

Procurement Monitoring Report Template
In view of the Member States' reporting process
under the Directives 2014/23/EU, 2014/24/EU and 2014/25/EU

Purpose and key features of the template

- This template aims at facilitating Member States' (MS) reporting in the context of Directives 2014/23/EU, 2014/24/EU and 2014/25/EU (the directives). The template sets out the scope of the reporting requirements and recommends MS a methodology to gather and systematise the collection of relevant information. Furthermore, it strives to propose a harmonised structure of the reports in order to allow easier comparison of the information provided by the MS.
- The questions in this template are non-binding specifications of the directives' legal obligations on monitoring reports. The template should be followed only as far as possible by the MS, especially as concerns the availability of quantitative information. When information is not available, this may be noted in the report, possibly together with an explanation of whether there are plans to start collecting such information and including it in the future edition of the report.
- MS' reports will be published on the European Commission website. The information will feed the new Report on the implementation and best practices of national procurement policies in the internal market to be issued by the European Commission. The information provided by the MS will support the policy analysis work of the Commission.
- The template covers all domains for which reporting requirements are defined under the directives.
- The template contains the following types of questions:
 - i) qualitative descriptions and assessment,
 - ii) supporting documents which provide the evidence for the descriptions and assessment made above,
 - iii) quantitative indicators.
- In the tables below, the left side contains the name of the information to be submitted, while the right side contains further specifications of what this means. The report should be submitted as a text (.doc) and PDF document based on this template.
- To avoid duplication of reporting obligations and reduce administrative burden, MS are invited to indicate any information/data requested in the template that has been already provided to the Commission via another channel (e.g. procurement irregularities falling within the scope of ESIF funds). When it is the case, please specify these channels, the context of the reporting and the nature of the information already provided.

Scope of reporting

List of Acronyms

BPQR	Best Price Quality Ratio
CAN	Contract Award Notice
CfT	Call for Tenders
CfQ	Call for Quotations
CGA	Central Government Authority
CPD	Civil Protection Department
CPSU	Central Purchasing and Supplies Unit
DoC	Department of Contracts
FPD	Funds and Programmes Division
GPP	Green Public Procurement
IAID	Internal Audit and Investigations Department
MPU	Ministerial Procurement Unit
NAO	National Audit Office
NAP	National Action Plan
NSO	National Statistics Office
PCRB	Public Contracts Review Board
PPCD	Planning and Priorities Coordination Division
PPR	Public Procurement Regulations
SBA	Small Business Act for Europe
SRPP	Socially Responsible Public Procurement
TPT	Tender Preparation Tool

The report covers the period between 1st January 2018 and 31st December 2020.

For quantitative data based on procurement notices, this means that the contract award notice should have been awarded in this period.

Quantitative Data – Contracts Awarded

Under the Maltese Law, the Public Procurement Directives are transposed as follows:

- Directive 2014/24/EU: Public Procurement - L.N. 352 of 2016: Public Procurement Regulations.

L.N. 352/2016 (S.L. 601.03) has been amended by Legal Notices 155 of 2017, 233 of 2017, 26 of 2018, 176 of 2018, 263 of 2018 and 195 and 301 of 2019 and 196 of 2020 and Act XXVIII of 2018 and XXI of 2020.

- Directive 2014/25/EU: Utilities Procurement - L.N. 351 of 2016: Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations.

L.N. 351/2016 (S.L. 601.05) has been amended by Legal Notices 26 of 2018 and 46 of 2019 and 196 of 2020.

- Directive 2014/23/EU: Concessions Contracts - L.N. 353 of 2016: Concession Contracts Regulations

L.N. 353 of 2016 (S.L. 601.09) has been amended by Legal Notices 26 of 2018 and 196 of 2020 Act XXVIII of 2018.

In addition, under the Maltese Law the Emergency Procurement Regulations - L.N. 350 of 2016 (S.L. 601.08) regulates public procurement in emergency situations for the Central Procurement Supplies Unit (CPSU) and the Civil Protection Department (CPD) only. Any modification to a contract awarded under these regulations is prohibited. Where the contract cannot be executed without a modification, the contract must be cancelled and a new procedure must be issued. The contracts procured through this legal notice (which for this reporting statistics are only attributable to CPSU) were included in the total value of procurement awards as well as in the total value of open procedure. Other quoted statistics do not include such data.

All thresholds and quantitative values quoted in this report are exclusive of VAT.

Contracting Authorities in Malta

Under L.N. 352/2016 (S.L. 601.03) and L.N. 351/2016 (S.L. 601.05), the definition of Contracting Authorities is “the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law”.

Under L.N. 353 of 2016 (S.L. 601.09) the definition of Contracting Authorities means “State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law other than those authorities, bodies or associations which pursue one of the activities referred to in Schedule 4 and award a concession for the pursuit of one of those activities”.

Further to the above, “a body governed by public law”, means “bodies that have all of the following characteristics:

- (a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
- (b) they have legal personality; and
- (c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law.”

The decentralisation process for public procurement across ministries continued with the setting up of a further two (2) Ministerial Procurement Units (MPUs). By the end of year 2020 seven (7) ministries were decentralised.

A number of Contracting Authorities, listed under Schedule 3 of the PPRs, continue to administer their own public procurement irrespective of the estimated value of procurement.

Thresholds (excluding VAT)

The EU thresholds during 2018 and 2019 were:

Public Procurement:

Services and Supplies: € 144,000

Works: €5,548,000

Public Procurement (awarded by Sub-Central & Schedule 3 Entities):

Services and Supplies: €221,000

Works: €5,548,000

Utilities Procurement:

Services and Supplies: € 418,000

Works: €5,548,000

The thresholds adopted nationally during 2018 & 2019 were:

Public Procurement:

Call for Quotations: € 5,000.00 - € 10,000.00

Call for Departmental Tenders: € 10,000.01 - € 143,999.99

Call for Tenders published by DoC (non-decentralised ministries): From € 144,000

Call for Tenders published by MPUs: € 10,000.00 - € 250,000.00

Call for Tenders published by DoC for MPUs: From € 250,000.01

Departmental Direct Orders through the Head of the Contracting Authority - € 5,000.01 - € 10,000.00

Departmental Direct Orders through the Ministry of Finance: € 10,000.01 - € 143,999.99

Utilities Procurement:

Call for Quotations: € 5,000.01 - € 10,000.00

Call for Departmental Tenders: € 10,000.01 - € 442,999.99

Call for Tenders published by DoC: From € 443,000.00

Departmental Direct Orders through the Head of the Contracting Authority - € 5,000.01 - € 10,000.00

Departmental Direct Orders through the Ministry of Finance: € 10,000.01 - € 442,999.99

Concessions Procurement:

Services and Works Procurement: €5,548,000

Emergency Procurement:

Call for Procurement: Less than € 135,000

The EU thresholds during 2020 were:

Public Procurement:

Services and Supplies: € 139,000

Works: €5,350,000

Public Procurement (awarded by Sub-Central & Schedule 3 Entities):

Services and Supplies: €221,000

Works: €5,350,000

Utilities Procurement:

Services and Supplies: €428,000

Works: €5,350,000

The thresholds adopted nationally during 2020 were:

Public Procurement:

Call for Quotations: € 5,000.00 - € 10,000

Call for Departmental Tenders: € 10,000.01 - € 138,999.99.

Call for Tenders published by DoC (non-decentralised ministries): From €139,000.00

Call for Tenders published by MPUs: € 10,000.00 - € 250,000.

Call for Tenders published by DoC for MPUs: From € 250,000.01

Departmental Direct Orders through the Head of the Contracting Authority - € 5,000.01 - € 10,000

Departmental Direct Orders through the Ministry of Finance: € 10,000.01 - € 138,999.99.

Utilities Procurement:

Call for Quotations: € 5,000.01 - € 10,000.00

Call for Departmental Tenders: € 10,000.01 - € 442,999.99

Call for Tenders published by DoC: From € 443,000.00

Departmental Direct Orders through the Head of the Contracting Authority - € 5,000.01 - € 10,000.00

Departmental Direct Orders through the Ministry of Finance: € 10,000.01 - € 442,999.99

Concessions Procurement:

Services and Works Procurement: €5,350,000.00

Emergency Procurement:

Call for Procurement: Less than € 135,000.00

I. Key quantitative indicators

I.1. The number of procurement procedures	<p>Information is being provided on a yearly basis for:</p> <ul style="list-style-type: none">• the number of notices announcing a call for competition,• the number of awarded contracts, and• the number of contract award notices. <p>The numbers are being reported separately for:</p> <ul style="list-style-type: none">• above EU thresholds procurement (i.e. procurement covered by the directives) and,• below EU thresholds (i.e. procurement, which would have been covered by the directives if its value had exceeded the relevant thresholds). <p>General Note: The number of procurement procedures (i.e. the number of notices announcing a call for competition) having an awarded price equal to or exceeding €5,000, across all Contracting Authorities was obtained through the electronic Public Procurement System (ePPS) for 2018, 2019 and 2020. It is to be noted that this amount of procurement notices does not include any calls for competition that may have been published in a traditional manner through the Malta Government Gazette; for example, the Emergency Procurement calls was not retrievable from Government’s e-procurement platform but was collected at source from the CPSU and added to the total. There may be instances where there would be procurement procedures published that are still under evaluation or the Contract Award Notice (CAN) has not yet been published or calls have been cancelled. This explains the discrepancy between the number of notices announcing calls for competition, the number of awarded contracts and the CANs published. This quantitative data comprises the four national legal notices.</p>
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The methodology used for the Total Number of Procurement Procedures is explained in Annex I.

