**Annex I - Checks and Verifications to be carried on Conflict of Interest for EU Funded contracts awarded as from July 2023 in line with Article 61 of the Financial Regulation 2018.**

Explanatory Note

As per Circular MEFL/EF Circular No 1/2023 issued on 1st June 2023, Line Ministries are being reminded of their obligations to strengthen and carry out checks and verifications against conflict of interest through the design and the implementation of the projects. The following checklists are being provided hereunder as a guideline to understand better the level of checks that are required to be carried out on EU Funded projects. It is important to stress that this checklist do not intend to represent a comprehensive or exhaustive list of checks each Line Ministry should put in place. The Line Ministry needs to carry out its own unbiased, diligent and thorough assessment of the implementation process of any EU Funded project and Conflict of Interest.

This Ministry is therefore proposing the Checklists hereunder which are ALL being proposed to be used at different stages of the project cycle. Each section of this document is providing the necessary notes and detail of when and how these checklists should be utilized.

*Step 1 – To be filled in for all bidders for all tender processes above* ***€10,000 (excluding VAT)****.*

1. **Checklist for Line Ministries/Beneficiaries to verify the Declaration of Conflict of Interest and CV at the opening of the tender bids.**
2. This checklist is to be used by Line Ministries/Beneficiaries to undertake a basic check on **all bidders** for all tender processes **above €10,000 (excluding VAT)**.
3. Checks are to be carried out on the **Evaluation Committee Members, Tender Drafters and the signatories of the Tender Originator’s Form** vis-à-vis **all** the bidders submitting an offer in that particular tender.
4. The following documents are required to carry out this check and fill in the below checklist:
* CVs of the officials involved in the evaluation of the tender including the Evaluation Committee Members, Tender Drafters and the signatories of the Tender Originator’s Form;
* Signed Declaration of Conflict of Interest;
* Bids received for that particular tender

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| --- | --- |
| Contract Reference |  |
| Full Name and Surname of official being assessed |  |
| ID card of Official being assessed |  |
| Grade of Official being assessed |  |
| Detailed functions of official being assessed |  |
| Bidding Companies for the respective tender |  |

Checklist to cross check the Declaration of Impartiality & Confidentiality vis-a-vis the CV and the bids received

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| --- | --- | --- |
|  | **Verification** | **Comments** |
| 1 | Declaration of Impartiality & Confidentiality of officer being assessed is signed and filed | Yes/No |  |
| 2 | Was a Conflict of Interest declared? | Yes/No |  |
|  | If yes to Question 2, is there any documentary evidence that the officer being assessed was replaced? |  |  |
| 3 | To confirm that the CV submitted is a recent one (last year) | Yes/No |  |
| 4 | Has the CV been checked vis-à-vis all bids received? This check should include the following:1. Cross check between the addresses of the bidders and the officials involved
2. Officials past employment (previous 5 years) vis-à-vis bids received
3. Officials part-time and ancillary employment related to any of the bidders
4. Check whether references/ board membership included in the CV are related to any of the bidder
 | Yes/No |  |
| 5 | To your knowledge is there a family member of the official linked to a bid which may lead to preferential treatment or biased decisions? | Yes/No |  |
| 6 | To your knowledge could the official’s personal relationships lead to preferential treatment or make biased decisions? | Yes/No |  |
| 8 | To your knowledge is the official involved in any activities that might create COI (example official is a committee member in a social club that is sponsored by one of the bidders)? | Yes/No |  |
| 9 | To your knowledge and from general information do you think there is a COI? | Yes/No |  |
| 10 | Any further comments |  |

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| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date of assessment  |  | Name of assessor |
|  |  | Signature of assessor |

*Step 2 – To be filled in for winning bidder following the award of contract for all tenders above* ***€10,000 (excluding VAT)***

1. **Checklist for Line Ministries/Beneficiaries to verify the CV vis-à-vis the Ultimate Beneficiary Owner Information Sheet of the winning bid following the award of contract.**
2. This checklist is to be used by Line Ministries/Beneficiaries to undertake a consequent basic check on the winning bidder of all awarded contracts for all tender processes above € **€10,000 (excluding VAT)**.
3. Checks are to be carried out on the **Evaluation Committee Members, Tender Drafters and the signatories of the Tender Originator’s Form** vis-à-vis the **winning bidder including** **its Ultimate Beneficiary Owner;**
4. The following documents are required to carry out this check and fill in the below checklist:
* CVs of the officials involved in the evaluation of the tender including the Evaluation Committee Members, Tender Drafters and the signatories of the Tender Originator’s Form;
* Completed Ultimate Beneficiary Owner/s information declaration sheet for Winning Contractor

