



*Il-Ministru*

*The Minister*

28<sup>th</sup> April 2008

## MINISTERIAL POLICY DIRECTIVE

Chairman, Malta Transport Authority  
Chief Executive Officer, Malta Transport Authority

**Subject: Testing of Roads, Testing Equipment and Road Markings**

In terms of the powers granted to me as Minister responsible for transport in terms of the Constitution of Malta and the Malta Transport Authority Act, The Malta Transport Authority (hereby referred as to 'the Authority') is being directed to act as indicated hereafter:

1. the Authority is to commission the **independent** testing of **all** roads contracted for construction by the Authority and not to rely any more on certifications issued by contractors themselves;
2. "roads" shall include not only the surface of the road itself but also pedestrian pavements and other hard surfaces, directional signs, road markings, culverts, service ducts and similar objects normally associated with road construction;
3. "all roads" shall include not only the roads that are under the direct supervision of the Authority but also roads that are managed by Local Councils since the Authority retains the responsibility of regulating this sector and of establishing and enforcing standards;
4. "roads contracted for construction" shall include not only the construction of new roads but also any interventions on existing roads including, but not limited to, the patching of roads, the re-construction of parts of existing roads, the covering of trenches and any intervention that alters or seeks to re-instate the existing surface of a road;

5. tests are to be commissioned by the Authority from independent testing facilities with accreditation and a recognised reputation for quality assurance such that results can stand in Court should they be contested by contractors;
6. contractors whose work consistently fails at these tests are to be excluded from eligibility to be considered for subsequent tenders for similar works for pre-established periods of time;
7. the Authority has to ensure that henceforth contractors are legally bound to carry out all the necessary remedial corrective action necessary at their sole expense, including monetary compensation for the impact of the delay in the completion of the assigned work as a result, should the test results indicate deficiencies in quality of workmanship;
8. the Authority is to also ensure that final payments due to the contractor are released only at such that that the Authority has received positive confirmation of the results of the independent tests.

**Motivation:**

It is in the public interest to ensure that road construction, road maintenance, road verges and pavements, service ducts and culverts as well as road markings and directional signs are up to internationally recognised quality standards, which standards the Authority informs me are and have been stipulated in writing and are available to all contractors.

It is in the public interest that these standards are strictly adhered to. The Authority is not to accept any tender for works that does not deliver such quality of works and to ensure constant improvement in this regard this directive provides for the black-listing of tenderers who continually deliver below acceptable quality standards. I cannot accept the standard excuse that local contractors do not have the required knowledge to deliver work of sufficiently high standards.

Although I understand that quality tests are required on newly constructed or extensively refurbished roads, I am informed that at present these tests are not carried out by the Authority but by the contractor and at testing facilities that the contractor chooses. I consider this as a bad practice. It is in the public interest that such tests are carried out by an independent laboratory in order that the Authority – the guardian of the public interest in this area – can, independently of the contractor, ascertain that the quality contracted for is being delivered.

In this regard, the Malta National Laboratory – an independent although Government owned institution - already has limited testing facilities in this area and with the addition of equipment presently owned (but unutilised) by ADT as well as through its contacts with other independent laboratories should provide an immediate service to the Authority.

The same would seem to apply to road patching whenever any intervention is required on existing roads where it is also very evident that the quality of the end product being used is very inferior and cannot be up to internationally recognised standards. The Authority has a regulatory function in this matter over all roads, including local roads, and this is why I deem it unacceptable for the Authority itself or for Local Councils to pursue a policy of accepting

low quality work simply because it is provided by the tenderer with the cheapest offer. Minimum published quality standards should be the basic and only acceptable benchmark for tendering.

Finally, it is also evident that similar inferior quality standards are being applied to road markings where Maltese roads fall far short of internal standards of quality. Those standards of quality must, without exception, also apply to Malta. The same directives as above should therefore also apply in this regard.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of loops and a horizontal line.

**Austin Gatt**

cc: Permanent Secretary, MITC  
Head of Secretariat  
Policy Manager  
Chairman, Malta National Laboratory