

PUBLIC CONTRACTS REVIEW BOARD

Case 1675 – MIP/TQF/GGX/D0066/20 – Tender for the Provision of General Cleaning Services at the Gozo Innovation Hub Xewkija 2nd Call

15th November 2022

The Board,

Having noted the letter of objection filed by Dr Gianluca Cappitta acting for and on behalf of General Cleaners Co. Ltd, (hereinafter referred to as the appellant) filed on the 29th October 2021;

Having also noted the letter of reply filed by Dr Elian Scicluna on behalf of 8 Point Law acting for and on behalf of INDIS Malta Ltd (hereinafter referred to as the Contracting Authority) filed on the 8th November 2021;

Having also noted the letter of reply filed by Dr Jonathan Mintoff acting for Sultech & Co (hereinafter referred to as the Preferred Bidder) filed on the 8th November 2021;

Having taken cognisance and evaluated all the acts and documentation filed, as well as the submissions made by representatives of the parties;

Having also noted the initial Public Contract Review Board decision dated 19th January 2022 issued at the sitting chaired by Mr Kenneth Swain;

Having also noted the Court of Appeal decision (appeal number 43/2022/1) dated 22nd June 2022 General Cleaners Co. Ltd (C-14053) vs Direttur General tal-Kuntratti; Indis Malta Ltd; Sultech & Co.;

Having heard and evaluated the testimony of the witness Mr Keith Buttigieg (Chairperson of the Evaluation Committee) as summoned by Dr John Bonello acting for INDIS Malta Ltd;

Having heard and evaluated the testimony of the witness Mr Brian Gatt (Representative of the Contracting Authority) as summoned by Dr John Bonello acting for INDIS Malta Ltd;

Having noted and evaluated the minutes of the Board sitting of the 11th October 2022 hereunder-reproduced;

Minutes

Case 1675 – MIP/TQF/GGX/D0066/20 – Tender for the Provision of General Cleaning Services at the Gozo Innovation Hub Xewkija (2nd Call)

On the 11th October 2022 the Public Contracts Review Board composed of Mr Kenneth Swain as Chairman, Ms Stephanie Scicluna Laiviera and Mr Richard Matrenza as members convened a public virtual meeting to consider further this appeal.

The attendance for this public hearing was as follows:

Appellant – General Cleaners Co Ltd

Dr Paul Radmilli Legal Representative

Contracting Authority – INDIS Malta

Dr John Bonello	Legal Representative
Mr Keith Buttigieg	Chairperson Evaluation Committee
Mr Brian Gatt	Member Evaluation Committee
Ms Chantelle Vassallo	Member Evaluation Committee
Ms Antoinette Cremona	Member Evaluation Committee

Preferred Bidder – Sultech & Co

Dr Jonathan Mintoff Legal Representative

Mr Kenneth Swain Chairman of the Public Contracts Review board welcomed the parties and noted that this second hearing followed the decision of the Court of Appeal. He then invited submissions.

Dr Paul Radmilli Legal Representative for General Cleaners Co Ltd said that this appeal would follow the points enlisted in the letter of objection. Nowhere in the tender was there an indication that there was a two page limit on submissions – conversely the tender requested ‘details at length’. Once information was provided it follows that some marks were merited.

Dr John Bonello Legal Representative for Indis Malta said that the Court decision dealt with the matter of the amount of the deposit, so today’s appeal was starting from scratch and basically revolves on the Contracting Authority’s interpretation of the various contested points. The fact that the bid of Appellant was considered not compliant is a question of fact. The Evaluation Committee (EC) decided that the bidder could not fulfill the contract and a witness will testify on the points where the bid failed.

Dr Jonathan Mintoff Legal Representative for Sultech & Co stated that the tender was clear regarding the length of the submissions and no proof has been forthcoming that this was not so. The tender is clear on this point and there has been no moving of goal posts. Even on points where Appellant did provide replies there is confusion with references being made to pick-up points in Malta when the tender dealt with Gozo. Appellant did not meet required criteria 100%.

