PUBLIC CONTRACTS REVIEW BOARD

Case No. 724

MHAS 92/2014

Tender for the Supply, Installation, Testing and Commissioning of ELV Systems at the New Police Academy Dormitory Building

The call was published on the 16th May 2014. The closing date was the 2nd June 2014.

The estimated value of the tender was €21,000 (Exclusive of VAT)

Five (5) offers had been received for this tender.

On the 17th July 2014 G4S (Malta) Security Services Limited had filed an objection against the disqualification of their offer.

The Public Contracts Review Board composed of Dr Anthony Cassar (Chairman), Dr Charles Cassar and Mr Lawrence Ancilleri as members convened a hearing on Monday the 28th July 2014 to discuss the objection.

Present for the hearing were:

G4S Security Services Limited - Appellant

Mr Eder Catania	Representative
Dr Jonathan Di Maria	Legal Representative

Alberta Fire & Security Services Limited - Preferred Bidder

Mr Chris Cutajar	Representative
Mr Karim Cassar	Representative

Ministry for Home Affairs & National Security - Contracting Authority

Mr Charles Lia	Chairperson Evaluation Board
Mr Stefan Vassallo	Secretary Evaluation Board
Mr Antoine Mallia	Member Evaluation Board
Mr Edward Magro	Representative

The Chairman in making his introduction explained that the contracting authority had filed a letter on the 23rd July 2014 explaining that a reply to a clarification question given by the contracting authority could have led to different interpretations. The contracting authority had also recognized the fact that the said clarification note, dated 27th May 2014 could have misled the appellant, thus leading to his incorrect submission. The contracting authority also recommended that the appellant's tender should be re-instated and that the evaluation process be completed again.

The Chairman ordered that a copy of the letter in question be given to the appellant at the hearing and remarked that the Board would be deciding the case on the recommendations made by the contracting authority.

At this point the hearing was closed.

This Board,

Having noted the Appellant's objection, in terms of the 'Letter of Objection' dated 17th July 2014 and also through Appellant's verbal submissions during the hearing held on 28th July 2014, had objected to the decision taken by the pertinent Authority.

Reached the following conclusion:

This Board notes that although the Appellant Company did not state the reasons for the objection in its letter dated 17th July 2014, the Contracting Authority confirmed that through a letter dated 23rd May 2014 filed by same, replying to clarifications, the Appellant could have been mislead by the reply given by the Contracting Authority.

The Contracting Authority recommends that the Evaluation process be re-assessed. This Board upholds the Contracting Authority's recommendation and recommends that:

i) The Appellant's offer be reintegrated in the Evaluation process.

ii) The deposit paid by the Appellant Company be reimbursed.

Dr. Anthony Cassar Chairman	Dr. Charles Cassar Member	Mr. Lawrence Ancillieri Member

28th August 2014