may register to attend a workshop that will be organised in collaboration with the Centre for Development, Research and Training at San Salvatore Bastion, Sa Maison Road, Floriana FRN1610. During this workshop, prospective tenderers will be given the opportunity to familiarise themselves with the new electronic tendering procedure.

Prospective tenderers are to register themselves to attend this workshop by sending an email on [etenders@gov.mt](mailto:etenders@gov.mt) with the name, surname, role within the organisation, and contact details (telephone and email address) of the nominated person. **Only one person** will be allowed to participate for each prospective tenderer.

## 7. Selection and Award Requirements

- 7.1 In order to be considered eligible for the award of the contract, tenderers must

provide evidence that they meet or exceed certain minimum criteria described hereunder.

**(A) Eligibility Criteria**

- (i) Declare agreement, conformity and compliance with the General Rules Governing Tendering Version 1.14 dated 4 January 2016 in the Tender Response Format (available from [www.etenders.gov.mt](http://www.etenders.gov.mt))
- (ii) Declare agreement, conformity and compliance with the provisions of the Tender's Declaration in Tender Response Format.
- (iii) Declare agreement, conformity and compliance with the provisions of the Statement on Conditions of Employment in Tender Response Format. Please also attach the minimum hourly workers' costs involving the provision of the employees' services. <sup>(Note 2)</sup>
- (iv) Power of Attorney (if applicable) <sup>(Note 2)</sup>
- (v) Data on Joint Venture/Consortium (if applicable) <sup>(Note 2)</sup>

**(B) Selection Criteria**

*Proof of Technical Capacity*

- (1) Provide data concerning subcontractors and the percentage of works to be subcontracted as per Form marked Sub-contracting to be submitted online through the prescribed Tender Response Format and by using the Tender Preparation Tool provided. <sup>(Note 2)</sup>
  
- (2) A list of the key experts and other staff proposed for the execution of the contract as per Form marked Key Experts to be submitted online through the prescribed tender response format (tender structure). <sup>(Note 2)</sup>

The Key Experts should include:

**A Project co-ordinator, who must be:**

- i. In possession of a Ph.D. or other academic qualification at MQRIC level 8 related to natural sciences
- ii. Able to co-ordinate a team of scientists and scientific experts
- iii. Able to conduct environmental monitoring, nature-related and/or ornithological studies

**A Scientist, who must be:**

- i. In possession of a Masters degree or other academic qualification at MQRIC level 7 in natural sciences
- ii. Able to conduct environmental monitoring, nature-related and/or ornithological studies
- iii. Able to plot INSPIRE<sup>2</sup>-compliant distribution maps in GIS format with standard grids of 1x1km and 5x5km and projection ETRS LAEA 5210.\*

\*Tenderer may opt to sub-contract the plotting exercise provided that

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<sup>2</sup> <http://inspire.ec.europa.eu/>



evidence of capability of fulfilling all technical requirements is submitted together with a duly filled **Sub-contracting form** (see clause 7.1 (B) (i) above).

Key Experts failing to meet the above criteria and description will not be accepted and it shall lead to the overall offer being rejected as non-compliant. Competencies claimed are to be substantiated by means of reference letters, publication papers, dissertations and studies in the relevant fields.

Public employees may be recruited as experts as long as it is ascertained through the attached self-declaration; that they do not fall in any of the provisions laid down in the Public Administration Act - Chapter 497 of the Laws of Malta (First Schedule Code of Ethics Article 5).

This self-declaration is to be endorsed by all Key Experts (who are also Public Employees).<sup>(Note 2)</sup>

The Evaluation Committee reserves the right to request the tenderers to substantiate their claims in respect to the staff proposed by requesting CVs of key staff, signed Declarations of Exclusivity and Availability and signed Self-Declaration (relating to conflict of interest) forms during the evaluation stage.

