



Our Ref: MRRA/W/9/2009

**Subject – Call for Expression of Interest for the Financing, Design, Supply, Installation, Operation and Maintenance of Photovoltaic Systems on Public Buildings in Malta.**

**Clarification: 2**

Interested parties are requested to note the following clarification to the original expression of interest document:

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**Q1. Will the government lease the roof for PV systems at a cost? If yes can you give us an idea of the expected lease cost per square meter? Do you have an existing lease document or should we present our existing standard agreement?**

**A1.** The cost at which the roofs will be leased will be notified to short-listed Candidates after the Expression of Interest selection process is carried out.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

A draft lease agreement will also be provided with the ITT.

**Q2. Will the sites indicated have security round the clock? Do all of them have boundary walls?**

**A2.** Details of the sites will be provided to short-listed Candidates after the Expression of Interest selection process is carried out.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

**Q3. Re 5.2p – The 0.5m restriction on the lower edge is a bit on the high side. Can this be lower if the structure is guarantee by the supplier? One should consider that the higher the module the larger is the wind force that it will experience especially if the roof has a boundary wall.**

**A3.** The technical information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender (ITT).

Interested Parties are not expected, and should not, make any technical proposals at this stage. Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q4. Re 5.2n – Can MRRA clarify a bit more on this? In the case that the structure has to be temporarily removed at the cost of the contractor we assume that this is just for maintenance. Will the maintenance work be done during the evening and night hours? If not who will pay the loss of revenue by the PV owner during this period?**

**A4.** The technical information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender (ITT).

Interested Parties are not expected, and should not, make any technical proposals at this stage. Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q5. Due to the nature of this project where will the PV system connect to the grid? Who will be responsible in the work related costs of the works to connect the system to provide suitable grid connection near the PV installation (i.e. upgrading of transformers (where necessary), trenching works and cable supply to the building on which the supply is to be installed. Can it be done to the nearest available electricity source to the building (therefore partly used locally by the resident of the host roof) or does it have to feed the energy directly to Enemalta.**

**A5.** The technical information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender (ITT). Interested Parties are not expected, and should not, make any technical or financial proposals at this stage.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q6. Where possible can the cable supplying the building be used to connect the PV systems?**

**A6.** The technical information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender (ITT).

Interested Parties are not expected, and should not, make any technical proposals at this stage. Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q7. Can we use the existing telecommunication network within the buildings on which PV system is installed?**

**A7.** The technical information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender (ITT).

Interested Parties are not expected, and should not, make any technical proposals at this stage. Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q8. It is expected that the generated energy will be paid monthly. In this case, is one invoice for the total output of all the systems together sufficient?**

**A8.** Interested Parties are not expected, and should not, make any financial proposals at this stage.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

Any financial clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q9. What is expected to be the agreement after the 25 years? What are the expected conditions of the contract after this period?**

**A9.** The purpose of the Expression of Interest is to short-list competent Interested Parties who are interested in the Concession.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

Draft agreements will be provided in the ITT

**Q10. Re 5.2c – It is expected that the owner of the building provides the details drawings of every roof and the respective load bearing capability, age and condition. Are these available for all roofs?**

**A10.** The technical information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender (ITT). Interested Parties are not expected, and should not, make any technical or financial proposals at this stage.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q11. Due to the special nature of this project, will MRRA assign a contact person who will assist in any difficulty that might arise with the Host Roof owner or any other Government authority (such as MEPA, Enemalta, MRA etc)?**

**A11.** The purpose of the Expression of Interest is to short-list competent Interested Parties who are interested in the Concession.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

**Q12. Can the Photovoltaic systems be phased in operation in phases over an agreed period of time? We feel this is necessary due to the special requirements in this tender and due to the different entities involved.**

**A12.** Interested Parties are not expected, and should not, make any technical proposals at this stage.

Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q13. Can the inverter be installed inside the building on which the PV system is installed?**

**A13.** The technical information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender (ITT).

Interested Parties are not expected, and should not, make any technical proposals at this stage. Any technical clarifications shall be entertained after the issue of the final technical criteria in the ITT.

**Q14. Are any details of economic aids, subventions, benefits, Euro/KWatts or other ways to value the project included in the document?**

**A14.** The purpose of the Expression of Interest is to short-list competent Interested Parties who are interested in the Concession.

The information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender which will be provided to short-listed Candidates.

The Invitation to Tender will contain all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid. Interested Parties are not expected, and should not, make any technical or financial proposals at this stage.