Year 2018

Notices announcing a Call for Competition

The total number of notices announcing a call for competition was 5,864.

The number of notices announcing a call for competition **above thresholds** were 591.

The number of notices announcing a call for competition **below thresholds** were that of 5,273.

Awarded Contracts

The total number of awarded contracts **above thresholds** tallied to 577.

The total number of awarded contracts **below thresholds** amounted to 3,290.

Numbers of Contract Award Notices

The total number of Contract Award Notices for 2018 was 577.

Year 2019

Notices announcing a Call for Competition

The total number of notices announcing a call for competition for the year 2019 was 5,819.

The number of notices announcing a call for competition **above thresholds** were 510.

The number of notices announcing a call for competition **below thresholds** were that of 5,309.

Awarded Contracts

For the same year the total number of awarded contracts **above thresholds** tallied to 520.

The total number of awarded contracts **below thresholds** amounted to 3,378.

Numbers of Contract Award Notices

The total number of Contract Award Notices for 2019 was 520.

Year 2020

Notices announcing a Call for Competition

The total number of notices announcing a call for competition for the year 2020 was 6,136.

	<p>The number of notices announcing a call for competition above thresholds were 580. The number of notices announcing a call for competition below thresholds were that of 5,556.</p> <p>Awarded Contracts For the same year the total number of awarded contracts above thresholds tallied to 447. The total number of awarded contracts below thresholds amounted to 3,177.</p> <p>Numbers of Contract Award Notices The total number of Contract Award Notices for 2020 was 447.</p>
<p>I.2. The total value of procurement</p>	<p>Information is being provided on a yearly basis in relation to the total value of awarded contracts which is believed to produce the most reliable total figure.</p> <p>The value is being reported separately for:</p> <ul style="list-style-type: none"> • above EU thresholds procurement (i.e. procurement covered by the directives) and, • below EU thresholds (i.e. procurement, which would have been covered by the directives if its value had exceeded the relevant thresholds). <p>The reported value is based on the actual awarded contract value.</p> <p><u>Year 2018</u></p> <p>The total value of procurement above EU thresholds for 2018 valued to €949,726,539. The total value of procurement below EU thresholds for 2018 was valued at €260,051,447</p> <p><u>Year 2019</u></p> <p>The total value of procurement above EU thresholds for 2019 valued to €1,155,717,098 The total value of procurement below EU thresholds for 2019 was valued at €295,343,567</p> <p><u>Year 2020</u></p> <p>The total value of procurement above EU thresholds for 2020 valued to €854,045,992 The total value of procurement below EU thresholds for 2020 was valued at €302,739,272</p>

	The methodology used for the above computations is summarised in Annex I.
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II. Most frequent sources of wrong application or of legal uncertainty, including possible structural or recurring problems in the application of the rules

II.1. Qualitative reporting on application of public procurement rules	
Main sources of wrong application or of legal uncertainty	<p>Errors in the course of procurement procedures may be noted. Some frequent issues which are raised before the Public Contracts Review Board, the first instance forum, are:</p> <ul style="list-style-type: none"> - Wrong/subjective allocation of points in BPQR resulting in the disqualification of bidders or to the recommendation of a bidder which is not technically compliant; - Technical specifications relating to brands which restrict competition, for example, by requesting particular specifications which can only be met by one or a few brands; - Cancelling a procurement procedure where a re-evaluation should have taken place since a new procurement procedure would disadvantage bidders where offers had already been made public; - Failure to apply the principle of proportionality and disqualification of tenderers; for example, where technical literature contains obvious mistakes such as typos, or where a particular feature required in technical specification is indicated with an equivalent or synonymous phrase in the technical literature submitted not being the exact phrase requested in the tender document; - Vague technical specifications indicated in tender document;

	<p>- Cancellation of procurement procedures without giving reasons.</p> <p>As further amplified in other sections of this report, the Department of Contracts emphasises the need for training of its Contracting Authorities and provides for ongoing training modules in Public Procurement.</p>
<p>Specific legal provisions (from EU or national law) which appear to raise significant problems of application</p>	<p>Most difficulties flagged by contracting authorities relate to the applicability of procurement rules. Recurring queries/issues relate to the following areas of legal uncertainty:</p> <ul style="list-style-type: none"> - The exclusion of legal services from public procurement rules contained in Regulations 7(i)-7(m) of the Public Procurement Regulations (Subsidiary Legislation 601.03) and in Articles 10(c)-10(d) of Directive 2014/24 on public procurement. In particular, the exclusion of “other legal services which are connected, even occasionally, with the exercise of official authority” seems to be construed in a very wide manner. - The exclusion in the field of electronic communications provided for in Regulation 7(d) of the Public Procurement Regulations and Article 8 of Directive 2014/24. The scope of this exclusion also seems to be too widely construed so as to exclude from public procurement rules purchases of telephony and mobile services by contracting authorities for internal or employees’ use. - Difficulty to distinguish between contracts falling under definition of concessions under the Concession Contracts Regulations (Subsidiary Legislation 601.09), transposing Directive 2014/23 on the award of concession contracts, and acts such as authorisations or licences which do not, but which are rather regulated by the Services (Internal Market) Act (Chapter 500 of the Laws of Malta), transposing Directive 2006/13 on services in the internal market. In particular, Article 3(2)(g) of the Services (Internal Market) Act and Article 2(2)(h) of Directive 2006/13 exclude gambling activities from their scope. It is therefore unclear in the context of concessions which resemble authorisation or licensing schemes in sectors such as gaming, which regulatory regime would apply.
<p>An assessment of patterns and behaviours that are not illegal or non-compliant, but still indicate possible problems</p>	<p>The recurring patterns and behaviours which indicate possible problems in procurement processes which have been observed are the following:</p> <ul style="list-style-type: none"> - Low number of bidders (and increased risk of collusive behaviour in some markets with few operators); - Low number of domestic bidders; - Use of derogatory procedures, namely, direct orders and negotiated procedures without prior publication.

II.2 Supporting documents	
Please provide any available evidence of the issues identified under section II.1.	There are no supporting documents to be presented on this point.
II.3. Quantitative indicators	
Indicators about the national review system	<p>In Malta, as permitted by the relevant legal notice, prospective candidates and tenderers may, prior to the closing date of a call for competition, file a reasoned application before the Public Contracts Review Board (PCRB); this is also known as a ‘Call for Remedy Prior to Closing Date for Call of Competition’. In addition, where the estimated value of the public contract meets or exceeds €5,000, any tenderer or candidate concerned, or any person, having or having had an interest or who has been harmed or risks being harmed by an alleged infringement or by any decision taken including a proposed award in obtaining a contract, a rejection of a tender or a cancellation of a call for tender after the lapse of the publication period, may file an appeal by means of an objection before the PCRB, which shall contain in a very clear manner, the reasons for their complaints.</p> <p>To this effect, Malta proceeded to gather statistics in respect of a number of indicators relating to its National Review System as detailed in Annex III. In addition, it is to be noted that from its experience the PCRB advised that the most frequent appeals lodged tend to relate to Health Supplies, Education and Cleaning Services Procurement.</p>

III. Prevention, detection and adequate reporting of cases of procurement fraud, corruption, conflict of interests and other serious irregularities

III.1. Qualitative reporting on fraud, corruption, conflict of interests etc.	
Describe the actions undertaken and/or mechanisms put in place to ensure compliance with the new provisions on the prevention, detection and adequate reporting of public procurement irregularities including fraud and corruption and conflicts of interests.	<p>In a concise description Malta’s mechanisms are:</p> <p>Monitoring & Enforcement:</p> <ul style="list-style-type: none"> • The Compliance & Monitoring Unit – Department of Contracts. <p>As the central government authority charged with the regulation and administration of public procurement procedures the Department of Contracts ensures compliance through its Compliance and Monitoring Unit (CMU). The Unit investigates alleged irregularities in public procurement procedures and collects information, analyses findings and disseminates submitted feedback.</p>

During the period under review, the Compliance and Monitoring Unit (CMU) continued to investigate raised concerns lodged by Contracting Authorities, Economic Operators and the public in general (citizen complaints). The submissions are carried out in their majority by economic operators. Less frequently, Contracting Authorities bring up compliance issues or request help on way forward. Tables below provide a holistic overview of raised concerns investigated by the CMU during 2018, 2019 and 2020.

Table 1.0 - Total Number of Cases for 2018, 2019 and 2020

Table 1.0

	2018	2019	2020
Total Number of Cases	50	56	99

Table 2.0 - Total Number of Raised Concerns by Economic Operators, Contracting Authorities and Others for 2018, 2019 and 2020

Table 2.0

	2018	2019	2020
Economic Operators	28	33	63
Contracting Authorities	12	14	34
Other	10	9	2

Table 3.0 – Categorisation of Cases Investigated by CMU for 2018, 2019 And 2020

Table 3.0

Category of Case	2018	2019	2020
Alleged Contract Breach (Implementation)	2	1	3
Anomalies in Offer Submitted	0	2	1

Anomalies in Procurement Documents	0	2	2
Claim of Inappropriate Specifications	1	2	3
Claim of Irregularities	9	10	8
Claim of Unfair Competition	3	9	14
Claim of Unfair Treatment	3	2	8
Claim of wrong CPV codes	1	0	0
Claim of Conflict of Interest	0	0	0
Clarification Request	3	3	6
Evaluation overdue	2	0	5
I.T. Difficulties	0	0	5
Others	14	8	12
Payments overdue	0	0	0
Request for Extension to Deadline for Offers	1	1	1
Request for Guidance	11	16	30
Unprofessional Conduct	0	0	1
Total Cases by Year	50	56	99

It is to be mentioned that most cases were resolved in a timely manner and more importantly, through the intervention of the CMU none of the case investigated were referred to the Maltase Court of Laws but were resolved in an *amicable manner*.