### **(C) Technical Specifications**

- (i) Tenderer's Technical Offer in response to specifications to be submitted online through the prescribed Tender Response Format and by using the Tender Preparation Tool provided including any drawings if applicable.<sup>(Note 3)</sup>

### **(D) Financial Offer**

- (i) A financial offer calculated on a basis of **Delivered Duty Paid (DDP)**<sup>2010</sup> for the services tendered as per Tender Response Format.<sup>(Note 3)</sup>
- (ii) A filled-in Financial Bid Form/Bill of Quantities (as per document available to download online from [www.etenders.gov.mt](http://www.etenders.gov.mt)) as per Tender Response Format.<sup>(Note 3)</sup>

#### **Notes to Clause 7.1:**

1. *Tenderers will be requested to clarify/rectify, within five working days from notification, the tender guarantee only in the following two circumstances: either incorrect validity date, and/or incorrect value.*
2. *Tenderers will be requested to either clarify/rectify any incorrect and/or incomplete documentation, and/or submit any missing documents within five working days from notification.*
3. *No rectification shall be allowed. Only clarifications on the submitted information may be requested.*

### **8. Tender Guarantee (Bid Bond)**

- 8.1 No tender guarantee (bid bond) is required.

### **9. Criteria for Award**

- 9.1 The sole award criterion will be the price. The contract will be awarded to the cheapest priced tender satisfying the administrative and technical criteria.

## SECTION 2 - EXTRACTS FROM THE PUBLIC PROCUREMENT REGULATIONS

### *Right of Recourse - Regulation 21 of the Public Procurement Regulations*

The procedure for the submission of appeals in the tender offer is stipulated in Part II of the Public Procurement Regulations (Legal Notice 296/2010), reproduced hereunder for ease of reference.

1) Where the estimated value of the public contract exceeds twelve thousand euro (€12,000) and is issued by an authority listed in Schedule 1, any tenderer or candidate concerned shall have a right to make a complaint to the Review Board in accordance with this regulation.

2) (a) The contracting authority shall be obliged to issue a notice and affix an advertisement, in a prominent place at its premises, indicating the awarded public contract, the financial aspect of the award and the name of the successful tenderer. The contracting authority shall, by electronic means or by fax, inform the tenderer or candidate concerned of the publication of the award. The contracting authority shall be precluded from concluding the contract during the period allowed for the submission of appeals.

(b) The award process shall be completely suspended if an appeal is eventually submitted.

3) Any tenderer or candidate concerned who is aggrieved by the award indicated by the contract authority may, within five working days from the publication of the notice, file a letter of objection, together with a deposit, with the contracting authority, clearly setting forth any reason for his complaint. The deposit to be paid in respect of tenders valued at less than forty-seven thousand euro (€47,000) shall be four hundred euro (€400), while those between forty-seven thousand euro (€47,000) and one hundred and twenty thousand euro (€120,000) shall be 0.5% of the estimated value of the tender, with a minimum deposit of four hundred euro (€400). The letter by the complaining tenderer shall be affixed on the notice board of the contracting authority and shall be brought to the attention of the recommended tenderer.

4) After the expiry of the period allowed for the submission of a complaint, the contracting authority shall deliver the letter of complaint, the deposit receipt and all documents relating to the public contract in question to the Review Board who shall examine the matter in a fair and equitable manner. In its deliberation the Review Board shall have the authority to obtain, in any manner it deems appropriate, any other information not already provided by the contracting authority. The Review Board shall determine the complaint by upholding or rejecting it. The written decision of the Review Board shall be affixed on the notice board of the contracting authority and copies thereof shall be forwarded to the Director of Contracts and all the parties involved.

5) (a) Any tenderer or candidate who feels aggrieved by a decision taken by the Review Board may appeal to the Court of Appeal (Superior Jurisdiction) as constituted in accordance with article 41(1) of the Code of Organization and Civil Procedure by means of an application filed in the registry of that court within twenty calendar days from the decision on which that decision has been made public.

(b) A copy of the appeal application shall be served on the Contracting Authority and on the recommended tenderer, if any, who may file a written reply within twenty days from the date of service.

(c) The Court of Appeal shall set down the cause for hearing at an early date, in no case later than two months from the date on which the appeal is brought before it and shall cause notice of such date to be given to the parties who, on their part, shall assume the responsibility to visit the court registry and be aware of the latest information regarding the appointment for the hearing of the case.

(d) After appointing the application for hearing, and after listening to the oral submissions made by all parties, the Court shall decide the application on its merits, within the shortest time possible but not any later than four months from the day when the appeal had been filed and the parties have been duly notified. Pending the decision of the Court, the process of the call for tenders shall be suspended.