**Q15. Could you send the following technical data and statistics on a monthly basis from 1979 to date relative to the advert?**

- **Average maximum temperature**
- **Average minimum temperature**
- **Relative humidity**
- **Daily horizontal solar radiation**
- **Atmospheric pressure**
- **Wind speed**
- **Air temperature**
- **Heating degree day**
- **Cooling degree day**

**A15.** The purpose of the Expression of Interest is to short-list competent Interested Parties who are interested in the Concession. Accordingly, the information made available in the EoI ought to suffice for the selection of Interested Parties, based on the criteria set out in the EOI, (particularly section 4).

Short-listed Candidates will be invited to submit their bids in terms of an Invitation to Tender (ITT) which will comprise the technical and others specifications and information, as well as the award criteria which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

Interested Parties should not make any technical or financial proposals, relative to the Concession, in their Expression of Interest.

**Q16. Ref: Annex A1.2 Declaration Regarding Exclusion Criteria – Please clarify ‘Name of Candidate’ as the Interested Party is not a Candidate at this stage.**

**A16.** Note that ‘Name of Candidate’ in Annex A1.2 should read ‘Name of Interested Party/Consortium Member’.

**Q17. Ref: Annex A1.3 Declaration – Clause 3.2 (j) requires that all materials, equipment and services that would be eventually under the contract must originate in an eligible country, as defined in sub-clause (a). The deceleration in Annex A1.3 also requests a declaration of the origin of the Interested Party. Was this an oversight? If not, does a registration certificate, as requested under Annex A1.8 (8) suffice?**

**A17.** The documentation requirements would be satisfied by a ‘certificate of good standing’ issued by the competent authority in the country of incorporation of the Interested Party. This should at least indicate the date of incorporation of the Interested Party and that confirmation that the Interested Party is still incorporated in that jurisdiction as at the date of the certificate.

**Q18. Ref: Document Reference No: MRRA/M/9/2009 – This is the reference quoted on the cover page of the EOI [pg (i) of (iv)] whereas the reference quoted in Clause 3.10 (c) is MRRA/M/2009. Please confirm that the former is the correct document reference.**

- A18.** Note that ‘MRRA/M/2009’ quoted in Clause 3.10(c) should read ‘MRRA/M/9/2009’.
- Q19. Ref: Formation of new company –** With reference to Clause 3.25, does the change in the legal identity of the contracting entity before or during the tendering process include the substitution of the contracting entity with a newly formed company whose shareholders would be the majority or the totality of the parties involved in the contracting entity?
- A19.** The reference to contracting entity in paragraph 3.25 of the EOI is a reference to the entity issuing the EOI, i.e. the Ministry for Resources and Rural Affairs.
- If this question related to a change in the Interested Party/Candidate, then the provisions of paragraph 3.2 would apply.
- Q20. Ref: Interested Party’s declarations –** In the case of a joint venture or a consortium, is it required that every member thereof completes the relevant forms individually (particularly those referred to in Annex A1.5 no.3 and Annex A1.6) or is it required that they do so jointly, whenever this is possible, depending on the contents of the form?
- A20.** The replies to Annex A1.5 no.3 and Annex A1.6 should be provided for each member in a consortium or joint venture:
- Q21. Ref: Certificate of good standing –** Clause 4.2(ii)(b) specifies that a full set of audited accounts for the years 2006 to 2008 should be submitted together with original certificates issued by the competent administrative or legal authorities of the country of establishment confirming that each organisation is not in a situation of bankruptcy, liquidation, compulsory administration of property (escrow proceedings), under composition in bankruptcy or in any analogous situation and additionally that the company has not been the subject of bankruptcy proceedings, liquidation proceeding, or in any court decision for commencing escrow or composition in bankruptcy proceedings or pending proceedings for any analogous situation. In the case of a Maltese registered company, would a certificate of a good standing issued by the Registry of Companies fulfil such a requirement? If not, can you please clarify this matter?
- A21.** In the case of a company registered in Malta, a certificate of good standing, issued by the Registry of Companies and after the 10<sup>th</sup> January 2010, together with the required audited and other accounts, would suffice to fulfil these requirements.
- Q22. Ref: Part C of EOI –** Does this part include all the Technical Information that the Candidate will be required to supply at ITT stage? Or would there be a request for more elaborate technical information/requirements at that stage?
- In particular, Connections to Sub-stations in order to grid-tie PV arrays might require further technical information at ITT stage. Will this information be forthcoming at that stage?

**With reference to Clause 5.2 (c) would a letter of comfort be provided to the Contractor?**

**With reference to Clause 5.4 (j) please specify with values ‘grid connection’ requirements and ‘the Malta Network Code’.**

**A22.** The purpose of the Expression of Interest is to short-list competent Interested Parties who are interested in the Concession.

The technical and other information provided in the Expression of Interest Document is for information purposes only and is subject to amendment in the Invitation to Tender which will be provided to short-listed Candidates.