• **The General Contracts Committee and Special Contracts Committees:**

The Department of Contracts is also assisted by the General Contracts Committee, and where special expertise is required by the Special Contracts Committee. Both committees are tasked with monitoring and reporting any irregularities detected, and to make relevant recommendations in this respect.

Centralisation and access to information – The Electronic Public Procurement System (ePPS) where quotations and tenders are published electronically allows civil society to monitor procurement processes by significantly enhancing transparency and centralising information. The ePPS thus contributes to the prevention and detection of procurement irregularities.

Exclusion and blacklisting of economic operators – Economic operators may be excluded from procedures by contracting authorities in terms of regulation 192 of the Public Procurement Regulations. The Director of Contracts and the Director of Employment and Industrial Relations are also empowered to blacklist economic operators. Blacklisting of economic operators are carried out in line with Part VI: Regulations 199 to 216 of the Public Procurement Regulations.

Specialised government bodies or institutions – The prevention, detection and adequate reporting of public procurement irregularities also relies on other bodies and institutions:

- The Malta Police Force;
- The Internal Audit and Investigations Department;
- The National Audit Office;
- Commercial Sanctions Tribunal;
- Permanent Commission Against Corruption;
- Commissioner for Standards in Public Life;
- The Office of the Ombudsman.

Legislative mechanisms – Legislation also helps prevent and detect public procurement irregularities. The principal legislation in this respect is:

- Protection of the Whistleblower Act (Chapter 527 of the Laws of Malta) which provides for various protective measures for whistleblowers as well as criminalises various modes of violence or intimidation of whistleblowers;
- In cases where a public contract is rendered ineffective, regulation 280 of the Public Procurement Regulations empowers the Public Contracts Review Board to apply penalties on the authority responsible for the tendering process and the contracting authority after assessing in its decision all relevant factors, including the seriousness of the infringement and the behaviour of those authorities.
- Regulation 72 of the Public Procurement Regulations provides for the receipt of complaints and formal investigation by the General Contract Committee.

More specifically:

The Maltese law provides criminal penalties for official corruption, and the government endeavours to implement these laws effectively. **The Malta Police Force and the Permanent Commission against Corruption** are the main agents responsible for combating corruption.

After having had received any form of reporting denoting fraudulent activities in public procurement, the Director of Contracts, after having conducted his own investigations, can forward reports and findings to the:

- **Malta Police Commissioner**
- **Internal Audit and Investigations Department (IAID)** regulated by the Internal Audit and Financial Investigations Act, Chapter 461 of the Laws of Malta.
- A **Co-ordinating Committee on Anti-Fraud and Corruption** is set up in terms of Cap. 461 of the Laws of Malta.
- A **Commercial Sanctions Tribunal** which mission is to eliminate precarious employment by companies and individuals participating in public tenders and awarding of public contracts.
- **Public Contracts Review Board** is set up by Subsidiary Legislation 601.03, and its function is to hear and determine complaints submitted by any person having or having had an interest in obtaining a particular public supply, public service or public works contract, and who has been or risks being harmed by an alleged infringement by any authority listed in Schedule 1 of the Public Procurement Regulations.
- **The Permanent Commission Against Corruption** conducts investigations either on its own initiative or following reports made to it by any person.
- **The National Audit Office** defined by Section 108 of the Constitution of Malta and the Auditor General and National Audit Office Act of 1997.
- **The Office of the Ombudsman** is an independent office set up through the Ombudsman Act (Act No XXI of 1995). Its mission and objective are to contribute towards the development of a public service-culture characterized by fairness, dedication, commitment, openness, accountability and the promotion of the right to good public administration. In 2010 the Ombudsman Act was amended by Act XVII of 2010 to provide for the appointment of Commissioners for Administrative Investigations in specialised areas of the public administration.

Other:

	<ul style="list-style-type: none"> - Electronic Procurement has been introduced in Malta since 2010. It is perceived that it significantly enhances transparency by centralizing all information related to the procurement process available to everyone via web portal. https://www.etenders.gov.mt/epps/home.do
III.2. Supporting documents	
Please provide any available evidence on the actions/mechanisms and measures described under section III.1. above demonstrating compliance with the new provisions on the prevention, detection and adequate reporting of public procurement irregularities and conflicts of interests.	Department of Contracts, 'Addressing Fraud and Corruption in Public Procurement' (2017). Available at https://contracts.gov.mt/en/Resources/Pages/Resources.aspx
III.3. Quantitative indicators	
Quantitative assessment of collusion risks	Malta does not have specific methods or tools in place to detect or assess collusion. In the context of consortium bidding, the members of the consortium must submit the agreement which binds them (for example, a joint venture agreement) and this is assessed in light of competition rules. Otherwise, Malta relies on the same mechanisms put in place to ensure the prevention, detection and adequate reporting of public procurement irregularities including fraud and corruption and conflicts of interests.
Risk of undiscovered conflict of interest	Malta does not have any information in respect of risks of undiscovered conflict of interest. Malta relies first and foremost on the self-declarations made by bidders in the European Single Procurement Document (ESPD) and on best endeavours at verifying the veracity of such declarations. In doing so, other authorities may be relied upon for exchange of information, notably the Malta Business Registry. Otherwise, Malta relies on the same mechanisms put in place to ensure the prevention, detection and adequate reporting of public procurement irregularities including fraud and corruption and conflicts of interests.

IV. Level of SMEs' participation in public procurement

SMEs are defined in the Commission Recommendation (2003/361/EC) as having less than 250 persons employed and an annual turnover of up to EUR 50 million or a balance sheet total of no more than EUR 43 million. Further information is available at http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en.

IV.1. Qualitative reporting on SME participation	
New developments	<p>The information focuses on the new developments regarding the participation of SMEs in public procurement and the new measures taken in order to support the participation of SMEs in public procurement.</p> <p><u>Existing Difficulties concerning SMEs' participation in public procurement</u></p> <p>The main difficulties experienced by SMEs in Public Procurement relate to:</p> <p>1. Guarantees required at various stages of the procurement process</p> <p>It is acknowledged that lack of access to finance has repeatedly been cited as one of the major problems faced by SMEs. The Department of Contracts, as the central government authority, attempts to mitigate such difficulties through several measures implemented over the years for example:</p> <ul style="list-style-type: none"> • <i>Experience may only be requested for tenders exceeding the estimate of the €500,000 excluding VAT;</i> • <i>The Performance Guarantee for contracts, whose value is below €500,000 excluding VAT, has been reduced from 10% to 4% and is requested for procurement above €10,000 excluding VAT.</i> • <i>The encouraged use of the Single Bond wherein economic operators have the possibility to provide the Contracting Authority with a Single Bond covering the performance guarantees for all the contracts with the same Contracting Authority;</i> • <i>The Tender Guarantee (Bid Bond) is requested only for tenders whose estimated value exceeds €2,000,000 excluding VAT. Additionally when a CfT is divided into lots, no Bid Bond is to be requested for individual lots having an estimated value lower than €2,000,000 excluding VAT and when the CfT allows submission for one lot, any lot, or all of the lots, the tenderer may add up the values of the individual lots (whose stand-alone value is ≥ €2,000,000) that shall be tendered for and submit one whole Bid Bond covering the total amount;</i> • <i>The Tender Guarantee (Bid Bond) is submitted at tendering stage electronically, whilst the original is to be provided to the DoC within 5 working days from the opening of offers;</i> • <i>Previously a €50 administrative fee was charged when requesting rectifications from Economic Operators. This was removed;</i> • <i>The DoC encourages Contracting Authorities to, whenever possible, publish tenders into lots.</i>

Further to the above, the DoC is also considering in the coming years to introduce the use of electronic guarantees which would reduce both bureaucratic and financial burdens on the Economic Operators.

2. Lack of know-how on the use of the electronic tendering system

As an ongoing initiative to address 1 above, the Department of Contracts has continued to provide hands-on training free of charge to all Economic Operators on the ePPS through the Institute for Public Service. Economic Operators’ representatives can attend the courses as and when required, more than once.

The training workshop organised for the Economic Operators is a 3-hour practical run through and is provided to all those who wish to learn and familiarise themselves on how to use the ePPS. A particular emphasis is given regarding registering, logging into the system and submitting an electronic offer. The workshop also covers amongst other things; the portal interface, searching for information, the usage of the Tender Preparation Tool (TPT) and the eventual uploading of the tender package.

WORKSHOPS - Economic Operators			
Year	2018	2019	2020
Total Number of Workshops	20	19	18
Total Number of Participants	125	122	144

3. Not being aware and up to date with ongoing policy changes

This is being tackled by a continuous effort to communicate all policies relevant to Economic Operators by sending a manual notification through the ePPS to all registered. Additionally all policies and circulars are published on the two websites of the DoC namely www.contracts.gov.mt and www.etenders.gov.mt. Various manuals, standard operating procedures and other useful material are published in the resources section on both portals.

