

PUBLIC CONTRACTS REVIEW BOARD

Case 1262 – MESDC 342/2018 – Tender for the Provision of Service to Maintain Current Database, GIS and Game Reporting System to WBRU, to Implement Enhancements and Develop New Modules and Software within the said System.

The publication date of the call for tenders was the 31st October 2018 whilst the closing date of the call for tenders was 3rd December 2018. The estimated value of the tender (exclusive of VAT) was € 200,000.

On the 4th January 2019 iPRO Solutions Ltd filed an appeal against the Ministry for the Environment, Sustainable Development and Climate Change as the Contracting Authority objecting to being disqualified on the grounds that their bid was not compliant. A deposit of € 1000 was paid.

There were five (5) bidders.

On 7th February 2019 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Dr Charles Cassar and Mr Carmel Esposito as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

Appellants – iPRO Solutions Ltd

Dr Graziella Bezzina	Legal Representative
Dr Djorde Vukelic	Legal Representative
Dr Emma Farrugia	Legal Representative
Mr Philip Pullicino	Representative

Recommended Bidder – Seasus Ltd

Mr Kenneth Bone	Representative
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Contracting Authority – Ministry for the Environment, Sustainable Development and Climate Change

Ms Elaine Caruana	Chairperson Evaluation Committee
Mr Robert Mifsud	Secretary Evaluation Committee
Mr Nicholas Farrugia	member Evaluation Board
Mr Luke Cassar	Member Evaluation Committee
Mr Richard Lia	Representative

Dr Anthony Cassar Chairman of the Public Contracts Review Board welcomed the parties and stated that the Contracting Authority had recommended, after review, that the tender be awarded to the Appellant and this Board therefore directs the re-integration of the Appellant in the re-evaluation process.

He thanked the parties for resolving this appeal and declared the hearing closed.

This Board,

having noted this Objection filed by iPro Solutions Limited, (hereinafter referred to as the Appellants), on 4 January 2019, refer to the contentions made by the same Appellants with regard to the Tender of Reference MESDC 342/2018 listed as Case No 1262 in the records of the Public Contracts Review Board, awarded by the Ministry for the Environment, Sustainable Development and Climate Change, (hereinafter also referred to as the Contracting Authority)

Appearing for the Appellants:

Dr Graziella Bezzina

Appearing for the Contracting Authority:

Ms Elaine Caruana

Whereby, the Appellants contend that:

- a) the price quoted by the Recommended Bidders does not contain all the elements that are necessary to operate the system. At the same instance, the Appellants also maintain that one of the mandatory conditions was**

the start-up date of the operation of the system and in this respect the latter insist that the Recommended Bidder did not adhere to this mandatory condition

This Board has also noted the Contracting Authority’s “*Letter of Reply*” dated 9 January 2019 and its verbal submissions during the Public Hearing held on 7 February 2019, in that:

- i) The Ministry for the Environment, Sustainable Development and Climate Change accepts the Appellants’ contentions and in this regard, admits that on re-assessing the Preferred Bidder’s offer, it was found that the latter did not adhere to the mandatory start-up date for the operation of the system.**

This Board, after having examined the relevant documentation to this Appeal and heard submissions made by the parties concerned, noted that the Contracting Authority reviewed the assessment of the Preferred Bidders’ offer and found it to be deficient in the date of the start-up of operations so that the Seasus Limited’s offer is technically non-compliant as they did not meet the mandatory requirement of a start-up of operations in month 1.

In view of the above, this Board,

- i) does not uphold the Ministry for the Environment, Sustainable Development and Climate Change's decision in the award of the contract;**

- ii) upholds the contentions made by iPro Solutions Limited;**

- iii) directs that an amount of two hundred euro (€ 200) from the deposit paid by the Appellants is to be retained to cover the costs related to the processing of this Appeal;**

- iv) directs that the Appellants' offer is to be re-integrated in the Evaluation Process.**

Dr Anthony Cassar
Chairman

Dr Charles Cassar
Member

Mr Carmel Esposito
Member

13th February 2019