



## **Request for Quotations**

**RFQ / 06 / 2022**

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| <h3><b>Notarial Services</b></h3> |
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**Issue Date: Thursday 30 June 2022**

**RFQ Closing Date: Monday 18 July 2022**  
**Closing Time: 18:00 CET**

**Classification of Document Data: MDB-Public**

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## 1 GENERAL INFORMATION

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### 1.1 Purpose

- 1.1.1 The Malta Development Bank (herein referred as “MDB” or the “Bank”) performs a promotional role in line with public policy with the objective to contribute towards sustainable economic development that benefits the Maltese people in areas including private sector development, skills and technology, infrastructure development, green economy and community services.
- 1.1.2 The MDB seeks to acquire **notarial advisory/support services** in the area of the contractual documentation for bank lending.

## 2 SUBMISSION OF PROPOSAL

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- 2.1.1 The Bank is the point of contact for this RFQ. Please refer any queries to:

Procurement Officer  
**Malta Development Bank**  
 5 Market Street,  
 Floriana,  
 Malta,  
 FRN 1083.

Telephone: 2226 1713  
 Email: [procurement@mdb.org.mt](mailto:procurement@mdb.org.mt)

- 2.1.2 Applicants are to quote the reference number of this request for quotation in all correspondence.
- 2.1.3 Proposals shall include the Financial Bid Form and additional information that will allow MDB to evaluate the proposal according to the defined Evaluation Award Criteria.

### 2.2 Timetable

|   | Date         | Time (CET) |
|---|--------------|------------|
| <b>Publication of RFQ</b>   | 30 June 2022 | 18:00      |
| <b>Deadline for request for any clarifications.</b><br>Any requests for clarifications will only be entertained if received on <a href="mailto:procurement@mdb.org.mt">procurement@mdb.org.mt</a> . | 11 July 2022 | 18:00      |
| <b>Deadline for Submission of Proposals</b><br>All the documentation shall be submitted by <a href="mailto:procurementproposals@mdb.org.mt">procurementproposals@mdb.org.mt</a> .                   | 18 July 2022 | 18:00      |

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- 2.2.1 Any RFQ addenda/updates by the MDB will be circulated by email from [procurement@mdb.org.mt](mailto:procurement@mdb.org.mt) and on the MDB [website www.mdb.org.mt](http://www.mdb.org.mt).
- 2.2.2 Late submissions will not be accepted. Evaluation of the quotations received will take place after the closing date. The Bank will not assume any liability associated with the late submissions of RFQs. All submissions will be dealt with in strictest confidence. Any decision taken by the Bank in this regard shall be deemed final.

### 3 GENERAL CONDITIONS

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- 3.1.1 The Bank shall award the Quotation on the basis of the most economically advantageous proposal in terms as indicated in the paragraph Evaluation Award Criteria.
- 3.1.2 The Bank may in its absolute discretion change, as deemed necessary in view of circumstances, the basis of, or the procedure of the RFQ process.
- 3.1.3 The Bank reserves the right to extend the closing date and to cancel the RFQ and evaluation process at any stage. If this occurs, the Bank shall inform all the prospective applicants without being liable for any costs and damages including, without limitation, damages for any loss of profits, in any way connected with the cancellation of the request for quotation.
- 3.1.4 The Bank reserves the right to reject a proposal which appears to be priced abnormally low in relation to the Services to be provided. The Bank reserves the right to request further clarification, documentary evidence, explanation or elaboration in writing on any aspect of the application or declarations made.
- 3.1.5 The Bank reserves the right to award this quotation to multiple Economic Operators. The Bank may create a pool of Economic Operators providing similar services.
- 3.1.6 The Bank reserves the right to reject or disqualify a proposal if:
- a. the Applicant fails to comply fully with the requirements of the RFQ and the information given at the time of proposal is incomplete, or additional requested information is not provided;
  - b. the Applicant is guilty of a serious misrepresentation in supplying any information required in this document and/or in relation to this or any past proposals;
  - c. the Applicant has, directly or indirectly, engaged in Corruptive, Fraudulent, Collusive or Obstructive practices in competing for the RFQ in question;
  - d. there is a change in identity, control, financial standing, or other factor impacting

on the selection and/or evaluation process affecting the Applicant.