The Invitation to Tender will contain all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid. Interested Parties are not expected, and should not, make any technical or financial proposals at this stage.

**Q23. Ref: Part E of EOI – For the sites with grid connections requirements marked other than as ‘OK’, is there a project plan with timelines aiming to upgrade these sites to ‘OK’ status? Would this upgrade happen before the tender is awarded?**

**A23.** Short-listed Candidates will be provided with an Invitation to Tender containing all information which, in the opinion of the Contracting Authority, are necessary to allow candidates to submit a meaningful bid.

**Q24. For the purposes of the second and third bullets at paragraph 3.2(f) and of paragraph 3.2(i) of the Document, is it admissible not to provide a declaration in terms of Annex A1.2 by or otherwise in respect of (third party) suppliers and, or contractors if the precise value of services and, or works to be provided by such suppliers and subcontractors is unknown at the time of the submission of an expression of Interest?**

**A24.** Yes, if the value of the services/works is unknown at the date of submission of the Expression of Interest, this is acceptable; provided that the declarations are provided in the Candidate’s response to the Invitation to Tender (should the Interested party be short-listed as a Candidate).

**Q25. Also in relation to the above query and additionally for the purposes of paragraph 3.2(g) of the Document, what is meant by the expression ‘total value of the works [omissis] intended to be assigned to third parties’ in the said paragraph 3.2(g) of the Document?**

**A25.** This should represent the estimated value of the works required to construct and install the structures on the host roofs.

**Q26. Should an expression of interest contain an express statement to the effect that it remains valid at least until the 21st June 2010 (as per paragraph 3.11(a) of the**

**Document), or is the submission of the expression of interest in itself sufficient commitment by the Candidate to this effect?**

**A26.** This declaration must be made in paragraph '3 (iii)' of Annex A1.5.

**Q27.** Paragraph 7 of Annex A1.1 of the Document would seem to suggest that each member participating in a joint venture/consortium must fill in and submit every schedule. Would this request also apply to Annexes A1.5 and A1.12 that appear to be common to a joint venture or consortium, and to Annexes A1.6, A1.8, A1.9 and A1.10 that appear to be directed at the leading(technical) member within a joint venture or consortium?

**A27.** Annex A1.12 need not be completed, but is only provided for information and will be used to assess administrative compliance.

Annexes A1.2, A1.3, A1.4, A1.5, A1.7 and A1.11 should be completed/provided by each member in the joint venture/consortium.

**Q28.** We ask you to confirm that in case a Person, as defined in the document MRRA/M/9/2009 (page v of vi) is not provided with all requested financial or technical requirements, is the same Person allowed to submit the Expression of Interest by relying on the capacities of another entity, regardless of the legal nature of the links which it has with them.

**Such possibility to participate to public tender procedures is expressly by both par. 47 and 48 of the European Directive 2004/18/EC and par. 50e 51 of the Public Contracts Regulations, Legal Notice 177 of 2005.**

**In case of positive response, could also please list the documents to be attached as a due evidence that the Person has at its disposal the resources necessary for the execution of the contract (e.g. undertaking by the entity of reference to place the necessary resources at the disposal).**

**A28.** Yes, it is permissible for an Interested Party to rely on the financial and technical capacities of another entity ("Supporting Party"), regardless of the nature of the legal links between them.

In order for the Contracting Authority to be satisfied that the Supporting Party would have the technical and financial capabilities required by the EOI, the information required in Annexes A1.3, A1.5, A1.6, A1.9, A1.10 and A1.11 should also be provided for the Supporting Party.

Moreover, in order for the Contracting Authority to be satisfied that the Supporting Party intends to make its financial and technical resources and capabilities available to the Interested Party, a declaration to this effect, specifically identifying the Supporting Party, the Interested Party, as well as the fact that its resources and capabilities will be available to the Interested Party for the Concession in question, should be filed as part of the Expression of Interest submissions.

In the abovementioned declaration, the Supporting Party should also undertake, in favour of the Contracting Authority, to guarantee the performance of the Interested Party in the event that the Interested Party is awarded the Concession.

The abovementioned undertaking should expressly state that it shall remain valid throughout the selection procedure, the ITT stage and for the duration of the Concession, should it be awarded to the Interested Party relying on its financial and technical capacities.

**Q29. Could you provide us with the tender document in Word Format, or at least only Annexes which we need to fill out?**

**A29.** Yes the Annexes which need to be filled out can be provided in MS word and may be downloaded from [www.solarenergy.gov.mt](http://www.solarenergy.gov.mt).

However it remains the sole responsibility of the interested party to ensure that all required Annexes as given in the Original Expression of Interest Dossier are duly filled in. This is also the case for those Annexes, if any, which have been amended through a modification of the Expression of Interest Dossier issued by the contracting entity.



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