Mr Keith Buttigieg (8879M) called as a witness by the Contracting Authority testified on oath that he was responsible for the publication of the tender and was the Chairperson of the EC in which role he ensured conformity with the PPR. He went on to explain [through a screen shot] that the Authority expected replies to questions and criteria in line with the tender and the XML format. Instead of two page replies the EC received instance of replies 30,50 or 70 pages long indicating that there was a ‘one size fits all’ approach. Appellant is the incumbent at present and is therefore fully aware of what is involved. Where a zero score was awarded there was not one single sentence which covered the requirements of the tender. Typical was the reply indicating pick-up spots. The review submitted on

the point of timekeeping ran to 40 pages without covering one single point of the tender requirements. There were five criteria in this section, each with one point or zero allocated to it and none of those criteria were met. Pick up points in Malta to satisfy the requirement of a one hour service in Xewkija, Gozo speaks for itself.

In reply to questions from Dr Radmilli witness said that even though Appellant's submissions ran into more pages than required there were still read in full. Asked to confirm that in Appellant's submission there is the mention that cleaners will be given jobs only one bus ride from the work place witness stated that 'one bus stop' is hardly a time keeping policy.

Questioned by Dr Mintoff witness confirmed that all bidders were aware that there was a limit on the length of submissions – this removes subjectivity. The questions were set with overall service in mind.

Mr Brian Gatt (269571M) called to testify by the Contracting Authority stated on oath that he is the Senior Manager at the Indis site at Gozo Innovation Hub. He explained that this is a state of the art building to accommodate foreign direct investment technology companies who were given red carpet treatment in an office environment building. It was essential that the service measured up to it.

This concluded the testimonies.

Dr Radmilli re-iterated the point that the information provided by Appellant more than covered what was required, but sufficient to meet requirements. It was not correct that zero marks were awarded rather than some marks.

Dr Mintoff said that Appellant accepts that some requirements of the tender were not met. Every bidder was restricted to the length of submissions and 40/50 pages were outside that limit and is more than reasonably in excess of requirements. In view of the type of clients on the site service had to be excellent. There is a conflict in the points of the offer as Appellant's answers are generally generic. Appeal should not be upheld as put simply it is not compliant.

Dr Bonello stated that the tender refers to a unique site with specific requirements and which requires special top notch attention. The tender was not onerous or complicated with detailed requirements to deal with specific points and they were either dealt with or not. There were no other alternatives to awarding marks except 1 or 0. Appellant was fully familiar with requirements as it is the incumbent and fully aware of requirements. The criteria, which were not contested, were simple but necessary to provide a good service. The EC followed the tender and they did not have discretion to accept any submission. The offers were evaluated on their merit and the appeal should not be upheld.

The Chairman thanked the parties for their submissions and declared the hearing closed.

End of Minutes

Hereby resolves:

The Board refers to the minutes of the Board sitting of the 11th October 2022.

Having noted the objection filed by General Cleaners Co. Ltd (hereinafter referred to as the Appellant) on 29th October 2021, refers to the claims made by the same Appellant with regards to the tender of reference MIP/TQF/GGX/D006/20 listed as case No. 1675 in the records of the Public Contracts Review Board.

Appearing for the Appellant:	Dr Paul Radmilli
Appearing for the Contracting Authority:	Dr John Bonello
Appearing for Preferred Bidder:	Dr Jonathan Mintoff

Whereby, the Appellant contends that:

- a) **Documents submitted by the appellant satisfy all the criteria indicated in the call for tenders -**

It is being submitted that whilst the appellant was awarded a score of zero (0) for a number of criteria indicated in the submission criteria, the appellant holds firm that documentary evidence for such requirements were indeed submitted for each and all section indicated as being technically non-compliant in the Letter. The appellant shall make reference to all such criteria deemed as non-compliant by referring to the documentation submitted in satisfaction of each criterion.

Evaluation Criteria B (i) 3 and 4

These two criterions deal with rosters prepared one week in advance & timekeeping/punctuality policy in place. For each criterion, the justification for awarding zero (0) score has been indicated as *“Marks deducted since bidder's response exceeded the two page established limit. The response did not include any reference to the tender requirements of the rosters being prepared one week in advance”* and *“Marks deducted since bidder's response exceeded the two page established limit. The response did not include any reference to the tender requirements of Timekeeping/punctuality policy in place.”*

Contrary to the assertion made in the Letter that no policy was provided, page five (5) of this document is a clear synopsis of the policy set out by the company addressing timekeeping and punctuality. For easier reference, the text on this page is being reproduced hereunder.