New Measures in 2018, 2019 and 2020

New measures that were introduced during this reporting period were:

- *policy and legislative initiatives launched to support SMEs participation in public procurement;*
- Nearly complete phasing out of the Tender Guarantee (Bid Bond) in 2020;
- Provision of full support to Economic Operators during Covid-19 period in 2020 through the migration, from manual to electronic of process involved thus ensuring seamless continuation of operations with least possible administrative burden. This included the publication of a full modus operandi in all the phases of the procurement cycle. The below are the measures specifically effecting the Economic Operators.

Since March 2020:

- **Clarification Meetings** are encouraged to be held via web conferencing by providing the relevant links and details within the procurement documents. Clarification Meeting Minutes were circulated as usual via a Clarification Note.
- The **Contract Agreement** was replaced during the pandemic by a Letter of Intent, followed by the customary signed contract in due course.
- Submissions of **Performance Guarantees, Pre-Financing Guarantees and Retention Guarantees** (if applicable) were accepted in electronic format. The original guarantees were requested upon actual commencement of the contract.
- The **remedies** procedures were converted to electronic submission by sending an email to the Public Contracts Review Board (PCRB) against a bank transfer of the indicated deposit.
- *measures targeting SME participation in different techniques for aggregated procurement (framework agreements, dynamic purchasing systems, and centralised procurement activities);* Introduced and spurred the use of **Dynamic Purchasing Systems (DPS)** in a systematic and structured manner across the Public Administration through the publication of clear guidelines, specific General Rules Governing Tenders, and templates.

During the period under review, the following DPSs were published through the ePPS from which Specific Contracts are issued regularly.

DPS through the DoC:

CT2036/2018 Establishment of a DPS for the Provision of Professional Services of a Perit/i using the Dynamic Purchasing System

CT2301/2019 Establishment of a Dynamic Purchasing System (DPS) for the appointment of Travel Agents for Transport Malta

CT2219/2019 Establishment of a DPS for the Provision of Professional Engineering Services using the Dynamic Purchasing System

CT 2433/2019 Dynamic Purchasing System – Purchasing of Books for National Literacy Agency from various suppliers

CT5031/2020 - Establishment of a Dynamic Purchasing System for the Supply of environmentally friendly Winter Uniforms for Messengerial Grades and Security Guards

CT5015/2020 - Establishment of a Dynamic Purchasing System (DPS) for the supply of environmentally friendly Summer Uniforms

DPS by Infrastructure Malta:

IM005/2020 - Establishment of a Dynamic Purchasing System for the construction and maintenance of roads in different localities in Malta and Gozo on behalf of Infrastructure Malta

IM026/2020 - Establishment of a Dynamic Purchasing System to carry out construction, refurbishment and/or upgrading works on marine and coastal infrastructure along the Maltese Islands' coast on behalf of Infrastructure Malta

DPS by MITA:

DPS 059/18 - Provision of Temporary IT Resources

DPS 020/20 - Procurement of Printers, Scanners and Related Supplies/Services

DPS 060/20 - Procurement of Software Development Services

Information/documents related to the DPS process were drafted and published and are accessible through the Resources section of the ePPS and the documents are:

General Rules Governing DPS

Template of the DPS establishment

Guidance Note re DPS

- *targets for SME participation in public procurement.*

Considering that the vast majority of Economic Operators in Malta are SMEs, all initiatives, policies, and regulations are aimed and take into serious account, SMEs participation when being implemented.

IV.2. Quantitative indicators																
<p>Please provide, when available, any quantitative data (statistics, etc.) regarding SMEs' participation in public procurement</p>	<p>According to the latest report on Registered Business Units : 2019* published by the National Statistics Office (NSO) the majority of the business units (97.3 per cent) employed between 0 to 9 persons (micro). The population of small (10-49) and medium (50-249) businesses accounted for 2,597 (2.1 per cent) and 546 (0.4 per cent) units respectively. The large businesses employing 250 and more amounted to 134. This is depicted in Chart 1 below which clearly shows that the majority of businesses in Malta are micro, small and medium enterprises.</p> <p style="text-align: center;">Chart 1. Registered business units: 2019</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Data for Chart 1: Registered business units: 2019</caption> <thead> <tr> <th>Category</th> <th>Number of Units</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Micro (0-9 employees)</td> <td>120,372</td> <td>97.3%</td> </tr> <tr> <td>Small (10-49 employees)</td> <td>2,597</td> <td>2.1%</td> </tr> <tr> <td>Medium (50-249 employees)</td> <td>546</td> <td>0.4%</td> </tr> <tr> <td>Large (250+ employees)</td> <td>134</td> <td>0.1%</td> </tr> </tbody> </table> <p style="text-align: center;"> ■ Micro (0-9 employees) ■ Small (10-49 employees) ■ Medium (50-249 employees) ■ Large (250+ employees) </p> <p>(*Source: https://nso.gov.mt/en/News_Releases/Documents/2020/05/News2020_072.pdf)</p> <p>Specific data on SME participation in Public Procurement procedures directly extracted from the ePPS is not available for the period under review. However, detailed below, is the initiative implemented in 2020 enhancing the electronic tendering system. Figures from this data point will be available by next reporting period.</p>	Category	Number of Units	Percentage	Micro (0-9 employees)	120,372	97.3%	Small (10-49 employees)	2,597	2.1%	Medium (50-249 employees)	546	0.4%	Large (250+ employees)	134	0.1%
Category	Number of Units	Percentage														
Micro (0-9 employees)	120,372	97.3%														
Small (10-49 employees)	2,597	2.1%														
Medium (50-249 employees)	546	0.4%														
Large (250+ employees)	134	0.1%														

The DoC enhanced the ePPS in 2020 in order to establish SME figures within the structured internal report generated by the system. Through this enhancement, the Economic Operator shall be inputting the organisation size. The value included in the “Organisation size” column will be populated from the “Organisation size” field available under the EO organisation details of the related Supplier. This enhancement has been implemented since November 2020.

The DoC has sent a manual notification to all EOs available on ePPS, in order to advise them to edit their Organisation Details and add the details related to their “Organisation size”.

Technical details of SME enhancement on ePPS: Size definition in organisation details

- A new mandatory dropdown-field [Micro/Small/Medium/Large] called “**Organisation size**” was added in the “Register Supplier” and the “Edit organisation profile” pages; this option is also available in the “Edit organisation profile” page of the eID organisations
- An information icon is now displayed next to the “Organisation size” field. When selecting the icon, the following message is available to the user: *“Cf. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium sized enterprises, (OJ L 124 of 20.5.2003, p. 36). This information is required for statistical purposes only. Micro enterprises: enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million. Small enterprises: an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million; Medium enterprises, enterprises which are neither micro nor small and which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million”*
- The option selected is available in the “View Organisation” page
- When creating an ESPD response, the option displayed under the “*Is the economic operator a Micro, a Small or a Medium-Sized Enterprise?*” question available under the “*Part II: Information concerning the economic operator*” section will be automatically populated from the “Organisation size” field available under the EO organisation details; in case the “Organisation size” field is empty, the option will be empty.
- This will also be reflected in the Contract Award Notice.

V. Information on the practical implementation of national strategic procurement

<p>V.1 Green procurement ('GPP')</p>	<p>Green Public Procurement ('GPP') is defined as "a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured."¹ A voluntary target of 50 % GPP per Member State in number and value of relevant procedures was proposed by the Commission and welcomed by the Council in 2008.</p>
<p>V.1.1 Qualitative reporting</p>	
<p>Key challenges encountered</p>	<p>The information focuses on:</p> <ul style="list-style-type: none"> - key challenges encountered in using green public procurement - measures taken to overcome them <p><u>Year 2018</u> Key challenges encountered</p> <p>One of the key challenges encountered for the successful implementation of GPP is the constant turnover of employees assigned GPP-related duties which results in the loss of knowledge-base and capacity. The mainstreaming process was seen to gradually improve with time as GPP coordinators were better adjusting to their role in screening and reporting. However, there were still several inconsistencies, which were observed by the GPP office. During 2018, six (6) new GPP coordinators were nominated in this capacity, thereby requiring a number of weeks of training until they can fully fulfil their duty.</p> <p>The GPP Office has provided support to the newly appointed coordinators and has shadowed them to enable a smooth transition. It has also provided an ad hoc advisory role when the coordinators felt they could not offer such guidance. Training on GPP at the Institute of Public Service was delivered and coordinated by the GPP Office. Training is crucial across all the human resource employed in the procurement stream and not only at GPP-coordinator level. More often than not, employees which did not attend training find difficulties in handling GPP criteria and hence this affects the GPP uptake. The GPP training module is already included in the prospectus of</p>

¹ Commission Communication (COM (2008) 400) "Public procurement for a better environment".

the Institute for Public Service. Whilst this is still not compulsory, all public procurers have been invited at least once to attend this module in the period under review in preparation for the eventual publication of the Second National Action Plan.

Throughout 2018, it has been persistently observed that the personnel involved at the various stages of the procurement chain are often not conversant with the GPP requirements or procedure. This shortcoming is often the reason as to why tender documents do not include the relevant or mandatory GPP criteria.