- 3.1.7 In addition, since the Bank has a zero tolerance towards the commission of fraud, a proposal may also be rejected if the Applicant fails to commit itself through a signed anti-fraud declaration in the form contained in Annex I.
- 3.1.8 If the Bank becomes or is made aware, after award of the Project, that an Applicant failed to comply with any of the requesting criteria, the Bank is entitled to terminate the contract without prior notice. The MDB reserves the right to claim payment from the non-compliant Applicant of any damages, loss and expenses incurred as a result of the termination.
- 3.1.9 The Bank draws the attention of prospective Applicants to the conditions concerning employment in Malta and the obligation to comply with all regulations, rules or instructions concerning the conditions of employment of any class of employee. Successful Applicants may also be requested to submit a certified Jobsplus list of personnel employed by them.

## 3.2 GDPR and Freedom of Information Compliance

- 3.2.1 The MDB is subject to the provisions of the Freedom of Information Act as well as other legislation governing access to information. Therefore, where Applicants consider any information that they provide in the course of this RFQ process to be commercially sensitive or confidential in nature, they should identify that information as “commercially sensitive” or “confidential” and specify the applicable reasons. The nature of the documentation may then be taken into account by the MDB in considering requests (if any) for access to such information under the Freedom of Information Act or other applicable law. Applicants should note that on conclusion of a contract for the services that are the subject-matter of this competition, a right of access to the contract and associated documents will be available to the extent required by the Freedom of Information Act 2014 or other applicable law.
- 3.2.2 The submission of any Personal Data (including any personal data contained in any curriculum vitae) (“Personal Data”) shall be provided by the Applicant for the use by the MDB of that Personal Data for the purpose of evaluating the proposals and in performance of arising contractual obligations. Once it obtains any Personal Data, the MDB will act as data controller of such data and will retain it for (a) in respect of an unsuccessful applicant, up to one year following completion of the appointment of the successful applicant and (b) in respect of a successful applicant, up to seven years following completion of the Services. An Applicant may exercise his/her rights in connection with the processing of his/her personal information by MDB by contacting the DPO by email at [dpo@mdb.org.mt](mailto:dpo@mdb.org.mt). For further information in relation to how the MDB processes personal data, including an individual’s various rights under data protection law and details of how to contact the MDB, please refer to the MDB’s Privacy Notice which is available at: <https://mdb.org.mt/en/home/Pages/Privacy->

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[Notice.aspx](#) .

## 4 INFORMATION REQUESTED

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### 4.1 Requirement Details

4.1.1 The MDB seeks to acquire notarial advisory/support services in the area of the contractual documentation for bank lending. The advisory/support services shall include:

- i. vetting of searches into title of property,
- ii. vetting of perfection of collateralisation including registration of deed and of applicable hypothecs,
- iii. conservation of privilege, and
- iv. updating of searches.

4.1.2 The Economic Operator shall outline the fees for the services to be provided:

- i. Applicable Fee structure (flat or scaled) charged, based on the value of the loan. Kindly indicate any applicable capping.
- ii. Out of pocket fees to verify the root of title and to appear on the final deed.
- iii. Fee applicable for the verification services regarding the registration of the contract.

4.1.3 Relevant fees and expenses for the updating of certificate from the Land Registry if the property falls within a registration area.

4.1.4 Professional fees payable in consideration of other ancillary services which are not covered by specific notarial tariffs (e.g. hourly rates, etc. ).

4.1.5 Selected Economic Operators must ensure that the Bank's business is given due priority. The selected Economic Operators may be requested to provide periodic status updates and are expected to inform the MDB immediately if delays in executing their services are identified or expected.

4.1.6 Economic Operators shall identify any notarial experience relation to Bank loans by providing details of past engagements.

