## PUBLIC CONTRACTS REVIEW BOARD

## Case 1433 – T090/19 – Tender for the Provision of MITA Core Values Training Services

The tender was published on the 7<sup>th</sup> November 2019 and the closing date of the call for tenders was the 9<sup>th</sup> December 2019. The estimated value of the tender (exclusive of VAT) was € 30,000.

On the 21<sup>st</sup> February 2020 Idea Management Consulting Services Ltd filed an appeal against Malta Information Technology Agency as the Contracting Authority objecting to their disqualification on the grounds of their bid being deemed to be technically non-compliant. A deposit of € 400 was paid.

There were twelve (12) bidders.

On 5<sup>th</sup> March 2020 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 – Idea Management Consulting Services Ltd

Dr Silvio De Bono Representative

## Contracting Authority – Malta Information Technology Ltd

Dr Danielle Mercieca Legal Representative

Mr Robert Grixti Chairperson Evaluation Board
Ms Maureen Azzopardi Member Evaluation Committee
Mr Robert Sultana Member Evaluation Committee
Mr David Sant Member Evaluation Committee

Ms Caroline Schembri De Marco Representative

Dr Anthony Cassar Chairman of the Public Contracts Review Board welcomed the parties and noted that the appeal in this case was filed late, and the Board was bound by law not to hear such appeal.

Dr Silvio De Bono Representative of Idea Management Consulting Services Ltd said that he was not contesting that the appeal had been handed in late.

The Chairman said that the Public Contracts Review Board cannot change the Public Procurement Regulations and the decision not to hear this case must stand. He then thanked the parties for their attendance and declared the hearing closed.

**End of Minutes** 

Decision

This Board,

having noted this objection filed by Idea Management Consultancy Services Ltd (hereinafter referred to as the Appellants) on 21 February 2020, refers to the claims made by the same Appellants with regard to the tender of reference T 090/2019 listed as case No. 1433 in the records of the Public Contracts Review Board awarded by Malta Information Technology Agency (hereinafter

**Appearing for the Appellants:** 

Dr Silvio De Bono

**Appearing for the Contracting Authority: Dr Danielle Mercieca** 

referred to as the Contracting Authority).

Whereby, the Appellants contend that:

a) Although their objection was filed one and half hours late, they requested

that their objection be heard for the benefit of Good Governance in the

evaluation process.

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This Board would respectfully refer to Appellants' 'Letter of Objection' dated

21 February 2020, which was delivered to the Public Contacts Review Board at

1.30pm on same date. Reference is also being made to the Authority's 'Letter

of Rejection' dated 11 February 2020, wherein, it was clearly denoted that:

"The deposit required if lodging an appeal as shown in the Award Notification

should be made payable to The Chairman Public Contracts Review Board. Notices

of objection must reach The Chairman Public Contracts Review Board by not later

that 12.00NOON (Local Time) of Friday 21 February 2020."

In this regard, this Board cannot accept Appellants' request as the delivery of

the objection letter was outside the stipulated time limit for submission of same.

However, same Board directs that the deposit paid by Appellants should be

fully refunded.

Dr Anthony Cassar Chairman 12 March 2020 Dr Charles Cassar Member Mr Carmel Esposito Member