Another challenge encountered locally in promoting green public procurement is the lack of compliant bidders with some of the GPP criteria. Therefore, contracting authorities tend to not 'green' tenders which fall under the scope of certain non-mandatory GPP criteria as they would be concerned that the market has not adapted. Such criteria mostly include those which fall under the scope of the following product groups: 'Food and Catering Services', 'Electricity', 'Road Construction and Traffic Signs', and 'Street Lighting and Traffic Signals'.

Year 2019

Key challenges encountered

The main challenges span across various aspects of the process including: product availability, GPP criteria insertion, personnel involved and organisational structure for the application of GPP. The Procurement department is highly wrought by personnel turnover, leading to knowledge gaps and lags in proper execution of GPP inclusion in tenders. This is also true for the role of the GPP Coordinator. The GPP Office has provided support to the newly appointed coordinators when and as required and has shadowed them to enable a smooth transition. It has also provided an ad hoc advisory role when the coordinators felt they could not offer such guidance.

Other barriers to the successful implementation of the GPP NAP resulted from factors such as bidder compliance and clarification involvement for the avoidance of tender cancellation when possible, instances such as greening of tender titles and incorrect insertion of GPP technical specifications and literature all add up to the irregularities above.

Throughout 2019, 200 government employees attended the GPP training course, however this must be kept consistent as it has been persistently observed that, the personnel involved at the various stages of the procurement chain are often not conversant with the GPP requirements or procedure. This shortcoming is often the reason as to why tender documents do not include the relevant or mandatory GPP criteria.

In 2019, the challenge encountered to promote locally green public procurement persisted as lack of compliant bidders with some of the GPP criteria was once again registered, particularly in relation to non-mandatory GPP criteria.

Year 2020

Key Challenges encountered

The year 2020 has brought with it a number of changes within the Government administration, specifically in Ministerial portfolios. The latter has brought up substantial changes in the procurement units and thus creating several challenges as various obstacles and barriers needed to be addressed. It is of paramount importance that the GPP Coordinators from each ministry are well trained to handle their duties and tasks to enable us as to have a smoother vetting process since a considerable number of coordinators are failing to adhere to the mandatory GPP criteria which is time consuming. Whilst our goal is to reach full compliance in the GPP sector and the number of tenders that have to be vetted for GPP compliance has seen a general improvement in the last years, the need for further improvement has to be stressed with the coordinators for mutual success.

Other than flaws leading to non-compliance as defined above, a component of criteria omission lies in the decisions made during the drafting phase. Contracting Authorities may opt to leave out GPP requirements in the hope of having more compliant bidders. This barrier revolves around a few specific product groups. Whenever, is possible, Contracting Authorities (CA), therefore chose to request a product which can be easily provided. The latter is done in order to avoid the risk of no bids resulting in cancellation. This is most common for the following categories “Street Lighting and Traffic Signals “, “Road Construction and Traffic Signs” and “Food and Catering Services”.

A similar issue was observed in the process of requesting clarifications to evade cancellation of tenders. In occurrences, when a title required to be greened due to the presence of a non-mandatory criteria, more than a few have opted to omit the GPP criteria rather than in fact changing the title. GPP coordinators/CAs have also shown the necessity for caution in the process of changing wording or making requests which are too intricate as they could easily be misinterpreted by the bidders themselves. Many have alluded this as the reason to not including certain aspects of GPP criteria and to evade ambiguity in the evaluation process.

Additionally, ongoing collation and monitoring in relation to reporting obligations of the coordinator’s role was carried out. A GPP report is in fact sent every Monday from each of the Ministry GPP coordinators, where the results of their respective vetting process are outlined. The latter takes place at a ministerial level for all the tenders that are published by that ministry’s contracting authorities in the previous week. *

	It is worth noticing, that the Covid-19 pandemic has directly affected the procurement process and the government expenditure since this created a market for an increased purchase of health and safety materials, products and equipment.																								
V.1.2. Supporting documents																									
Please report any available evidence or supporting document for point V.1, illustrating the measures, achievements or challenges faced, relating to the use of green public procurement.	No supporting documents are made available.																								
V.1.3. Quantitative indicators	<i>This section contains examples of quantitative indicators related to section V.1.</i>																								
Please provide, when available, any quantitative data (statistics, etc.) illustrating the achievements and challenges identified under section V.1.1 above. To the extent possible, these indicators should be further grouped by type of legal problem.	<p><u>Year 2018</u></p> <p>Table 1</p> <table border="1" data-bbox="909 762 1816 1062"> <thead> <tr> <th colspan="4">2018 – GPP Compliance by Number</th> </tr> <tr> <th>Total number of tenders published</th> <th>Total number of tenders screened by GPP coordinators</th> <th>Total number of tenders under the scope of GPP</th> <th>Total number of tenders compliant with GPP</th> </tr> </thead> <tbody> <tr> <td>2317</td> <td>2054</td> <td>719</td> <td>502</td> </tr> </tbody> </table> <p>Table 2</p> <table border="1" data-bbox="920 1106 1809 1398"> <thead> <tr> <th colspan="4">2018 – GPP Compliance by Value</th> </tr> <tr> <th>Total value of tenders published (€)</th> <th>Total value of tenders under the scope of GPP (€)</th> <th>Total value of tenders compliant with GPP (€)</th> <th>% of GDP in terms of ‘greened’ procurement</th> </tr> </thead> <tbody> <tr> <td>€1,054,666,417.5</td> <td>€395,524,985.5</td> <td>€235,674,117.0</td> <td>2.1</td> </tr> </tbody> </table>	2018 – GPP Compliance by Number				Total number of tenders published	Total number of tenders screened by GPP coordinators	Total number of tenders under the scope of GPP	Total number of tenders compliant with GPP	2317	2054	719	502	2018 – GPP Compliance by Value				Total value of tenders published (€)	Total value of tenders under the scope of GPP (€)	Total value of tenders compliant with GPP (€)	% of GDP in terms of ‘greened’ procurement	€1,054,666,417.5	€395,524,985.5	€235,674,117.0	2.1
2018 – GPP Compliance by Number																									
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€1,054,666,417.5	€395,524,985.5	€235,674,117.0	2.1																						

The results in Table 2 show that for the data collected during 2018, government expenditure amounted to €1,054,666,417.5* of which €395,524,985.48 were potentially 'greened'. Expressed in another way, procurement which was 'greened' would amount to circa 2.1% of GDP in 2018 (based on an estimate of €11 billion).

Table 3

2018 - % Compliance by Number and Value	
% compliance by number of tenders under the scope of GPP	% compliance by value of tenders under the scope of GPP
69.82%	59.59%

The results in Table 3 indicate that during the year 2018, Malta exceeded the target for tenders including GPP by number achieving a rate of 69.82%. Expressed as a function of tenders by value Malta also achieved the 50% target with 59.59% of tenders under the scope of GPP being compliant.

Table 4

% Compliance for Mandatory GPP Product Groups – 2018							
Copying and Graphic Paper	Office Equipment	IT	Textiles	Gardening Products and Services	Cleaning Products and Services	Thermal Insulation	Wall Panels
100	81.5		98.4	81	71.3	79.9	98.4

Table 4 shows that in terms of the 100% mandatory target for the above GPP product groups, the target was only reached for 'Copying and Graphic Paper'. 100% compliance failed to be reached for the rest of the mandatory product groups. This was due to several reasons, including, a) the tender not being sent to respective GPP coordinators for screening, b) omission of relevant mandatory technical specifications, c) omission of verifications and d) tender title is 'greened' when in fact it does not fall under the scope of GPP (hence giving the wrong

impression). Table 4 however shows an increase in compliance when compared to data collected for 2017, this may be due to the increase in GPP training and awareness that is currently ongoing.

Table 5

% Compliance for Non-Mandatory GPP Product Groups - 2018						
Transport	Furniture	Food and Catering Services	Construction	Windows, Glazed Doors and Skylights	Street Lighting and Traffic Signals	Road Construction and Traffic Signs
89.7	58.1	5.1	68.7	51.4	0	0

The 30% national target for non-mandatory GPP products groups in 2018 was achieved for 5 product groups whereby the percentage compliance was well above the target. As shown in Table 5, these include; a) Transport (89.7%), b) Furniture (58.1%), c) Construction (68.7%), d) Hard floor coverings (32.6%) and e) Windows, glazed doors and skylights (51.4%). Transport remains as the pioneer sector in terms of greening. Given these results, the 2nd NAP has dedicated a mandatory target for the sector by 2021. Having said this, the EU Commission has recently revised the GPP criteria and made them more ambitious. The implications of the new criteria will also be analysed in terms of GPP compliance. In addition, the Clean Vehicles directive will surely weigh heavily on this sector given the very ambitious targets being proposed.

With regards to 'Construction', the technical specifications mostly included locally are those for 'Exclusion of certain materials' (paint) and 'Timber'. One must therefore adopt a cautious approach in interpreting the compliance rate of this sector, since not all the applicable specifications within the product group are usually included by the Contracting Authority. The main justification provided to the GPP office, as to why some of the non-mandatory technical specifications are not being included within this sector is that there is a lack of compliant bidders in the construction industry. Whereas the paint criterion is a simple declaration, the other specifications require certifications which are not fully available from all bidders. The following GPP product groups; 'Food and Catering Services' and 'Road Construction and Traffic Signs' also experience similar traits. In fact, these product groups resulted in having the lowest compliance rates as presented in Table 5.