“Our employees will report on a daily basis each time they enter and they leave by calling at our offices. Where it is available at various sites, we introduce the punch clock system. Below find attached the attendance sheet template and Vehicle Data Track for your site. Due the traffic problems on the roads all cleaners will be given work which is 1 bus only far from their work place. Otherwise we have 3 pick up stations @ 06.30am which is Marsa, Valletta & Msida Skatepark. We do this to minimise the time delay of the pick ups. Vacation leave will be booked 1 week before, in case

of sick leave the cleaners will call either 1 hour before or during the nightso (sic) will be able to deliver the replacement on time. The supervisor will be checking the workers on the weekly basis and filling the employee performance valuation to troubleshoot any unsatisfying services. We also do surprise visit early morning and afternoon to check that the cleaners will check in/out as per time requested. We will use the Contracting Authority biometric system for the staff.”

Moreover, for evaluation criteria B (1) 5 the appellant was awarded zero (0) score. For this criterion, the Letter states: *“Marks deducted since bidder's response exceeded the two page established limit. No other measures submitted”*

To the contrary of such assertion, the appellant submitted a document titled 'Level of Service 1'. This document outlines a number of policies adopted by the appellant, particularly the Quality Policy (vide page 2 of this document) which compliments the timekeeping policy as the two are naturally intertwined. Moreover, this document provides further information into the policy concerning rostering (vide pages 8 & 9 of same document.

Evaluation Criteria B (ii) 2 and 3

These criteria deal with Adequate Level of Service; 'Routine inspections by Supervisor (minimum once a week), followed up by Inspection Report, 'Non-Routine / Surprise inspections by Supervisor (minimum twice a month), followed up by Inspection Report. For the latter criterion, an average technical score of 45 was allocated for the following reason:- 'Marks deducted since bidder's response exceeded the two page established limit. The response did not include any reference to the tender requirements of Inspection reports.' As for the latter criterion, the justification for a score of zero (0) was that 'Bidder's response exceeded the two page established limit. The response did not include any reference to the tender requirements of Non-Routine surprise inspections, followed up by Inspection Report.

The above two justifications are being appealed on the grounds that for these criteria the appellant included the Level of Service document mentioned above, wherein these two criteria are clearly (sic) addressed on pages 4 and 5 of this document. A policy is clearly set out on page 4 outlining the company's policy on inspections, which reads as follows:-

“General Cleaners Co. Ltd. will follow the standards of services specified in the tender document, which provides cleaning checklist recommendations with a list of items and required frequencies. We will set up an Implementation Plan for this tender, based on the Client's requirements. It will specify the types of cleaning to be performed in each area and frequencies (see QP08 attached). The Company will draw on the expertise of its members. We will bring our expertise in setting up and administering an audit system that measures the effectiveness and results of cleaning efforts utilizing the materials and equipment and accordingly tracks instances through customer feedback and workers' evaluations where service quality levels are not met. We will provide supervisors that will be checking the workers on a weekly basis and filling the employee performance evaluation (see Form04attached) to troubleshoot any unsatisfying services. General Cleaners Co. Ltd. will

provide their trained managers and supervisors to manage the daily cleaning services as well as the procurement of the cleaning materials, equipment and supplies.”

Moreover, a detailed organigram in connection with this point is provided on page 5 of the said document. As regards to inspection reports, samples of such reports are provided within the same document on pages 14 through to 17. Once again, Criterion B (ii) 4 is satisfied in virtue of the Quality Policy reflected in the abovementioned document named Level of Service 1 uploaded by the appellant in its submission.

Criteria B (iii) 1

These two criteria deal with Specific details on the training provided to the cleaners on the Practice of Waste Management and sorting of waste. No points were awarded on the grounds that *“Marks deducted since bidder's response exceeded the two page established limit. Furthermore, the response did not provide specific details on the training provided to the cleaners on the Practice of Waste Management and sorting of waste.”* The appellant submits that the document uploaded with respect to this section titled 'Merge Result - Waste' specifically outlines the company policy titled 'Environmental Policy'. This policy explicitly sets out the appellant company's ongoing commitment in training its staff to embed the right level of awareness on environmental aspects. Moreover, the policy clearly sets out the appellant company's ongoing commitment to promote recycling, reducing and re-usage of materials - principles which are undoubtedly connected to the notion of 'Waste management'.