- 6) Tender documents issued in terms of this Part shall include a clause informing tenderers that the award of the contract is subject to the right of recourse as provided for in this regulation, a copy of which should be reproduced in the documents.
- 7) The Minister shall have the authority by order to extend the provisions of this regulation in order that recourse as provided in this regulation be made available also by authorities listed in Schedule 3 and to prescribe the procedure by which such recourse is to be granted.

## **SECTION 3 - SPECIAL CONDITIONS**

These conditions amplify and supplement, if necessary, the General Conditions governing the contract. Unless the Special Conditions provide otherwise, those General Conditions remain fully applicable. The numbering of the Articles of the Special Conditions is not consecutive but follows the numbering of the Articles of the General Conditions. Other Special Conditions should be indicated afterwards.

### **Article 2: Notices and Written Communications**

Procurement and Supplies Directorate  
Permanent Secretariat Offices  
6 Qormi Road  
St. Venera SVR 1301  
Malta  
Email: [contracts.msdec@gov.mt](mailto:contracts.msdec@gov.mt)

### **Article 5: Supply of Information**

As per General Conditions.

### **Article 6: Assistance with Local Regulations**

As per General Conditions.

### **Article 7: Obligations of the Contractor**

As per General Conditions.

### **Article 13: Medical, Insurance and Security Arrangements**

As per General Conditions.

### **Article 15: Scope of the Services**

The scope of the services is defined in Section 4 (Terms of Reference)

## Article 16: Personnel and Equipment

As per General Conditions.

## Article 18: Execution of the Contract

The tenderer shall submit the Final report, all data and accompanying documentation in hard copy and digital formats to the Contracting Authority by the **29<sup>th</sup> March 2019**.

The tenderer shall submit the final “Malta Breeding Bird Atlas 2018” in digital format and two hard copies to the Contracting Authority by **31<sup>st</sup> July 2019**.

## Article 19: Delays in Execution

A daily penalty of Two Hundred Fifty Euro (€250) shall be charged to the contractor if the contractor fails to satisfactorily provide the requested services as stipulated in this Tender Document, and/or the service is found to be seriously lacking in quantity, quality or efficiency and/or the Contractor breaches any of the conditions stipulated in this Tender document.

## Article 24: Interim and Final Progress Reports

Tenderer shall submit an update report every 6 months from the commencement date..

## Article 26: Payments and Interest on Late Payment

Indicate whether this is a fee-based, unit-price or global-price contract.

Specify any additional provisions regarding the scope of the Contractor's tender

The payments will be made according to the following schedule, subject to the provisions of Articles 29 to 33 of the General Conditions:

| Month        | Narrative                                                                                                                 | Percentage (%) |
|--------------|---------------------------------------------------------------------------------------------------------------------------|----------------|
|              | Pre-financing Payment on signing the contract (Week 1)                                                                    | 20%            |
|              | Payment upon acceptance by the Contracting Authority of the final ‘Article 12 report’ for the 2013-2018 reporting period. | 60%            |
|              | Payment upon acceptance by the Contracting Authority of the final “Malta Breeding Bird Atlas (2018)”                      | 20%            |
|              | Balance                                                                                                                   |                |
| <b>TOTAL</b> |                                                                                                                           | <b>100%</b>    |

60% of the payment is to be effected within 30 days of the final submission of final ‘Article 12 report’ (ie 30 days from the 29<sup>th</sup> March). Final 20 % of the payment is to be effected within 30 days from the final “Malta Breeding Bird Atlas (2018)” submission (ie 30 days from 31<sup>st</sup> July).

### **Article 27: Pre-Financing Guarantee**

Pre-financing (advanced Payment) is permitted on this contract. The total amount of the pre-financing is set at a maximum of 20% of the original contract price. In order to obtain pre-financing payment, the Contractor must forward to the contracting authority the payment request, the performance guarantee in accordance with the General Conditions - Clause 5.4, and a pre-financing guarantee for the full amount of the pre-financing payment.

**Advance payment, secured by an advanced payment guarantee, shall be progressively recovered in proportion to progress payments**

### **Article 28: Audit Certificate**

Not applicable.

## SECTION 4 - TECHNICAL SPECIFICATIONS/TERMS OF REFERENCE (Note 3)

### Terms Of Reference

**Note:**

Where in this tender document a standard is quoted, it is to be understood that the 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 Contracting Authority.