Measures to promote further compliance of tenders falling within the scope of GPP are included in the second National Action Plan whereby support mechanisms and incentives to foster awareness and knowledge on the subject are intended to be undertaken both with the Contracting Authorities and Economic Operators.

Year 2019

Table 1

2019 – GPP Compliance by Number			
Total number of tenders published	Total number of tenders screened by GPP coordinators	Total number of tenders under the scope of GPP	Total number of tenders compliant with GPP
2194	1636	598	384

Table 2

2019 – GPP Compliance by Value			
Total value of tenders published (€)	Total value of tenders under the scope of GPP (€)	Total value of tenders compliant with GPP (€)	Percent of GDP in terms of 'greened' procurement (%)
€793,856,498.43	€330,858,106.55	€227,491,664.13	1.7

The results in Table 2 show that for the data collected during 2018, government expenditure amounted to €793,856,498.43* of which €227,491,664.13 were 'greened'. Expressed in another way, procurement which was 'greened' would amount to circa 1.7% of GDP in 2019(based on an estimate of €13.2 billion).

Table 3

2019 - % Compliance by Number and Value	
% compliance by number of tenders under the scope of GPP	% compliance by value of tenders under the scope of GPP
64.21%	68.76%

In terms of reaching the 50% target, this transpires that Malta has exceeded the target for tenders including GPP by value (68.76%). Expressed as a function of tenders by number Malta is also exceeding the 50% target, having achieved compliance of 64.21 % of tenders under the scope of GPP.

Table 4

% Compliance for Mandatory GPP Product Groups - 2019				
Copying and Graphic Paper	Office IT Equipment	Textiles	Gardening Products and Services	Cleaning Products and Services
76.5	95.7	90.3	79.1	93.1

Table 4 shows that in terms of the 100% mandatory target for the above GPP product groups, the target was not reached by any criterion. This was due to several reasons, including, a) the tender not being sent to respective GPP coordinators for screening, b) omission of relevant mandatory technical specifications, c) omission of verifications and d) tender title is 'greened' when in fact it does not fall under the scope of GPP (hence giving the wrong impression). Table 4 shows a very comparable compliance rate when compared to data collected for 2018, a number of criteria have correspondingly increased compliance showing that measures enforced by the GPP office are effective, and hence we are on the right track to improve further our already good results.

Table 5

% Compliance for Non-Mandatory GPP Product Groups - 2019						
Transport	Furniture	Food and Catering Services	Construction	Windows, Glazed Doors and Skylights	Street Lighting and Traffic Signals	Road Construction and Traffic Signs
93.0	44.3	10.7	45.2	15.0	41.2	5.6

The 30% national target for non-mandatory GPP products groups in 2019 was achieved for 4 product groups whereby the percentage compliance was well above the target. As shown in Table 5, these include; a) Transport (93.0%), b) Furniture (44.3%), c) Construction (45.2%), d) and d) Street Lighting and Traffic Signals (41.2%). Transport remains as the pioneer sector in terms of greening. Given these results, the 2nd NAP has dedicated a mandatory target for the sector by 2021. Additional targets are also set at a higher ambition level than those stipulated by the Clean Vehicles Directive to come into force in 2021.

The following GPP product groups; ‘Food and Catering Services’ and ‘Road Construction and Traffic Signs’ saw an increase in compliance, indicating that the increased effort put in by the GPP office with regards to training to both contracting authorities and economic operators is effective.

Measures to promote further compliance of tenders falling within the scope of GPP are included in the second National Action Plan whereby support mechanisms and incentives to foster awareness and knowledge on the subject are intended to be undertaken both with the Contracting Authorities and Economic Operators.

Year 2020

Overview across product groups

Tender Compliance by Number in 2020		
Total number of tenders published	Total number of tenders under the scope of GPP	Total number of tenders compliant with GPP
1941	536	302

Table 1: GPP compliance by number during the year 2020

The above table is demonstrating the total number of tenders that have been published in 2020 was 1941, with 536 of them falling within the scope of GPP, of these 302 were compliant.

Tender Compliance by Value in 2020			
Total value of tenders published *	Total value of tenders under the scope of GPP	Total value of tenders compliant with GPP	Percent of GDP in terms of 'greened' procurement
€665, 295, 322.2	€239, 568, 543.0	€107, 688, 104.1	1.17%

Table 2: GPP compliance by value during the year 2020

The results in Table 2 show that for data collected during 2020, government expenditure amounted to €665, 295, 322.2* of which €239, 568, 543.0 were 'greened'. This would amount to 1.17% of GDP² in 2020

Percentage Compliance in 2020	
By number of tenders under the scope of GPP	By value of tenders under the scope of GPP
56.34%	44.95%

Table 3: Percentage GPP compliance by number and values during the year 2020

Malta has achieved the target of 50% compliance of tenders with GPP in terms of number, however in terms of value the target has not been reached. The latter maybe due to the fact that a number of GPP reports were missing and throughout the year there was also handover of duties in the GPP office. This is shown in Table 3, with compliance rates of 56.34% and 44.95% respectively.

Mandatory Criteria

Mandatory criteria are set at 100% compliance. The latter has solely been achieved by the product group 'Copying and Graphic Paper', as it can be observed from the table below (Table 4). It is worth nothing that while this product has achieved 100% compliance by number, this was also the product group with the smallest number of applicable tenders throughout this year. The product groups that followed 'Copying and Graphic Paper' are 'Textiles' (88.9%), 'Cleaning Products and Services' (86.1) and then 'Office IT equipment' (83.3%). Amongst all, the least compliant product group was 'Gardening Products and Services" (67.5%). The latter might be that during the vetting process there were a lot of incompliances such as verifications not inserted in their entirety.

² Based on the average GDP figure of Q1-Q3 2020 from NSO-Malta https://nso.gov.mt/en/News_Releases/Documents/2020/11/News2020_194.pdf

Percentage Compliance for Mandatory GPP Product Groups in 2020					
	Copying and Graphic Paper	Office IT Equipment	Textiles	Gardening Products and Services	Cleaning Products and Services
National Target	100	100	100	100	100
% Compliance 2020	100	83.3	88.9	67.5	86.1
% Compliance 2019	76.5	95.7	90.3	79.1	93.1
% Compliance 2018	100	98.4	81.0	71.3	79.9
% Compliance 2017	100	81.5	80.0	61.9	76.7

Table 4 Percentage compliance for mandatory GPP product groups, including the year 2020.

I. Non-Mandatory Criteria

The national target for the non-mandatory criteria was that of 30%, as achieved by three product groups: 'Transport', 'Construction' and 'Furniture'. As was the case in 2019, no tenders fell under the scope of the criteria of 'Mobile Phones', 'Combined Heat and Power' and 'Electricity' in 2020. Performance of each set of criteria can be seen in Table 5 below.

The greatest compliance was that of 75.6% in 'Transport'. This product group has constantly shown the highest compliance with GPP non-mandatory criteria throughout the years 2017 - 2020, with a good number of tenders inserting criteria with the greater ambition than the GPP requirements. Such example is procuring electrical

vehicles. In response to this, this criterion will be mandatory in the second NAP which is going to be enacted throughout the year 2021 and is going to be streamlined with requirements under the Clean Vehicle Directive.

Percentage Compliance for Non- Mandatory GPP Product Groups in 2020								
	Trans- port	Furniture	Food and Catering Services	Construction	Hard floor Coverings	Windows, Glazed Doors and Skylights	Street Lighting and Traffic Signals	Road Construction and Traffic Signs
National Target	30	30	30	30	30	30	30	30
% Compliance 2020	75.6	47.1	9.1	48.3	15.2	19.1	16.7	14.3
% Compliance 2019	93.0	44.3	10.7	45.2	9.2	15.0	41.2	5.6
% Compliance 2018	89.7	58.1	5.1	68.7	32.6	51.4	0	0
% Compliance 2017	85.7	62.1	5.9	60.2	46.7	71.4	20	0

Table 5: Percentage compliance for non-mandatory GPP product groups, including the year 2020

	<p>Lastly, during the period under review, training sessions had been held by ICLEI (Local Governments for Sustainability), targeting both the GPP office and the ministerial coordinators. The latter has contributed to a more nuanced and deeper understanding of efforts behind greening of public procurement, specifically on “Office Building Design, Construction and Management” and “Road Transport”. Additionally, an Information Session to Public Procurers was held in November 2020 on the “Procurement of Software Development Service – DPS 060/20”.</p> <p>ⁱ <i>The presence of an ‘*’ in this GPP section denotes that the calculations excluded tenders issued by the Medicines and Medical Devices team within CPSU. In this regard, the GPP office had made an agreement with the Ministry for Health to the effect that GPP reports do not include tenders concerned with the procurement of medicines and medical equipment which are issued by the Medicines and Medical Devices team within CPSU.</i></p>
<p>V.2 Socially responsible public procurement ('SRPP')</p>	<p>Socially Responsible Public Procurement ('SRPP') is defined as procurement that takes into account one or several social considerations for advancing social objectives. SRPP covers a wide spectrum of social considerations, such as for example employment opportunities, decent work conditions, compliance with social and labour rights, social inclusion, equal opportunities, and accessibility.</p>
<p>V.2.1 Qualitative reporting</p>	
<p>Key challenges encountered</p>	<p>The information should focus on:</p> <ul style="list-style-type: none"> - key challenges encountered in promoting socially responsible public procurement, if any - measures taken to overcome them - difficulties still existing in the Member State. <p>Malta has included the concept of Socially Responsible Public Procurement through the following measures. In addition, discussions have ensued with relevant stakeholders but are still in the early stages.</p> <p>Reserved Contracts</p> <p>As per MT’s Public Procurement Regulations (LN352-2016), Reserved Contracts, which are a form of SRPP are defined as follows:</p> <p><i>“A contracting authority may reserve the right to participate in public procurement procedures to sheltered workshops and economic operators whose main aim is the social and professional integration of disabled or disadvantaged persons or may provide for such contracts to be performed in the context of sheltered employment programmes, provided that at least 30% of the employees of those workshops, economic operators or programmes are disabled or disadvantaged workers.”</i></p> <hr/>

Working Conditions

For the past years, since 23rd December 2014, in an effort to mitigate precarious working conditions, the Government, in collaboration with the Department of Industrial and Employment Relations (DIER), assisted by the Department of Contracts has published a number of Circulars, whereby the minimum hourly rates payable to the contractor working in the field of precarious services have been established. In addition, at times, the said Circulars also established the minimum hourly rates payable by the contractors to their employees.