Moreover page 6 of the abovementioned document provides the following:-

“The Works and Facilities Manager is responsible for preventive maintenance on plant and equipment. The Environmental Management Representative(EMR)role, occupied by the HR & Administration Manager ensures that this procedure is made aware of and implemented. Waste streams are constantly under vigilant monitoring in order to identify trends and report to the MD. He/she keeps the original certificates and permits related to waste brokers and waste carriers in file, when necessary. All employees are responsible to ensure that they separate the waste according to the waste streams established in this EMS.”

Criterion B (iv) 2

This criterion deals with Sick Personnel; 'Details on how the Maximum response time of one (1) hour is achieved.' The justification for awarding zero (0) score is that Marks deducted since bidder's response exceeded the two page established limit. Furthermore, the response provided did not provide any details on how the Maximum response time of one (1) hour is achieved.

To the contrary of this assertion, once again the appellant has provided a document titled 'Merge Result Sick'. This document deals with this criterion in a very detailed manner. It provides as follows (vide page 1):-

“General Cleaners, clearly recognizes that events may alter the resource requirements of the cleaning service. As a result, General Cleaners has devised this Contingency Plan which response time shall follow those indicated table below. In Gozo we operate other entities such as ARMS, Land Registry, BNF, Heritage, Bank of Valletta, Malta Post & night events. We are ready for any type of emergency needed.....”

Criteria B (v) 1 & 2 and 3

These criteria deal with Industrial Action; Minimum of Two (2) No. of pre-assigned relievers/back up staff & Details on how the Maximum response time of one (1) hour is achieved. Zero (0) marks were allocated on the ground that 'Bidder's response exceeded the two page established limit. The response did not include any reference to the tender requirements on the minimum number of pre-assigned relievers/backup staff and 'Bidder's response exceeded the two page established limit. The response did not include any reference to the tender requirements on how the maximum response time of one hour is going to be achieved'.

The appellant holds firm that the submissions made for Criteria B (iv) 2 are strongly linked with the criteria under heading B (v). Nevertheless, the appellant brings to the attention of the Board the fact that the appellant company had also submitted with its tender a copy of its Business Continuity Policy, which further (sic) elucidate in more depth how it can mitigate the criteria raised under this heading.

Criteria B (vi) 3

This criterion deals with Breakdown of public transport system; Details on how the Maximum response time of one (1) hour is achieved. Once again, the appellant holds firm that this criteria is partially addressed. However, specific reference is made to a document provided by the appellant titled '08 Absence due to Averse Weather and Public Transport Breakdowns'. This document is quite literally a full policy on how this criterion is addressed. It would be pointless to reproduce the whole policy. However the aim of this ground of appeal is intended to show that whilst no marks were afforded to the appellant, it should transpire that this criterion was dealt with in depth, to the extent that the company's policy was provided in its full extent.

b) Deduction of marks for exceeding 1 page is manifestly unjust

The appellant holds firm that the deduction of marks on the ground that the submissions made to satisfy the criteria of the tender exceeded one page is wholly unjustified. This point is being stressed especially in view of the fact that the tender specifically stated:-

“Marks shall be allocated according to the level of detail of the proposed methodologies and on the relevance of the information included.”

Therefore, how can a tenderer, the appellant in this case, be penalised for providing a sufficient level of detail in its submissions? Once (sic) could understand not obtaining certain marks for not providing

sufficient information which is relevant and which is detailed. But how can one understand being penalised for the contrary?

Moreover, the attention of the Board is being brought to the fact that nowhere in the tender document or the tender structure on any other aspect of this tender was it indicated that marks will be deducted if the two page limit (sic). It was only after the Letter was received that the appellant realised that it was being penalised for exceeding the two page limit.

This Board also noted the Contracting Authority's Reasoned Letter of Reply filed on 8th November 2021 and its verbal submission during the virtual hearing held on 11th October 2022, in that:

a) **Technically non-compliant**

Rosters prepared one week in advance - The response did not include any reference to the tender requirement of the rosters being prepared one week in advance.

Timekeeping/punctuality policy in place - The response did not include any reference to the tender requirement of timekeeping and punctuality policy in place, but provided a generic response with respect to attendance, travelling and vacation leave. The response even included a statement with respect to bus arrangements and pick up stations reading: "Due the traffic problems on the roads all cleaners will be given work which is 1 bus only far from their work place. Otherwise we have 3 pick up stations @ 06.30am which is Marsa, Valletta & Msida Skatepark. We do this to minimise the time delay of the pick ups." The abovementioned response indicates the generic nature of this response being irrelevant since this is a tender for cleaning services in at the Gozo Innovation Hub located in Xewkija, Gozo.