### 4.2 Award Criteria

4.2.1 The award criteria for this Call for Quotations will be based on the following:

| Weightings | Evaluation Award Criteria              |
|------------|--|
| 40%        | Experience in similar Banking services |
| 60%        | Notarial tariffs                       |

### 4.3 Response Format

- 4.3.1 Responses are to be straightforward, clear, concise and specific to the information requested. In order for submissions to be considered complete, Economic Operators must provide all the requested information mentioned in this document as well as any other comments, observations or suggestions which potentially may assist the MDB in the Request for Quotations.
- 4.3.2 The response by the Economic Operators shall clearly highlight any clauses where adherence cannot be fulfilled. In the absence of such indications, the Economic Operator is expected to be able to execute all obligations imposed in this RFQ to the highest standards.
- 4.3.3 Economic Operators are to ensure that the following documents have been included in their respective proposal:
  - i. Notary track record and experience
  - ii. Financial Bid Form
- 4.3.4 Economic Operators who fail to provide the requested information shall have their proposal withdrawn from the process.

### 4.4 Financial Bid Form

- 4.4.1 The proposal price must cover all the services as described in the RFQ document.
- 4.4.2 The Economic Operator must provide a breakdown of the overall price in Euro (€) including VAT.
- 4.4.3 Different options are to be clearly identifiable and marked 'Option 1', 'Option 2' etc. for each individual option clearly outlining the price of the relative option.
- 4.4.4 If the Economic Operator offers a discount, the discount must be absorbed in the rates listed.
- 4.4.5 The prices for the contract, must be inclusive of all services to be provided. The prices quoted are fixed and not subject to revision or escalation in costs.
- 4.4.6 Quotations are to be submitted and shall be awarded including any taxes/charges and any import duties applicable

|    |   | Percentage % | Per hour (€) |
|----|---|--------------|--------------|
| 1. | Notary support services<br>i. vetting of searches into title of property, |              |              |

|    |  |  |  |
|----|--|--|--|
|    | <ul style="list-style-type: none"> <li>ii. vetting of perfection of collateralisation including registration of deed and of applicable hypothecs,</li> <li>iii. conservation of privilege, and</li> <li>iv. updating of searches.</li> </ul>   |  |  |
| 2. | <p>Fees for the services provided:</p> <ul style="list-style-type: none"> <li>i. Applicable Fee structure (flat or scaled) charged, based on the value of the loan.                             <ul style="list-style-type: none"> <li>a. applicable capping.</li> </ul> </li> <li>ii. Out of pocket fees to verify the root of title and to appear on the final deed.</li> <li>iii. Fee applicable for the verification services regarding the registration of the contract.</li> </ul> |  |  |
| 3. | <p>Fees and expenses for the updating of certificate from the Land Registry if the property falls within a registration area.</p>  |  |  |
| 4. | <p>Professional fees payable in consideration of other ancillary services which are not covered by specific notarial tariffs.</p>  |  |  |

**Annex I****Anti-Fraud Declaration**

I, the undersigned, \_\_\_\_\_ shall, upon award of this Request for Quotation in relation to the **procurement of Notarial Services**, bind **myself** to undertake all of the following:

- a. not to commit any form of fraud;
- b. to take appropriate measures to deter fraud;
- c. to introduce and maintain necessary procedures to prevent, detect and deal with suspected fraudulent activity;
- d. to report to the Bank all suspected fraud concerning any arrangement entered into with the Bank;
- e. if required, to assist the Bank in the investigation of suspected fraudulent activity and in the recovery of wrongfully obtained assets concerning an arrangement entered into with the Bank; and
- f. to ensure employees of the company report any suspicion of fraud.

\_\_\_\_\_  
Name:

Date:

*MDB guarantees that any personal data processed within this form shall be in accordance with the requirements of local and EU legislation on data protection in force at the time of the data processing including the General Data Protection Regulation- (GDPR) (Regulation (EU) 2016/679. All the personal data collection in this form will be considered under the classification of 'confidential'. Persons have the right to access and port their personal data, rectify, erase and restrict their personal data and to object to processing in terms of the GDPR.*

*--- End of Document ---*