Further to the above, experience has shown that in numerous instances, Economic Operators submitting an offer were bidding with the same exact rate/price, that is, the identical minimum rate as per the aforementioned circulars.

Thus, in order to overcome this challenge and continue to curb precarious employment, through National Policy (reflected also in Contracts Circular N° 04/2016), in April 2016, it was established that such services shall be procured through the BPQR Award Mechanism. In fact, a number of procurement calls made reference to the said documentation as their justification for utilising the BPQR approach.

It was deemed that the BPQR approach was the best tool to safeguard employees as well as attain a high standard service since a Contracting Authority may establish a number of other criteria (such as the quality, delivery, and after-sales) in addition to the price. Each chosen criterion is given a relative weighting by the Contracting Authority, reflecting its relative importance. Thus, identifying the tender that offers the best value-for-money.

In order to assist Contracting Authorities to appropriately develop criteria for the BPQR approach, a Procurement Policy Note (PPN) illustrating model award criteria that may be utilised was concurrently published with the aforementioned Contracts Circular.

The utilisation of the BPQR Award Mechanism is still deemed to be somewhat sensitive, therefore, invariably, BPQR criteria for quotations and tenders are screened and approved by the Department of Contracts prior to publication.

The precarious services which have pegged rates and a specific Award Mechanism are as follows:

- Cleaning
- Care Working
- Clerical Duties
- Security Guards

	<ul style="list-style-type: none"> • Street Sweeping <p>However, in order to further advance social objectives in respect of employment opportunities, the below additional services, which relate mostly to employment on the ferry service between Malta and Gozo, have had their rates pegged and the BPQR award mechanism was adopted, as and when necessary:</p> <ul style="list-style-type: none"> • Cabin Attendants • Seamen • Customer Service Sales • Mooring Men • Cafeteria Attendants <p>Malta is fully aware that eradicating precarious employment is not an easy feat and recognises that certain contractors try to bypass the system or adopt unlawful payment conditions or below the set minimum standards, thus, part of the DIER's role is to monitor conditions of employment and process workers' complaints. This involves an ongoing programme of inspections to target particular sectors or to investigate specific complaints.</p>
<p>V.2.2. Supporting documents</p>	
<p>Please report any available evidence or supporting document for point V.2.1 illustrating the measures, achievements or challenges faced, relating to the promotion of SRPP.</p>	<p>Reserved Contracts The following link directs the reader to national Subsidiary Legislation SL 601.03, specifically LN 352-2016: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9532&l=1</p> <ul style="list-style-type: none"> • Reserved Contracts and Contracts for Social and Other Specific Services: Articles 161 till 165 <p>Working Conditions The following is the link to the Circulars issued by the Department of Contracts; https://contracts.gov.mt/en/Circulars/Pages/Circulars.aspx</p> <p>The Contracts Circulars to date that relate to precarious employment are as follows:</p> <ul style="list-style-type: none"> • CC No. 27/2014 • CC No. 04/2015 • CC No. 20/2016 • CC No. 04/2016 • CC No. 01/2017

- CC No. 07/2017
- CC No. 08/2017
- CC No. 20/2017
- CC No. 20/2018
- CC No. 17/2019
- CC No. 01/2020

The Procurement Policy Note that relates to precarious employment is PPN #25, and the link to such policies is as per the following link;
<http://contracts.gov.mt/en/ProcurementPolicyNotes/Pages/ProcurementPolicyNotes.aspx>

Equal Opportunities

With regard to socially responsible clauses, as part of the General Rules Governing Tenders, Malta has the below article in respect of Gender Equality, which applies to all Call for Tenders:

In carrying out his/her obligations in pursuance of this contract, the tenderer 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. Tenderers 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.

ICLEI report: 'Making Socially Responsible Public Procurement Work: 71 Good Practice Cases '

<https://op.europa.eu/en/publication-detail/-/publication/69fc6007-a970-11ea-bb7a-01aa75ed71a1>

During 2019 and 2020, through the award of a contract titled 'Collecting Good Practices and Raising Awareness on Socially Responsible Public Procurement', AEIDL (in cooperation with ICLEI and Social Economy Europe) collected good practices on Socially Responsible Public Procurement on behalf of the European Commission, with the ultimate scope of encouraging public procurement as a Strategic Tool to support Social Policy Objectives. Malta, along with other Member States, through the completion of an introductory questionnaire and a case-study survey, was invited to submit an example of an SRPP practice utilised locally. In fact, Malta has featured as a good practice showcase in a European Commission publication titled 'Making Socially Responsible Public

Procurement Work: 71 Good Practice Cases'. The case studies presented in this publication operate effective policies and bidding procurement procedures that yield the social element of Sustainable Public Procurement. Moreover, such examples illustrate expertise and experience, thus, motivating Contracting Authorities as well as Economic Operators across Europe to adopt similar practices, policies and strategies.

Malta's Case-Study: Ensuring Socially Responsible Working Conditions in the Maltese Cleaning Sector

Central Government Authority: Department of Contracts

Authority responsible for the Procurement Procedure: Ministerial Procurement Unit for the Ministry for Justice, Equality and Governance (previously known as the Ministry for Justice, Culture and Local Government)

Contracting Authority: Courts of Justice Department

Product or Service Sector: Cleaning services

Title of Procurement Call: Provision of Cleaning Services using Environmentally Friendly Cleaning Products at the Courts of Justice Department (Malta) and the Office of the Attorney General

Procurement Social Objective: Curbing Precarious Working Conditions

In an effort to mitigate precarious working conditions as well as to encourage the submission of equally priced rates/price, the Department of Contracts established that the provision of precarious services shall be procured through the Best Price Quality Ratio (BPQR) Award Mechanism instead of price/cost only. The BPQR is established by weighing technical quality against price.

In 2019, the Courts of Justice Department published a Procurement Call for the provision of cleaning services which is deemed as high intensity service of precarious and low-quality jobs. To this end, the said Contracting Authority used social award criteria which were linked to the subject-matter of the contract and proportionate to the services being procured. In addition, the Technical Quality against Price was taken as 60/40 ratio respectively.

Award Criteria utilised in the Evaluation Grid

- Training, Skills and Capabilities of Employees
- Contract Management and Operations (Timekeeping, Level of Service, Contingency Plans, Methodology, Reporting Requirements, Green Public Procurement)
- Social Aspects (Equal Opportunities, Working Conditions)

Social Policy Objective and Impacts: Socially Responsible Working Conditions

The Procurement Call has been designed to ensure that Economic Operators:

- Offer basic Training in Cleanliness and Hygiene to their employees

	<ul style="list-style-type: none"> • Promote Equal Opportunities • Comply with Legal Requirements concerning Employment of persons with Disabilities. • Ensure Decent Working Conditions. • Comply with Social and Labour Rights. • Develop a Quality Assurance System (including health and safety at work). <p>The MPU for the Ministry for Justice, Equality and Governance on behalf of the Contracting Authority advised that the <i>“procedure adopted in this tender had a positive impact in terms of employers’ awareness regarding the need to provide good working conditions to the employees providing the service. Given that the tender as drafted requested a number of mandatory requirements in relation to good working conditions, it resulted in better working conditions for the employees concerned”</i>.</p> <p><u>Lessons Learned and Future Challenges</u></p> <ul style="list-style-type: none"> • The practice from a conceptual viewpoint shall be maintained, however, the Department of Contracts shall continue to refine the Award Criteria to be used when drafting a BPQR Matrix for the provision of a service with high intensity of precarious jobs. • The Department of Contracts has published templates for the provision of services with high intensity of precarious jobs. However, Contracting Authorities are advised to tailor-make the BPQR Award Criteria according to their procurement exigencies. • Consultation with competent authorities when drafting the Award Criteria is recommended, so as to ascertain that criteria are not restrictive and offer wide competition. • Consultation and guidance from the Department of Contracts is highly recommended so that there is sharing of knowledge and updating of templates, as and where applicable. <p>The MPU advised that <i>‘As a Contracting Authority we believe that each and every worker providing a service to the Contracting Authority should enjoy good working conditions that promotes and protects the rights and dignity of each worker and keeps true to the Government of Malta values of being the ideal employer.’</i></p>
<p>V.2.3. Quantitative indicators</p>	<p><i>This section contains examples of quantitative indicators related to section V.2.</i></p>
<p>Please provide, when available, any quantitative data (statistics, etc.) illustrating the achievements and challenges identified under section V.2.1 above.</p>	<p>In line with published Contracts Circulars the following table portrays approved Best-Price-Quality-Ratio (BPQR) award criteria tables of Procurement Calls for the provision of a number of listed precarious services.</p>

