PUBLIC CONTRACTS REVIEW BOARD

Case 1309 – CFQ 013-2071/2019 – Call for Quotations for the Supply of Alkaline Batteries

The publication date of the call for tenders was the 28^{th} February 2019 whilst the closing date of the call for tenders was 12^{th} March 2019. The estimated value of the tender (exclusive of VAT) was $\in 6,940$.

On the 10th April 2019 Leaf Ltd filed an appeal against the Central Procurement and Supplies Unit as the Contracting Authority simply stating that their offer was cheaper. A deposit of was paid. \in 400 was paid.

There were eleven (11) bidders.

On 7th May 2019 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Mr Lawrence Ancilleri and Mr Richard Matrenza as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

Appellants – Leaf Ltd

Mr Jean Attard Representative

Recommended Bidder - Magnetic Services Ltd

Dr Alessandro Lia Legal Representative
Mr Clayton Pace Representative

Contracting Authority – Central Procurement and Supplies Unit

Dr Marco Woods Legal Representative

Mr Leo Piscopo Chairperson Evaluation Committee

Mr Hristo Ivanon Hristov Representative

Dr Anthony Cassar, Chairman of the Public Contracts Review Board, welcomed the parties and prior to Mr Jean Attard, Representative of Leaf Ltd making his submissions, pointed out that when objecting to a tender decision one must state the reason for the appeal – in this instance Appellants merely stated that their offer was cheaper. One must be aware of the provisions of the Public Procurement Regulations which were not followed and which rendered this appeal null. He thanked the parties for their attendance and declared the hearing closed.

This Board,

having noted this objection filed by Leaf Limited (herein after referred to as

the Appellants) on 10 April 2019 refers to the claims made by the same

Appellants with regard to the tender of reference CFQ 013-2071/2019 listed as

Case no 1309 in the records of the Public Contracts Review Board, awarded by

Central Procurement and Supplies Unit (herein after referred to as the

Contracting Authority).

Appearing for Appellants:

Mr Jean Attard

Appearing for the Contracting Authority: Dr Marco Woods

Whereby, the Appellants contend that:

a) since their offer was cheaper, and they submitted all the requested

information, they do not agree with the Contracting Authority's decision,

in the award of the tender to the successful bidder.

This Board also noted the Contracting Authority's 'Letter of Reply' dated

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18 April 2019, in that:

a) the Authority contends that the Appellants' offer did not contain all the requested information in the financial bid form so that, the Authority had no other option but to deem Appellants' offer non-compliant.

This Board would justifiably point out that Appellants' 'Letter of Objection' dated 8 April 2019, did not specify or indicate the grievances suffered through the Contracting Authority's decision in the award of the contract.

At the same instance, this Board noted that the Appellants were not knowledgeable of the appeals procedure as duly stipulated in the Public Procurement Regulations.

In view of the above, this Board,

i. declares that Appellants' objection is null and void,

ii.	upholds	the	Contracting	Authority's	decision	in the	award	of the	e
	contract,	•							
iii.	Directs t	hat t	he deposit pai	id by Appella	nts should	l not be	reimbui	rsed.	
Dr Anthony Cassar Chairman		Mr Lawrer Member	nce Ancilleri		Ir Richard Iember	l A Matrei	nza		
16 Ma	y 2019								