#### **1. Background Information**

##### **1.1 - Beneficiary Country**

Malta

##### **1.2 - Central Government Authority**

Department of Contracts

##### **1.3 - Contracting Authority**

Wild Birds Regulation Unit

##### **1.4 - Relevant Country Background**

The Maltese Islands are located in the centre of the Mediterranean Sea, south of Sicily. The Maltese Archipelago has a total land area of 316 sq. km and comprises 3 main islands - Malta (246 sq. km.), Gozo (67 sq. km.) and Comino (2.7 sq. km.).

##### **1.5 - Current State of Affairs in the Relevant Sector**

The Birds Directive by virtue of Article 12 requires Member States to report the progress made with the implementation of the Birds Directive. This Article deals with the general reporting obligations of both the Member States and the Commission.

*“1. Member States shall forward to the Commission every three years, starting from 7 April 1981, a report on the implementation of national provisions taken under this Directive.*

*2. The Commission shall prepare every three years a composite report based on the information referred to in paragraph 1. That part of the draft report covering the*

*information supplied by a Member State shall be forwarded to the authorities of the Member State in question for verification. The final version of the report shall be forwarded to the Member States.”*

In order to focus the reporting obligations on data that gives information on the status and trends of bird populations, in 2011 the Commission revised the reporting procedure and reduced its frequency. Member States were requested to submit Article 12 reports every 6 years rather than every 3 years. These changes also streamlined the reporting under Art.12 of the Birds Directive with the reporting on conservation status under Art.17 of the Habitats Directive.

Malta's first Article 12 report was submitted by the former Malta Environment and Planning Authority (MEPA) for the 2008-2012 reporting period. This document can be accessed through the following link: <http://cdr.eionet.europa.eu/mt/eu/art12/envurf8a/>.

The Wild Birds Regulation Unit (WBRU)<sup>3</sup> is responsible for implementation of EU Birds Directive in Malta. The Unit therefore has obligation to submit the next Article 12 report covering a 6-year period (2013-2018) by December 2019. More technical information regarding Article 12 can be accessed through the following link: [http://ec.europa.eu/environment/nature/knowledge/rep\\_birds/index\\_en.htm](http://ec.europa.eu/environment/nature/knowledge/rep_birds/index_en.htm)

## 1.6 - Related Programmes and Donor Activities

Article 12 reports submitted in 2013 for the previous reporting period (2008-2012) by all Member States can be downloaded from: [http://bd.eionet.europa.eu/activities/Reporting/Article\\_12/reference\\_portal](http://bd.eionet.europa.eu/activities/Reporting/Article_12/reference_portal)

## 2. Contract Objectives and Expected Results

### 2.1 - Overall Objectives

The overall objective of the contract is the submission to the Contracting Authority of an Article 12 report for the 2013-2018 period on regular breeding and wintering birds within the territory of the Maltese Islands, including the collation of primary and secondary data on each species' population size using standard units, short-term (2008-2018) and long-term (1980-2018) trends, the compilation of INSPIRE-compliant distribution maps showing breeding occurrences during the reporting period, and the publication of the gathered information on breeding birds in the 'Malta Breeding Bird Atlas 2018'

Guidance on how the report is compiled can be obtained by accessing 'Explanatory Notes & Guidelines' document from: [http://bd.eionet.europa.eu/activities/Reporting/Article\\_12/reference\\_portal](http://bd.eionet.europa.eu/activities/Reporting/Article_12/reference_portal)

### 2.2 - Specific Objectives

The objectives of this contract [which are not necessarily those of the project] are as follows:  
The specific objectives of this contract are to:

- collate primary data (e.g. field surveys, expert advice) and secondary data (literature

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<sup>3</sup> <http://environment.gov.mt/en/Pages/WBRU/Wild-Birds-Regulation-Unit.aspx>

review) on Malta's breeding and wintering bird species, including data on newly-established species that have bred regularly since the previous (2008-2012) reporting cycle;

- determine the short-term (2008-2018) and long-term (1980-2018) trends of each bird species that regularly breeds and winters within the territory of the Maltese Islands;
- plot and submit INSPIRE-compliant distribution maps showing regular breeding occurrence of each species in GIS format using standard 1 x 1 km ETRS89 grid and ETRS LAEA 5210 projections as per INSPIRE Directive guidelines;
- compile and submit to the Contracting Authority Article 12 Annex B report for each regular breeding and wintering species for the 2013-2018 period; and
- submit to the Contracting Authority a "Malta Breeding Bird Atlas (2018)", which should include all regular breeding birds, including newly-established bird species that have bred regularly since the previous reporting cycle (i.e., all species included as part of Article 12 submission requirement) with a separate chapter on bird species that have bred sporadically since the last Article 12 reporting cycle.

