

PUBLIC CONTRACTS APPEALS BOARD

Case 108 and Case 109

**CT 2099/2006; Advert Notice CT 166/2006; MTA 005/2006
Tender for Chauffeur Driven Transportation Services in Malta and Gozo for a
period of 2 years**

Addendum

Appeal lodged by Zarb Coaches Ltd

Further to the decision dated 17 August 2007 which was referred to the Director General (Contracts) for publication, on the 25 October 2007 the PCAB has received a letter from the latter which, *inter alia*, specified that:

'The General Contracts Committee has invited the Adjudication Board which had recommended that the offer of Zarb Coaches in respect of the Malta contract can be accepted. Two members attended the meeting accompanied by Mr Patrick Attard, Procurement Manager at the Malta Tourism Authority.

The members of the Adjudication Board have confirmed that the rates of similar services in the local market were obtained through confidential/commercial information.'

In the circumstances, the Board feels that the decision taken by the Malta Tourism Authority to change the first decision not to recommend the award of the tender for the provision of chauffeur driven transportation services in Malta to Zarb Coaches Ltd into a recommendation to award the tender to the said company was not based on sufficiently transparent criteria and therefore this Board agrees with the General Contracts Committee's decision to cancel the tender and issue a fresh call.

As a result of the above and other points referred to in our above-mentioned decision, this Board feels that the appeal lodged by the company was not sufficiently well grounded and recommends that the deposit submitted by the appellants in terms of regulation 83, should not be refunded.

Alfred R Triganza
Chairman

Anthony Pavia
Member

Edwin Muscat
Member

19 November 2007