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| --- | --- |
| Contract Reference |  |
| Full Name and Surname of official being assessed |  |
| ID card of Official being assessed |  |
| Grade of Official being assessed |  |
| Detailed functions of official being assessed |  |
| Awarded Company  |  |
| Ultimate Beneficiary Owner |  |

Checklist to cross check the Ultimate Beneficiary Owner Information Sheet vis-a-vis the CV

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| --- | --- | --- |
|  | **Verification** | **Comments** |
| 1 | Ultimate Beneficiary Owner Information Sheet signed and filed | Yes/No |  |
| 2 | Has the CV been checked vis-à-vis the Ultimate Beneficiary Owner? This check should include the following:1. Cross check between the name/s, address/es etc of the beneficial owner/s and the officials being assessed
 | Yes/No |  |
| 3 | To your knowledge could the listed beneficial owner/s and the official being assessed lead to any preferential treatment or make biased decisions? | Yes/No |  |
| 4 | Any further comments |  |

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| --- | --- | --- |
| Date of assessment  |  | Name of assessor |
|  |  | Signature of assessor |

*Step 3 – To be filled in for the winning bidder following the award of the contract and in accordance with the criteria listed in point ii below.*

1. **Detailed Checklist for Line Ministry and Beneficiaries for high value awarded contracts**

The goal of this detailed checklist is to undertake a more thorough verification check on the official/s in order to further reinforce efforts in detecting any possible conflict of interest.

1. This checklist is to be used by Line Ministries/Beneficiaries to undertake a detailed check on the **winning bid** and its ultimate beneficial owner following **the award of a contract**.
2. This checklist is to be used for contracts which fall under any of the following criteria:
3. Contracts awarded through a tender process on projects whose value is equal to or exceeds:
	* + *Cohesion Fund – €5 million*
		+ *ERDF - €2 million*
		+ *Home Funds – €1.5 million*
		+ *ESF – €750,000*
		+ *Fisheries - €500,000*; **or**
4. Contracts awarded through a tender process for which a single bid was submitted; **or**
5. Contracts awarded following a negotiated procedure.
6. The following documents are required to carry out this check and fill in the below checklist:
* CVs of the officials involved in the evaluation of the tender including the Evaluation Committee Members, Tender Drafters and the signatories of the Tender Originator’s Form;
* Completed Ultimate Beneficiary Owner/s information declaration sheet for Winning Contractor
* Beneficial Owner Information from Malta Business Registry (MBR) about the winning contractor

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| --- | --- |
| Contract Reference |  |
| Full Name and Surname of official being assessed |  |
| ID card of Official being assessed |  |
| Grade of Official being assessed |  |
| Detailed functions of official being assessed |  |
| Awarded Company  |  |
| Ultimate Beneficiary Owner |  |

Checklist to ascertain the veracity of information produced in Ultimate Beneficiary Owner Information Sheet

Beneficial Owner Information of winning contractor declared in winning bid Beneficial Owner Information sheet matches with Beneficial Owner Information from Malta Business Registry (MBR), namely

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| --- | --- | --- |
|  | **Verification** | **Comments** |
| 1 | Does the Beneficial Owner Information of winning contractor declared in winning bid Beneficial Owner Information sheet, match with Beneficial Owner Information from Malta Business Registry (MBR), namely? 1. Company Registered address on MBR matches with declared information
2. Shareholder’s List on MBR matches with declared information
3. Shareholder’s ID card number on MBR matches with declared information

***Note:*** *If shareholders list includes other registered companies, it is recommended to also look at the information of such companies and their respective shareholders as part of this comparison.* | Yes/No |  |
| 2 | The official being assessed is not listed as an involved party of the winning bid company or any of its subsidiaries. | Yes/No |  |
| 3 | The official’s residential address does not match with any official address of any of the involved parties of the winning bid company or its subsidiaries. | Yes/No |  |
| 4 | The official being assessed was not employed by the winning bid company or any of its subsidiaries in the last 5 years | Yes/No |  |
| 5 | To your knowledge, is the official being assessed involved in any activities that might lead to a conflict of interest with any of the involved parties in the winning bid company or any of its subsidiaries?  | Yes/No |  |
| 6 | To your knowledge, is there any reason to believe that the official being assessed has a conflict of interest with any of the involved parties in the winning bid company or any of its subsidiaries?  |  |  |
| 7  | Any further comment |  |

|  |  |  |
| --- | --- | --- |
| Date of assessment  |  | Name of assessor |
|  |  | Signature of assessor |