### 2.3 - Results to be Achieved by the Consultant

The tender results are the following:

1. An Inception report delivered within 3 months from contract commencement date. This report shall outline in sufficient details the proposed approach, available data sources and methodologies for any field surveys that may be required to address data gaps.
2. The compilation of data on all regular wintering and regular breeding bird species of the Maltese Islands for the current (2013-2018) reporting period, including any regular breeding bird species established after the last reporting period (2008-2012) and/or reported in the Malta Breeding Bird Atlas (2008).
3. The reporting of breeding and wintering bird species using pre-set units and standards as specified by the Explanatory Notes & Guidelines for the 2013-2018 period.
4. The plotting of INSPIRE-compliant distribution maps in the format specified in the guidelines, showing breeding distribution of each identified regular breeding species as per format specified in the 'Explanatory Notes and Guidelines for Article 12 reporting for 2013-2018' document.
5. The submission to the Contracting Authority of all the data requested in Annex B of Article 12 reporting format for every identified species within the specified deadline.
6. The submission to the Contracting Authority of a "Malta Breeding Birds Atlas 2018" within the specified deadline.

## 3. Assumptions and Risks

### 3.1 - Assumptions Underlying the Project Intervention

Availability of data is potentially a limiting factor. Wherever necessary data on bird populations is not available, contractor shall carry out necessary studies within the scope of this contract to address such data gaps.

New bird species may have established and bred in Malta since the last Article 12 report submitted by Malta in 2013, thus these birds need to be included in the next (2013-2018) report if



they bred regularly since the previous reporting cycle.

### 3.2 – Risks

The execution of this study is dependent on an adequate enrolment of ornithological experts who shall be carrying out the study, reporting and mapping the findings.

The consultants shall, as part of their Technical Offer, identify any risks and propose appropriate strategies to address the identified risks

## 4. Scope of the Work

### 4.1 – General

#### 4.1.1 Project Description

The compilation of data on breeding and wintering bird species shall be focused on the period 2013-2018. The consultant shall mobilise all staff and equipment within three (3) weeks from award of contract, in preparation for the execution of the study.

An inception report shall be delivered within 3 months from contract commencement date. This report shall outline in sufficient details the proposed approach, available data sources and methodologies for any field surveys that may be required to address data gaps.

For the purpose of Article 12 report, the study shall cover all regular breeding and wintering bird species of the Maltese Islands, including species that have regularly bred during the same review period (2013-2018). For the purpose of the “Malta Breeding Bird Atlas (2018)”, the study shall cover all breeding bird species, including those that have bred sporadically/irregularly during the 2013-2018 period.

Researchers shall identify all the species which regularly breed and winter in Malta, and verify whether any additional species have established in Malta after the last Article 12 reporting period (2008-2012) and/or the publication of Malta Breeding Bird Atlas (2008). Regular breeding birds established after the 2008-2012 reporting cycle will be included in the Article 12 (2013-2018) report, whereas those species which have bred only sporadically during the current review period will only be included in the separate chapter on irregular breeding birds in the “Malta Breeding Bird Atlas (2018)”.

For each of the Article 12 species (regular breeding birds and wintering species), the tenderer shall compile the relevant sections of Annex B of Article 12 report as per reporting format and explanatory guidelines as well as the checklists provided by the European Commission.

The tenderer shall submit an INSPIRE-compliant distribution map in GIS format and within the standards requested in the ‘Explanatory Notes and Guidelines for Article 12 Reporting for 2013-2018’ for all the identified regular breeding bird species.

Further information about Article 12 report can be obtained from: [http://ec.europa.eu/environment/nature/knowledge/rep\\_birds/index\\_en.htm](http://ec.europa.eu/environment/nature/knowledge/rep_birds/index_en.htm)  
Guidelines, reporting formats and checklist can be downloaded from Article 12 reference portal: [http://bd.eionet.europa.eu/activities/Reporting/Article\\_12/reference\\_portal](http://bd.eionet.europa.eu/activities/Reporting/Article_12/reference_portal).