Non-Routine / Surprise inspections by Supervisor (minimum twice a month), followed up by Inspection Report - The response did not include any reference to the tender requirement of non-routine/surprise inspections occurring for a minimum of twice a month and being followed up by an inspection report.

Specific details on the training provided to the cleaners on the Practice of Waste Management and sorting of waste - The Objector's response did not provide specific details on the training provided to the employees on the practice of waste management and sorting of waste but provided generic information of what employees are encouraged and expected to know and do in their everyday practice, which was not deemed sufficient by the Evaluation Board.

Details on how the Maximum response time of one (1) hour is achieved - The Objector's response did not include any reference to the tender requirement of details on how the maximum response time of one hour is achieved.

Minimum of Two (2) pre-assigned relievers/back up staff - The Objector's response did not include any reference to the tender requirement of details on the minimum number of pre-assigned relievers or back-up staff.

Details on how the Maximum response time of one (1) hour is achieved - The response did not include any reference to the tender requirement on details how the maximum response time of one (1) hour would be achieved. Objector even states in appeal that this criteria is only "partially" addressed and hence provided documentation was not deemed sufficient to the Evaluation Board. Furthermore, while this was not mentioned in the Objector's appeal, the Objector did not submit an Accident reporting policy.

- b) Marks deducted for exceeding page limit in responses - The Objector states that the deduction of marks due to the bidder's responses exceeding one page is unjustified. INDIS submits that according to clause 6 of the tender document on the 'Criteria for Award', it is specifically indicated in bold at the beginning of the Criteria/Sub-Criteria table, that "in general, and/or where otherwise indicated, responses for each individual criteria listed below shall be in write-up form, circa one (1) page long and in any case shall not exceed to (2) pages.". All Objector's submissions exceeded the two (2) page limit and lacked the required detail. Furthermore, it is pertinent to note that the Evaluation Board was consistent with all respective bidders with deducting marks wherever the two-page mark was exceeded.

This Board also noted the Preferred Bidder's Reasoned Letter of Reply filed on 8th November 2021 and its verbal submission during the virtual hearing held on 11th October 2022, in that:

- a) In this case, the Objector's bid was declared as technically non-compliant on quite a number - nine (9) - of mandatory criteria. Without any prejudice, even on a *prima facie* basis it is highly unlikely that the Evaluation Committee erred in its evaluation and erroneously marked the objector's bid in correctly.
- b) Although the Objector did submit documentation nowhere did it address, the tender requirements. For instance, for Criteria B(i) no 3, bidders were required to address this point "*Rosters prepared one week in advance*", however, the objector did not address this. Furthermore, from the extract quoted in the objection confirms this point. Once again for all other mandatory Criteria that the objector received zero marks for, the extracts quoted in the objection do not address the tender requirements.
- c) Moreover, the objector, continually ignores in its objection, the fact that as outlined in the tender document multiple times! that responses for each individual criteria listed "*... shall be in write-up form, circa one (1) page long and in any case shall not exceed two (2) pages*"

- d) Notwithstanding the above, the objector in its objection states the following:- *“Moreover, the attention of the Board is being brought to the fact that nowhere in the tender document or the tender structure on any other aspect of this tender was it indicated that marks will be deducted if the two-page limit [sic. was exceeded]. It was only after the Letter was received that the appellant realised that it was being penalised for exceeding the two page limit. In view of this, the marks awarded under all headings that have had marks deducted on the ground that the two page limit was exceeded ought to be revised and a 100% mark allocated is deserved and justified.”* Truth be told, what is being alleged by the Objector is factually incorrect and absolutely unfounded. The extracts above, outline clearly, most of the instances in the tender document whereby the page 2 limit was mentioned. Moreover, it also indicated the font size and the line spacing.
- e) The Preferred Bidder must point out that Objector's contentions on this issue and at this particular stage are not justified, as the Objector had the opportunity and remedy to either seek clarifications or submit a call for remedy prior the closing date of submission of offers, as per Regulation 262 of the PPR. Thus, the objector expects that for its own failings, and non-observance to the outlined tender requirements, this Honourable Board, departs from this. If the objector had an issue with the 2 page limit, it had ample opportunity to seek a clarification from the Contracting Authority, which it failed to do so. However, from the objection itself, the reason for the Objector's lack of contestation, i.e. that it did not take note of such condition in the tender documentation before the submission. Besides the above, the 2-page limit was not obscured in one section or part of the tender, but features in multiple sections and parts!
- f) Furthermore, none of the other bidders for this call for tenders objected for being penalised for exceeding the 2-page limit, which appellant laments to have encountered.
- g) Indirectly, through its Objection, the Objector is seeking for the Contracting Authority to divert from the established selection and award criteria at post-submission stage.
- h) Throughout its entire evaluation process, the contracting authority and the evaluation board acted fairly and equally with all bidders, including during the requests for clarification stage. Therefore, the Contracting Authority's hands were tied. Ultimately, it was the responsibility of the objector to provide the correct documentation whilst adhering fully to the tender specifications and requirements.

