



22, Pietro Floriani Street, Floriana

Telephone: (356) 22991000

E-mail: procurement.ha@ha.gov.mt

Website: <http://www.housingauthority.gov.mt/>

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**EXPRESSION OF INTEREST (EOI)
FOR THE
PROVISION OF LAWYERS FOR THE PRE-1995 UNIT (3)**

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EXPRESSION OF INTEREST (EOI)

FOR THE

PROVISION OF LAWYERS FOR THE PRE-1995 UNIT (3)

1. Background information on the Housing Authority

The Housing Authority was established on 11th October 1976 by an Act of Parliament. The Housing Authority falls under the Ministry for Social and Affordable Accommodation. The Authority is responsible for developing, promoting and financing the development of housing estates and other residential and commercial accommodation. It promotes home ownership and improves the housing conditions in Malta. The Authority runs various schemes to help those most in need of assistance. As of June 2021, with the publication of ACT No. XXIV of 2021, the Housing Authority will also be providing legal assistance to tenants affected by the amendment in laws relative to protected residential leases. Furthermore, the Housing Authority shall also provide legal assistance to tenants of protected leases in cases where the owner seeks to nullify the protection granted at law.

2. Scope, Service and Duration

2.1 The scopes of this EOI are:

2.1.1 to seek the services of Lawyers who shall appear on behalf of tenants assigned by the Housing Authority in court cases, principally in front of the Constitutional Court or the Rent Regulation Board.

2.1.2 to provide the service of depositing *ċedoli* at the Law Courts for rent due to the landlord/s on behalf of the tenant/s.

2.2 Interests must be received from individual Lawyers and not firms.

2.3 The place of acceptance of the services shall be the Offices of the Housing Authority, 22, Triq Pietro Floriani, Floriana, and subsequently from the lawyer's office.

2.4 The appointment will be for a period of two years. No new cases shall be allocated after this period however any pending cases shall continue to be held by the lawyer engaged for until their conclusion.

2.5 Lawyers who are already benefitting under the EOI issued on 22nd November 2022 and are still interested to resume their services once the funds under the contract are exhausted may apply under this EOI.

3. Responsibilities

3.1 Hold an initial meeting with the tenants at the Housing Authority offices within one week of being notified to do so or less in exceptional circumstances if the urgency of the matter dictates otherwise. In conjunction with court cases appointments, we can include appointments for *ċedoli* with tenants.

3.2 Requests to hold initial meetings at lawyers' offices are considered on a case-by-case basis. These are subject to an agreement between the lawyer, the client and the Housing Authority.

3.3 Represent the tenants in Court and keep the tenant abreast about the proceedings of the case.

3.4 Reply to legal letters, judicial instruments and any other official intimations within the required timeframes as need be.

- 3.5 Keep the Housing Authority updated about the proceedings of the court case.
- 3.6 Once *cedola* is filed, a copy is to be sent by post to the tenants.
- 3.7 Any other tasks as may be required by the Housing Authority.