The Contractor shall be bound to follow the above guidelines as well as instructions from the Contracting Authority.

The first draft of Article 12 report and distribution maps shall be submitted to the Contracting Authority by **31st January 2019**. The Contracting Authority shall provide its comments following QA/QC within one month. The tenderer shall submit the Final report, all data and accompanying documentation in hard copy and digital formats to the Contracting Authority by the **29<sup>th</sup> March 2019**.

The first draft “Malta Breeding Bird Atlas 2018” shall be of publishable quality and submitted, in digital format, by **15<sup>th</sup> June 2019**. The Contracting Authority shall provide its comments on the first draft within 10 working days. The tenderer shall submit the final “Malta Breeding Bird Atlas 2018” in digital format and two hard copies to the Contracting Authority by **31<sup>st</sup> July 2019**.

#### 4.1.2 *Geographical Area to be covered*

**For all breeding bird species (regular [Article 12 report only] and irregular [Malta Breeding Bird Atlas 2018 only]):** the Maltese archipelago, namely Malta, Gozo, Comino and Filfla, including smaller islets.

**For all wintering bird species [Article 12 report only]:** the Maltese archipelago, namely Malta, Gozo, Comino and Filfla, including smaller islets and all waters within Malta’s Fisheries Management Zone (within the radius of 25 nautical miles from the coast).

#### 4.1.3 *Target Groups*

Not Applicable

### 4.2 - Specific Activities

Researchers shall identify, on the basis of available scientific data and / or on the basis of field studies that would be carried out as part of this contract all the bird species which breed and winter in Malta, and verify whether any additional species have established in Malta after the last Article 12 reporting period (2008-2012) and/or publication of Malta Breeding Bird Atlas (2008).

For each of the regular breeding species and wintering species, the tenderer shall compile the relevant sections of Annex B of the Article 12 report format as per reporting format and explanatory guidelines as well as the checklists provided by the European Commission.

The tenderer shall submit an INSPIRE-compliant distribution map in GIS format and within the standards requested in the ‘Explanatory Notes and Guidelines for Article 12 Reporting for 2013-2018’ for all the identified regular breeding bird species.

For all breeding bird species the tenderer shall compile a “Malta Breeding Bird Atlas (2018)”, with a separate chapter on irregular/sporadic breeding species.

### 4.3 - Project Management

#### 4.3.1 *Responsible Body*

The overall responsibility of the implementation of this contract lies with the Wild Birds Regulation Unit which is the Contracting Authority for this contract.

#### 4.3.2 *Management Structure*

The Head of the Wild Birds Regulation Unit within the Ministry for Sustainable Development, the Environment and Climate Change is the official responsible for this contract on behalf of the Contracting Authority. The Head may delegate various tasks to other officials within the Wild Birds Regulation Unit and may appoint an official to act as a project manager and to monitor the progress of this project.

#### 4.3.3 *Facilities to be provided by the Contracting Authority and/or other parties*

None

## **5. Logistics and Timing**

### **5.1 - Location**

The Republic of Malta, including its territorial waters. The contractor is expected to compile reports, prepare scientific analysis, and prepare the setup of the administrative framework from his own premises. The contractor should be available during office hours via e-mail and telephone.

### **5.2 - Commencement Date & Period of Execution**

The intended commencement date is the date of signature of the contract and the period of execution of the contract will be until end of July 2019. Article 18 of the Special Conditions will determine the actual commencement date and period of execution.

## **6. Requirements**

### **6.1 - Personnel**

#### **6.1.1 Other Experts**

CVs for experts other than the key experts are not examined prior to the signature of the contract.

The Consultant shall select and hire other experts as required according to the profiles identified in the Organisation & Methodology and these Terms of Reference. For the purposes of this contract, international experts are considered to be those whose permanent residence is outside the beneficiary country while local experts are considered to be those whose permanent residence is in the beneficiary country.

The Consultant should pay attention to the need to ensure the active participation of local professional skills where available, and a suitable mix of international and local staff in the project teams. All experts must be independent and free from conflicts of interest in the responsibilities accorded to them.

The selection procedures used by the Consultant to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience. The findings of the selection panel shall be recorded. The selection of experts shall be subject to approval by the Contracting Authority.

