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Auditor General

Rif: NAO 59/2023

30 ta' Ottubru, 2023

Onor. Darren Carabott
Chair
Kumitat tal-Kontijiet Pubbliċi
Parlament ta' Malta
Valletta

Għażiż Onor. Carabott,

Nagħmel referenza għat-talba mibgħuta lill-Awditur Ġenerali mill-Membri tal-Oppożizzjoni fil-Kumitat tal-Kontijiet Pubbliċi fis-6 ta' Frar 2023, dwar il-ftehim bejn il-Gvern u s-Soċjetà Sadeen Education Invesment Limited. Din l-ittra ġiet iffirmata wkoll mill-Onor. Rebekah Borg, Membru tal-Kumitat Permanenti dwar il-Kontijiet tal-Uffiċċju Nazzjonali tal-Verifika, u l-Onor. Karol Aquilina, Kelliem għall-Ġustizzja. F'din l-ittra l-Uffiċċju ntalab jinvestiga aspetti dwar il-proġett tal-American University of Malta.

Wara li l-Uffiċċju Nazzjonali tal-Verifika rċieva din l-ittra, skont il-proċedura stabbilita, beda x-xogħol preliminari assoċjat ma' din il-verifika li eventwalment wassal għat-tfassil ta' dawn it-termini ta' referenza, li essenzjalment jirriflettu din l-istess talba:

1. analiżi tal-proċess tan-negozjati li wassal għall-qafas kuntrattwali, u jekk kienx ġust, koerenti u diliġenti, u kienx ibbażat fuq il-prinċipji ta' governanza tajba;

2. skrutinju tal-qafas kuntrattwali li jirregola l-ftehim bejn il-partijiet, b'mod partikolari jekk:

    a. it-trasferiment tal-artijiet mill-Gvern lil Sadeen Education Investment Limited kienx ġust, sarx b'mod koerenti u diliġenti, u kienx ibbażat fuq il-prinċipji ta' governanza tajba;

    b. il-valur tal-art konċess mill-Gvern lil Sadeen Education Investment Limited permezz tal-kuntratt tad-29 ta' Settembru 2022 kienx ġust u ekwu u jirriflettix il-prezz tal-art fis-suq liberu;

    c. il-Gvern setax jinnegozja proviżjonijiet kuntrattwali aħjar biex jissalvagwardja d-drittijiet tiegħu;

…/

d. Il-Gvern setax itemm il-ftehim ma' Sadeen Education Investment Limited u jieħu lura l-artijiet mogħtija jekk dan ma jonorax l-obbligazzjonijiet kuntrattwali tiegħu; u

e. twettqux il-miri kuntrattwali.

Dan huwa qafas preliminarju tal-investigazzjoni mitluba u l-Uffiċċju jirriserva d-dritt li jagħmel tibdiliet jekk meħtieġa. Madankollu, kif ġie diskuss f'seduti preċedenti ta' dan il-Kumitat, l-Uffiċċju se jkompli josserva l-prassi li l-investigazzjonijiet jiġu trattati skont meta saret it-talba.

Verżjoni bl-Ingliż tat-termini ta' referenza hi annessa ma' din l-ittra.

Tislijiet,

C. Deguara

Ink.

Terms of Reference

1. analysis of the negotiation process that led to the contractual framework to determine if it was fair, coherent and diligent, and based on the principles of good governance;

2. scrutiny of the contractual framework governing the agreement between the parties, focusing on whether:

    a. the transfer of the lands from the Government to Sadeen Education Investment Limited was fair, conducted in a coherent and diligent manner, and in accordance with the principles of good governance;

    b. the value of the land granted by the Government to Sadeen Education Investment Limited in the contract dated 29 September 2022 was fair, equitable and reflective of market prices;

    c. the Government was able to negotiate better contractual provisions to safeguard its rights;

    d. the Government was able to terminate the agreement with Sadeen Education Investment Limited and take back the transferred lands if the latter failed to fulfill its contractual obligations; and

    e. the contractual targets were achieved.