4. **Remuneration and Payment terms**

- 4.1 The remuneration shall be:
 - 4.1.1 €400 excluding VAT for each case in front of the Rent Regulation Board whereby the owner of a property leased prior to June 1995 seeks an increase in rent or the eviction of the tenant.
 - 4.1.2 €700 excluding VAT for each case in front of the Civil Court (Constitutional Jurisdiction) whereby the owner of a property leased prior to June 1995 seeks the nullification of the protection granted to the tenant by the relevant legislation.
 - 4.1.3 Compensation is the same for appeal. €400 for RRB and €700 for Constitutional as per EOI items 4.1.1 and 4.1.2. Lawyers present their request to the Head of the Pre-1995 Unit, and a pre-approval is given before the lawyer on behalf of HA, representing such cases.
 - 4.1.4 €50 excluding VAT for each *cedoli* filed at the Law Courts on behalf of the tenant for properties leased prior to June 1995.
- 4.2 The rates in items 4.1.1, 4.1.2, 4.1.3 and 4.1.4 are inclusive of the professional fees for the initial meeting held with the tenant prior to the commencement of the court case.
- 4.3 Fees include the exclusive representation of the court case, including court sittings, up to the decision.
- 4.4 Each lawyer contracted through this expression of interest shall engage a Legal Procurator of their choice to submit their replies to the submissions filed by the owners. The Legal Procurator shall be paid directly by the tenants that the lawyers shall represent; or by the Housing Authority should the tenant fail to do so. The fee payable to the Legal Procurator is being capped at €100.
- 4.5 Court fees and other miscellaneous fees related to the case shall be paid by the tenants or by the Housing Authority should the tenant fail to do so.
- 4.6 Payments shall be affected by bank transfer upon submission of a monthly invoice. Payments for cases in front of the Rent Regulation Board shall be issued as a lump sum upon conclusion of the court case. For cases in front of the Civil Court (Constitutional Jurisdiction) 50% of the payment shall be settled upon submission of reply to plaintiff's submission and the other 50% shall be settled upon conclusion of the court case.
- 4.7 In the event that a lawyer is selected and awarded a contract under this EOI, s/he may continue any existing proceedings and initiate or take proceedings in which they appear on behalf of the landlord. If the Housing Authority assigns a client, who is the landlord's tenant being represented by the lawyer, the lawyer must inform the Head of the Pre-95 Unit, and another lawyer is appointed instead.
- 4.8 Same Lawyers are not expected to represent client in appeal. However, HA will always offer them the possibility to avoid multiple lawyers representing the same client (subject to available funds under the Contract for Service of the lawyer).
- 4.9 Apart from the compensation mentioned above, should the court decide that expenses are to be borne by the other party, the tenant can opt for this option if he/she pays the expenses herself or himself. HA will not pay for such expenses.
- 4.10 Payments shall be issued in the name of the Lawyer.

5. Clarification requests

- 5.1 The interested persons may submit any clarification requests to the Housing Authority by sending an email to procurement.ha@ha.gov.mt by not later than the date provided in the Timetable in Item 7.
- 5.2 The interested persons are advised that clarification notes, interpretations, correction or changes to the EOI will be uploaded on www.housingauthority.gov.mt in the Expression of Interest Section.
- 5.3 The interested persons are advised that any clarification notes, interpretations, correction or changes to the EOI will constitute an integral part of this EOI and it is the responsibility of the bidders to ensure that the website is reviewed regularly prior submitting their offer.

6. Submission of offers

- 6.1 Interested persons who are eligible to apply are to indicate their interest by sending duly **filled in Appendix 1 via email** on procurement.ha@ha.gov.mt **by not later than noon of 19th December 2024** indicating the subject and reference of the EOI (**Provision of Lawyers for the Pre-1995 Unit (3) - EOI 2/2024**).
- 6.2 Interest submitted by other means will not be considered.
- 6.3 Emails submitted after the Closing Date for the submission will not be considered. No liability will be accepted for rejection of late quotations.
- 6.4 This EOI does not constitute an offer to enter into any contract with the Housing Authority. The Housing Authority will in no case be responsible or liable for such costs or expenses incurred by prospective bidders, whatever the conduct or outcome of the competitive procedure initiated pursuant to this EOI, including cancellation.

7. Timetable

Event	Date
EOI Date of Issue	3rd December 2024
Deadline for request for any additional information from the Contracting Authority	11th December 2024
Last date on which additional information can be issued by the Contracting Authority	16th December 2024
Closing Date for Submission	19th December 2024
Closing Time for Submission	12.00hrs CET

8. Selection and Award Requirements

- 8.1 In order to be eligible for this EOI, interested Lawyers must provide evidence that they meet or exceed the criteria described hereunder.
- 8.2 The interested persons **should be warranted lawyers** and satisfy all the requirements stipulated in article 81 of the Code of Organization and Civil Procedure (Cap. 12) and any other legal publications which may be published in accordance with Article 81A of Cap. 12 by the Minister responsible for Justice from time to time.
- 8.3 Interviews will be held to choose the best candidates if the number of applications exceed the Authority's requirements.

The Housing Authority reserves the right to refuse any offer even the most advantageous.