#### **6.1.2 Support Staff and Backstopping**

- The study is to be supported by ornithologists and field experts with relevant abilities to carry out bird identification and surveying.
- Other support staff should be capable in carrying out statistical analysis, report writing, plotting INSPIRE-compliant distribution maps and other relevant administration work.

## 6.2 – Accommodation

Office accommodation of a reasonable standard and of approximately 10 square metres for each expert working on the contract is to be provided by the Consultant.

## 6.3 - Facilities to be provided by the Consultant

The Consultant shall ensure that experts are adequately supported and equipped. In particular it shall ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support its activities under the contract and to ensure that its employees are paid regularly and in a timely fashion.

The contractor shall provide the equipment, transport, software and hardware needed for carrying out surveys, data gathering, storage, analysis and evaluation.

If the Consultant is a consortium, the arrangements should allow for the maximum flexibility in project implementation. Arrangements offering each consortium partner a fixed percentage of the work to be undertaken under the contract should be avoided.

## 6.4 - Equipment

No equipment is to be purchased on behalf of the Contracting Authority / beneficiary country as part of this service contract or transferred to the Contracting Authority / beneficiary country at the end of this contract. Any equipment related to this contract which is to be acquired by the beneficiary country must be purchased by means of a separate supply tender procedure.

## 7. Reports

### 7.1 - Reporting Requirements

At the start of the engagement, the contractor shall deliver an inception report within 3 months from contract commencement date. This report shall outline in sufficient details the proposed approach, available data sources and methodologies for any field surveys that may be required to address data gaps.

The tenderer shall compile the data requested in the Annex B of the Reporting format for each of the identified regular breeding and wintering bird species. As explained in the explanatory notes and guidelines, different sections need to be filled in for different subsets of species, thus reference to this document is of utmost importance as to ascertain what data needs to be compiled.

The tenderer must submit an INSPIRE-compliant breeding distribution map for all identified regular breeding birds. Maps should be submitted in GIS format with standard maps of 1 x1 km ETRS89 grid, projection ETRS LAEA 5210, all relevant metadata is to be submitted with the maps.

The first draft of Article 12 report and distribution maps shall be submitted to the Contracting Authority by **31st January 2019**. The Contracting Authority shall provide its comments following QA/QC within one month. The tenderer shall submit the Final report, all data and accompanying documentation in hard copy and digital formats to the Contracting Authority by the **29<sup>th</sup> March 2019**.

The first draft “Malta Breeding Bird Atlas 2018” shall be of publishable quality and submitted, in digital format, by **15<sup>th</sup> June 2019**. The Contracting Authority shall provide its comments on the first draft within 10 working days. The tenderer shall submit the final “Malta Breeding Bird Atlas 2018” in digital format and two hard copies to the Contracting Authority by **31<sup>st</sup> July 2019**.

The Malta Breeding Bird Atlas must include:

1. A monograph on each regular breeding bird species, which should include a general description of the species and its ecology, the number of breeding pairs within the Maltese Islands, colour photos depicting the species in its local setting/breeding grounds and colour maps of its breeding distribution in the Maltese Islands.
2. A separate chapter on irregular/sporadic breeding bird species with all details specified in point one above.

## **7.2 - Submission & approval of progress reports**

All submissions (Article 12 report, distribution maps, Malta Breeding Bird Atlas) shall be presented in the requested format and must be approved by the Contracting Authority before these can be considered finalised. All authors are to be acknowledged, however submissions will be property of the Contracting Authority which will retain exclusive copyright.