This Board, after having examined the relevant documentation to this appeal and heard submissions made by all the interested parties including the testimony of the witnesses duly summoned, will consider now Appellant's grievances.

- a) **Deduction of marks for exceeding page limit** - From the outset, this Board will refer to the tender document, page 6, whereby it is very clearly and unambiguously stated *“In general, and/or where otherwise indicated, responses for each individual criteria listed below shall be in write-up form, circa one (1) page long **and in any case shall not exceed two (2) pages.**”* (bold & underline emphasis added)

It is being deemed necessary to start ‘analysing’ this grievance, since in eight out of the nine criteria whereby the appellant was deemed non-compliant, this issue / matter of exceeding the established page limit is omnipresent.

This statement is also present and repeated in other parts of the tender dossier relevant to sections for which the appellant received ‘0’ marks and was therefore deemed non-compliant. It is also pertinent to note that this ‘statement’ is listed at the very top part of the evaluation grid in paragraph 6 – Criteria for Award – Section 1 of the tender dossier, and also specifically for part ‘B’ of the grid whereby the tender goes into so much detail that it also specifies the spacing and font size to be used, apart from repeating that “... *in any case shall not exceed two (2) pages...*”

Therefore, this Board is at a complete loss when the Appellant states “*Moreover, the attention of the Board is being brought to the fact that nowhere in the tender document or the tender structure on any aspect of this tender was it indicated that marks will be deducted if the two page limit (sic).*”

b) **Specific criteria evaluation –**

- i. Criteria B (i) 3 – from a review of the submission of the appellant it transpires that the bid did not make reference to the tender requirements of rosters prepared in advance. This is also evident from the appellant’s objection letter. Such information is nowhere to be seen.
- ii. Criteria B (i) 4 – again, from a review of the original submission, the response did not include specific reference to the timekeeping and punctuality policy in place. The appellant’s submission was in the Evaluation Committee’s point of view, which is also the opinion of this Board, that it was done on a generic basis. This is also evident from the non-relevant information which is included, such as the pick-up points from Marsa etc, when this is a tender for services to be provided in Gozo!
- iii. Criteria B (ii) 2 & 3 – from a review of the original submission, no specific details were provided as to what the evaluation grid required.
- iv. Criteria B (iii) 1 – for this criterion, the appellant provided information on what the employees are ‘expected’ to do and know. What the tender required, was specific information on how the employees are to be trained on the Practice of Waste Management. Similar to other criteria, the submission is of a generic nature and fails to satisfy the requirements of the tender.
- v. Criteria B (iv) 2, B (v) 1, 2 & 3 and B (vi) 3 – similar to other points above, the submission was of a generic nature and failed to go into the specific details which the evaluation grid required.

This Board opines that the conclusions reached by the Evaluation Committee are all in line with major principles of public procurement. The element of ‘leeway’ afforded to the Evaluation Committee was exercised in a diligent manner and nowhere did doubts arise that the evaluation committee acted in a dis-proportionate way.

When considering all of the above, this Board does not uphold Appellant's grievances.

The Board,

Having evaluated all the above and based on the above considerations, concludes and decides:

- a) Does not uphold Appellant's Letter of Objection and contentions,
- b) Upholds the Contracting Authority's decision in the recommendation for the award of the tender,
- c) Directs that the deposit paid by Appellant not to be reimbursed.

Mr Kenneth Swain
Chairman

Mr Richard Matrenza
Member

Ms Stephanie Scicluna Laiviera
Member