	Type of Precarious Service	Government Salary Scale	Total for Year 2018	Total for Year 2019	Total for Year 2020	Totals
	Cleaners (Offices) including Public Conveniences	20	30	39	31	100
	Street Sweepers	20	6	7	13	26
	Cleaners (Hospitals & Elderly Homes)	18	2	1	-	3
	Assistant Clerical Worker	18	2	2	2	6
	Care Workers	17	4	3	3	10
	Clerical Workers	16	2	9	6	17
	Security Guards (including Receptionists)	16	28	26	36	90
	Senior Clerks	14	-	1	-	1
	Miscellaneous*	-	1	3	5	9
	Totals		75	91	96	262
V.3 Public procurement of innovation	An innovative solution is defined in 2014/24/EU Art.2 (1.22) as "a new or significantly improved product, service or process". This includes not only those solutions resulting from R&D but also those solutions resulting from activities, "including but not limited to production, building or construction processes, a new marketing method,					

	or a new organisational method in business practices, workplace organisation or external relations." Please report both dimensions of innovation procurement: procurement of R&D and procurement of innovative solutions.
V.3.1 Qualitative reporting	
Key challenges encountered	<p>The key challenges encountered in promoting innovation procurement is the blurred, and at times erroneous definition attributed to this type of procurement. It is clear that more information and training is needed locally in order for public procurers and public administrators to acquaint themselves better with innovation procurement and its benefits.</p> <p>Measures being undertaken to overcome these key challenges include a continuous effort by the DoC to better understand what innovation procurement entails and promoting technical specifications that are built on performance of functional requirements (rather than prescribed technical solution details) so as to allow greater room for innovative solutions.</p> <p>Existing difficulties are mostly attributed to lack of technical resources, persistent lack of exposure to training opportunities.</p>
V.3.2. Supporting documents	
Please report any available evidence or supporting document illustrating the measures, achievements or challenges faced, relating to the promotion and implementation of innovation procurement.	<p>Two Innovation Partnership Procedures have initiated during the reporting period namely in 2019:</p> <ol style="list-style-type: none"> 1. CT2360/2019 Innovation Partnership for the Luqa Dump landfill mining from separation treatment and preparation of C&D material for reutilisation including ground clean-up and digging to cleaning of contaminated rock and Service provision of Packing, Transportation, Export to third countries and Final Deposit of Waste including Contaminated Waste, RDF and Hazardous Waste / Residues (estimated budget is approx. 40 million euro). The procedure is currently at the second stage wherein the shortlisted candidates are developing their solution and in dialogue with the respective CA. Procurement documents can be accessed on: https://www.etenders.gov.mt/epps/cft/prepareViewCfTWS.do?resourceId=6028883 2. CT3027/2019 Innovation Partnership for the Design, Development, Testing, Commissioning, Delivery, Operation and Maintenance of a Remote Patient Monitoring Service and a Call Centre Service for Preventive Care for the Central Procurement & Supplies Unit (CPSU), Ministry for Health, Malta (estimates budget is circa 5 million euro). The procedure is currently at the second stage wherein the shortlisted candidates are developing their solution and in dialogue with the respective CA. Procurement documents can be accessed on: https://www.etenders.gov.mt/epps/cft/prepareViewCfTWS.do?resourceId=5361034 <p>The above Innovation Partnership procedures adopted are both above EU thresholds.</p>

II. Information on monitoring and reporting bodies

This section includes a list of the body/bodies performing the public procurement monitoring activities required by the public procurement directives and the entities in charge with the drafting of the report to be provided to the European Commission on the results of the monitoring activities.

- Department of Contracts – Central Government Authority and coordinator of submission of this report.

Other bodies include:

- Public Contracts Review Board
- The Internal Audit and Investigations Department
- The National Audit Office
- Commercial Sanctions Tribunal
- Planning and Priorities Coordination Division
- Funds and Programmes Division
- Green Public Procurement Office

III. Replicability

<p>Links to datasets used to prepare the report *</p>	<p>No direct links are yet available. Quantitative data related to all competitive procedures were generated through the ePPS using the Monthly Report that is provided by the service provider. This report is available only internally.</p> <p>Data on contracts ensued via direct contracts were provided by the Direct Orders Office within the Ministry for Finance and Employment. Data on direct contracts and negotiated procedures without prior notice ensued by Schedule 3 entities who administer their own procurement, were collected directly at source from the respective entities. Emergency Procurement figures were provided by the CPSU. Data related to Remedies were provided by the Public Contracts Review Board (PCRB).</p> <p>Therefore, manual tasks related to counting, tallying and other statistical procedures had to be carried out as necessary.</p>
<p>Files used to obtain the results from the datasets</p>	<p>Not available</p>
<p>Other complementary data</p>	<p>Not available</p>

Annex I:

Methodology for estimating the value of procurement, which would have been covered by the directives if its value had exceeded the relevant thresholds and for the estimation of the aggregated total value of procurement above EU thresholds

1. Classification and methodology

Indicate the basic characteristics of the methodology used by selecting from the options below. Description of the methodology is to be given in the subsequent section.

1.1. General approach:

a) data available under national publication requirements

1.2. Source of data:

Scope:	above national publication thresholds [✓]	below national publication thresholds [✓]	Above EU thresholds [✓]
Source of data:			
[e-notification platforms]	✓	✓	✓
[e-submission platforms]	✓	✓	✓
[invoices]			
[budgets]			
[other]	✓	✓	✓

2. Methodology description

In view of Malta's size, the Department of Contracts opted out of utilising a sample-based methodology for the quantitative data; instead, the information collected was based on all of Malta's Contracting Authorities.

Further to the 'Scope of Report', with regard to thresholds, Malta's Legal Notices take into account a number of departmental thresholds. However, it is to be noted that the quantitative statistical data is being submitted on simple totals below and above the EU thresholds. This is in view that compiling the report by each departmental threshold was not possible since only part of the ministries were decentralised during the period under review. Thus, various staggered thresholds were applicable across Ministries. This was also affected by reshuffle of Ministries over the period under review and hence the re-assignment of Contracting Authorities under different portfolios.

The totals of procurement reflect across all applicable thresholds for all four (4) National Legal Notices

- Directive 2014/23/EU: Concessions Contracts - L.N. 353 of 2016: Concession Contracts Regulations
- Directive 2014/24/EU: Public Procurement - L.N. 352 of 2016: Public Procurement Regulations.
- Directive 2014/25/EU: Utilities Procurement - L.N. 351 of 2016: Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations.
- L.N. 350 of 2016: Emergency Procurement

Methodology Description for Specific Quantitative Data

- Quantitative data related to all competitive procedures were captured through the ePPS.
- Data on contracts ensued via direct contracts were collected through the Direct Orders Office within the Ministry for Finance and Employment capturing data for direct contracts effected to the values of € 10,000.00 - € 143,999.99 in 2018 and 2019 and €10,000 to €138,999.99 in 2020.
- Data on direct contracts and negotiated procedures without prior notice ensued by Schedule 3 entities who administer their own procurement, were collected directly at source from the respective entities. Schedule 3 entities covered are:
 - Grand Harbour Regeneration Corporation P.L.C.
 - Malta Information Technology Agency (MITA)
 - MGI/MIMCOL
 - Local Councils
 - Infrastructure Malta
 - EuroMedITI Ltd.
 - Malta Government Technology Investments Limited (MGTIL)
- Emergency Procurement figures were provided by the CPSU.
- Data related to Remedies were provided directly through the Public Contracts Review Board (PCRB).

Non-Sampling Errors

Malta's methodology is based on the full population, i.e. all the Contracting Authorities across Government and across all applicable Schedules. Therefore, any possible errors are not attributable to sampling fluctuations.

Annex II:

	2018	2019	2020
Number of notices announcing a call for competition above thresholds	591	510	580
Number of notices announcing a call for competition below thresholds	5,273	5,309	5,556
Number of awarded contracts above thresholds	577	520	447
Number of awarded contracts below thresholds	3,290	3,378	3,177
Total value of procurement above EU thresholds (EUR/National currency)	€949,726,539	€1,155,717,098	€854,045,992
Total value of procurement below EU thresholds (EUR/National currency)	€260,051,447	€295,343,567	€302,739,272

Annex III:

Quantitative Indicators about the national review system

	2018	2019	2020
Number of decisions			
upon a complaint	124	163	120
<i>ex officio</i>	-	-	-
Comments	-	-	-
Median length of the review			
upon a complaint	14 days	12 days	10 days
<i>ex officio</i>	-	-	-
Comments	-	-	-
Number of review decisions challenged	6	5	14
Number of decisions (primarily) upheld	71	66	51
Number of decisions (primarily) rejected	53	97	69
Number of decisions – other	-	3*	9*
Comments		*Withdrawn or Inadmissible	*Withdrawn or Inadmissible