## 8. Monitoring and Evaluation

### 8.1 - Definition of Indicators

| <u>Results</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>Objectively verifiable indicators</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Sources of verifications</u>                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <p>An Inception report delivered within 3 months from contract commencement date. This report shall outline in sufficient details the proposed approach, available data sources and methodologies for any field surveys that may be required to address data gaps.</p> <p>The reporting of Annex B of Article 12 report (2013-2018) for every identified regular breeding and wintering bird species.</p> <p>The provision of INSPIRE-compliant distribution maps in GIS format of standard 1 x 1km ETRS89 grid, projection ETRS LAEA 5210 together with relevant metadata for every identified breeding bird species.</p> <p>The submission of “Malta Breeding Bird Atlas (2018)”</p> | <p>Receipt of the report by Contracting authority within 3 months from contract signature.</p> <p>The first draft of Article 12 report and distribution maps shall be submitted to the Contracting Authority by <b>31st January 2019</b>. The Contracting Authority shall provide its comments following QA/QC within one month. The tenderer shall submit the Final report, all data and accompanying documentation in hard copy and digital formats to the Contracting Authority by the <b>29<sup>th</sup> March 2019</b>.</p> <p>The first draft “Malta Breeding Bird Atlas 2018” shall be of publishable quality and submitted, in digital format, by <b>15<sup>th</sup> June 2019</b>. The Contracting Authority shall provide its comments on the first draft within 10 working days. The tenderer shall submit the final “Malta Breeding Bird Atlas 2018” in digital format and two hard copies to the Contracting Authority by <b>31<sup>st</sup> July 2019</b>.</p> | <p>Report.</p> <p>The actual Annex B of Article 12 report presented by the contractor.</p> |

### 8.2 - Special Requirements

As appropriate.

# TENDERER'S TECHNICAL OFFER (ORGANIZATION & METHODOLOGY)

To be completed by the tenderer

## 1. RATIONALE

- Any comments on the Terms of reference of importance for the successful execution of activities, in particular its objectives and expected results, thus demonstrating the degree of understanding of the contract. **Any comments contradicting the Terms of reference or falling outside their scope will not form part of the final contract**
- An opinion on the key issues related to the achievement of the contract objectives and expected results
- An explanation of the risks and assumptions affecting the execution of the contract

## 2. STRATEGY

- An outline of the approach proposed for contract implementation
- A list of the proposed activities considered to be necessary to achieve the contract objectives
- The standard operating procedures to be used for field observations
- A description of the surveying methods to be used
- An outline of the methodology to be used for the extrapolation of the bird count data in order to obtain an indication of the total number of birds breeding / wintering over the Maltese Islands for a particular period. An outline of the methodologies which would be used to counteract variable observation effort and/or sampling procedures
- A sample of the datasheets which would be used by the ornithologists/field assistants to collate raw data. Such sheets would need to collate, at minimum, the species observed, the location, the names of the ornithologists/ field assistants on site, the monitoring times, and the bird counts for each of the species under study
- A list of the equipment which would be utilised during the study
- A proposal of how the tenderer would enroll an adequate number of ornithologists or field assistants to carry out the study
- A description of how the ornithologists/field assistants would be selected and the criteria or minimum requirements/bird identifying skills the tenderer would be exacting
- The related inputs and outputs
- In the case of a tender being submitted by a consortium, a description of the input from each of the consortium partners and the distribution and interaction of tasks and responsibilities between them
- A description of the support facilities (back-stopping) that the team of experts will have from the contractor during the execution of the contract
- A description of sub-contracting arrangements foreseen, if any and within the limit indicated, with a clear indication of the tasks that will be entrusted to a sub-contractor and a statement by the tenderer guaranteeing the eligibility of any sub-contractor

## 3. TIMETABLE OF ACTIVITIES

- The timing, sequence and duration of the proposed activities, taking into account mobilisation time
- The identification and timing of major milestones in execution of the contract, including an indication of how the achievement of these would be reflected in any reports, particularly those stipulated in the Terms of reference

## SECTION 5 - SUPPLEMENTARY DOCUMENTATION

**5.1 - Draft Contract Form**

**5.2 - Glossary**

**5.3 - Specimen Performance Guarantee**

**5.4 - Specimen Tender Guarantee (Bid Bond) - where applicable**

**5.5 - Specimen Pre-Financing Guarantee - where applicable**

**5.6 - Specimen Retention Guarantee - where applicable**

These are available to view and download from:

[www.etenders.gov.mt](http://www.etenders.gov.mt)

**5.7 - General Conditions of Contract**

The full set of General Conditions for Works Contracts (Version 1.05 dated 20 January 2015), for Supplies Contracts (Version 1.05 dated 20 January 2015) and for Services Contracts (Version 1.06 dated 20 January 2015) can be viewed/downloaded from:

[www.etenders.gov.mt](http://www.etenders.gov.mt)

It is hereby construed that the tenderers have availed themselves of these general conditions, and have read and accepted in full and without reservation the conditions outlined therein, and are therefore waiving any standard terms and conditions which they may have.

These general conditions will form an integral part of the contract that will be signed with the successful tenderer/s.