

PUBLIC CONTRACTS REVIEW BOARD

Case No. 816

QLC PC 49/15

Tender for the Cleaning and Attendance of Public Conveniences.

The tender was published on the 12th January 2015. The closing date was the 13th February 2015. The estimated value of tender is €14,467.64 (Exclusive of VAT).

Four (4) offers had been received for this tender.

On the 3rd March 2015 Ms Roberta Mifsud filed an objection against the decision of the Contracting Authority to reject her tender.

The Public Contracts Review Board composed of Dr Anthony Cassar (Chairman), Dr Charles Cassar and Mr Lawrence Ancilleri as members convened a hearing on Tuesday 9th June 2015 to discuss the objection.

Present for the hearing were:

Ms Roberta Mifsud:

Ms Roberta Mifsud	Representative
Dr Christopher Chircop	Legal Representative
Dr Franco Galea	Legal Representative

Mr Clayton D' Amato:

Mr Clayton D' Amato	Representative
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Mr Brian Borg:

Mr Brian Borg	Representative
Dr Joe Zammit	Legal Representative

Qrendi Local Council:

Mr David Schembri	Mayor
Mr Christopher Falzon	Executive Secretary
Dr Joseph Sammut	Legal Representative

The Chairman made a brief introduction wherein he remarked that the tender had not been awarded and the Board could not hear an objection when the tender was not yet awarded.

Dr Franco Galea on behalf of the appellant explained that although the tender was not awarded, his client had received a notice from the Contracting Authority stating that her offer was rejected. He had to submit a letter of objection because the time limit to do so lapsed after 5 working days.

Dr Joseph Sammut on behalf of the Contracting Authority explained that the evaluators had made a short listing of the bidders. The unsuccessful ones were informed that they were not successful. Since the appellant filed a letter of objection, the Contracting Authority had stopped all action on the tender, and the adjudication process was not yet concluded.

The Chairman explained that after the eventual award, the Contracting Authority would have to re-notify the appellant again and appellant would then have the right to file an objection.

Dr Franco Galea on behalf of the appellant said that in view of the declaration made by the Contracting Authority today, that the tender has not been awarded, his client was withdrawing the letter of objection, saving the right to be notified again when a final decision was made.

At this point the hearing was concluded.

This Board,

After having taken into consideration the state of events of this appeal and after having considered the declaration made by the Contracting Authority that the adjudicating process was not as yet concluded, opines that:

- 1. This Board is not in a position to hear the appeal as the tender was not yet awarded;**
- 2. Due to the fact that the Appellant is withdrawing his appeal following declarations made by the Contracting Authority, this Board opines that the deposit paid by the Appellant should be reimbursed;**
- 3. This Board acknowledges that the Contracting Authority has the obligation to inform all bidders of the award once the decision is taken by the same.**

Dr. Anthony Cassar
Chairman

Dr. Charles Cassar
Member

Mr. Lawrence Ancillieri
Member

15 June 2015