

GLOSSARY

Administrative order: Any instruction or order issued by the Project Manager/Leader/Engineer to the Contractor in writing regarding the execution of the contract.

Beneficiary Country: The Maltese Islands.

Black listed person: any person, whether legal or natural, with whom a Non Governmental Organisation and any body governed by public law shall be prohibited from carrying out any procurement whether directly or as a sub-contractor or as a member of a consortium and, or joint venture;

Breakdown of the overall price: A heading-by-heading list of the rates and costs making up the price for a lump-sum or global sum contract.

Cost/Price Breakdown: In a fee-based contract, the schedule which breaks down the contract value, stating out the fee rates and the provision for incidental expenses.

Cash Flow Forecast: The Contractor's estimate of the cash flows arising directly from the execution of a fee-based contract.

Central Government Authority: means the Department of Contracts

Commission: The European Commission.

Conflict of interest: Any event influencing the capacity of a candidate, tenderer or supplier to give an objective and impartial professional opinion, or preventing him, at any moment, from giving priority to the interests of the Central Government Authority and the Non Governmental Organisation. Any consideration relating to possible contracts in the future or conflict with other commitments, past or present, of a candidate, tenderer or supplier, or any conflict with his own interests. These restrictions also apply to subcontractors and employees of the candidate, tenderer or supplier.

Contract value: The total value of the contract to be paid by the Non Governmental Organisation in terms of the agreed terms and conditions.

Contract: The signed agreement entered into by the parties for the performance of the services/supplies/works, including all attachments thereto and all documents incorporated therein.

Contracting Authority: means the final beneficiary of the contract (in this case the Non Government Organisation).

Contractor: The successful tenderer, once all parties have signed the contract.

Day: Calendar day.

Day works: Varied work inputs subject to payment on an hourly basis for the Contractor's employees and plant.

Defects Notification Period: The period stated in the contract immediately following the date of provisional acceptance (in works contracts), during which the Contractor is required to complete the works and to remedy defects or faults as instructed by the Engineer.

Drawings: Drawings provided by the Non Governmental Organisation, and/or drawings provided by the Contractor and approved by the Project Manager, for the carrying out of the services/works.

EC: The European Commission.

ESPD: The European Single Procurement Document. The ESPD allows economic operators to self-declare that they:

- do not fall within a ground for exclusion or blacklisting (or, if they do, they can demonstrate that they have taken self-cleansing measures);
- meet the relevant selection criteria;
- (where applicable) fulfil the objective rules and criteria for reduction of candidates.

EU: The European Union.

Engineer's representative: Any natural or legal person, designated by the Engineer as such under the contract, and empowered to represent the Engineer in the performance of his functions, and in exercising such rights and/or powers as have been delegated to him. In this case, references to the Engineer will include his representative.

Equipment: Machinery, apparatus, components and any other articles intended for use in the works.

Evaluation Committee: a committee made up of an odd number of voting members (at least three) appointed by the Non Governmental Organisation as the case may be, and possessing the technical, linguistic and administrative capacities necessary to give an informed opinion on tenders.

Fee-Based Contract: A contract under which the services are provided on the basis of fixed fee rates for each day/hour worked by experts/service provider.

Final acceptance certificate: Certificate(s) issued by the Engineer to the Contractor at the end of the defects notification period stating that the Contractor has completed his obligations to construct, complete, and maintain the works concerned.

Final Beneficiary: The Non Governmental Organisation.

Framework Agreement: an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

Foreign currency: Any currency permissible under the applicable provisions and regulations other than the Euro, which has been indicated in the tender.

General conditions: The general contractual provisions setting out the administrative, financial, legal and technical clauses governing the execution of contracts.

General damages: The sum, not stated beforehand in the contract, which is awarded by a court or an arbitration tribunal, or agreed between the parties, as compensation payable to an injured party for a breach of the contract by the other party.

Global Price Contract: A contract under which the services are performed for an all-inclusive fixed price.

In writing: This includes any hand-written, typed or printed communication, including fax transmissions and electronic mail (e-mail).

Label: any document, certificate or attestation confirming that the works, products, services, processes or procedures in question meet certain requirements.

Liquidated damages: The sum stated in the contract as compensation payable by the Contractor to the Non Governmental Organisation for failure to complete the contract or part thereof within the periods under the contract, or as payable by either party to the other for any specific breach identified in the contract.

Modification: An instruction given by the Project Manager/Leader/Engineer which modifies the works/supplies/services.

Month: Calendar month.

National currency: The currency of the country of the Non Governmental Organisation, which is the Euro.

Period: A period begins the day after the act or event chosen as its starting point. Where the last day of a period is not a working day, the period expires at the end of the next working day.

Plant: appliances and other machinery, and, where applicable under the law and/or practice of the state of the Non Governmental Organisation, the temporary structures on the site required to carry out the works but excluding equipment or other items required to form part of the permanent works.

Project Manager: The legal or natural person responsible for monitoring the execution of the contract on behalf of the Non Governmental Organisation, where the latter is not the Central Government Authority.

Project: The project in relation to which the services are to be provided under the contract.

Provisional sum: A sum included in the contract and so designated for the execution of works or the supply of goods, materials, plant or services, or for contingencies, which sum may be used in whole or in part, or not at all, as instructed by the Engineer.

Public Service: Government Ministries and Departments.

Services: Activities to be performed by the Contractor under the contract such as technical assistance, studies, training and designs.

Site: The places provided by the Non Governmental Organisation where the works/services are to be carried out or where the supplies are to be commissioned and other places stated in the contract as forming part of the site.

Special conditions: The special conditions laid down by the Non Governmental Organisation are an integral part of the tender document, amplifying and supplementing the general conditions. These clauses are specific to the contract and the terms of reference (for a service contract) or technical specifications (for a supply or works contract).

Supervisor/Engineer: The legal or natural person responsible for administering the contract on behalf of the Non Governmental Organisation.

Technical specifications:

(a) in the case of public works contracts, the totality of the technical prescriptions contained in the procurement documents, defining the characteristics required of a material, product or supply, so that it fulfils the use for which it is intended by the Non Governmental Organisation; those characteristics include levels of

environmental and climate performance, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, safety or dimensions, including the procedures concerning quality assurance, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions and production processes and methods at any stage of the life cycle of the works; those characteristics also include rules relating to design and costing, the test, inspection and acceptance of conditions for works and methods or techniques of construction and all other technical conditions which the Non Governmental Organisation is in a position to prescribe, under general or specific regulations, in relation to the finished works and to the materials or parts which they involve;

(b) in the case of supply contracts, the specification in a document defining the required characteristics of a product or a service, such as quality levels, environmental and climate performance levels, design for all requirements (including accessibility for disabled persons) and conformity assessment, performance, use of the product, safety or dimensions, including requirements relevant to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking and labelling, user instructions, production processes and methods at any stage of the life cycle of the supply and conformity assessment procedures.

Tender document/s: The procurement documents compiled by the Non Governmental Organisation and containing all the documents needed to prepare and submit a tender.

Tender price: The sum stated by the tenderer in his tender for carrying out the contract.

Terms of Reference: The document drawn up by the Non Governmental Organisation giving the definition of its requirements and/or the objectives in respect of the provision of services, specifying, where relevant, the methods and resources to be used by the Contractor and/or the results to be achieved by it.

Time Limits: Those periods in the contract which shall become effective from the day following the act or event which serves as the starting point for those periods. Should the last day of the period fall upon a non-working day, the period shall expire at the end of the first working day following the last day of the period.

Works: Works of a permanent or temporary nature executed under the contract.

Written communications: Certificates, notices, orders and instructions issued in writing under the contract.