

## **PUBLIC CONTRACTS REVIEW BOARD**

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**Reply to an application with respect to Case 1181 – Objection CT 2039/2017 – Refurbishment and Upgrading Works (Phase 2) at Deep Water Quay, Marsa**

**This Board acknowledges receipt of a joint application made by Transport Malta and the Director of Contracts relating to this Board’s decision on Case No 1181 relating to Tender of Reference CT 2039/2017, being tender for the refurbishment and upgrading works (phase 2) at the Deep Water Quay, Marsa.**

**Whereas**

**Transport Malta and the Director of Contracts requests this Board to explain its decision taken on the 10<sup>th</sup> August 2018 with respect to this case and inform both Transport Malta and the Director of Contracts, as to the procedure to be adopted for the commencement of a “*negotiated procedure*”, as duly instructed by the Public Contracts Review Board, whilst the same Board takes into consideration adherence to article 151 of the Public Procurement Regulations.**

**This Board, after having examined both the recourse by Transport Malta and the Director of Contracts as well as the reply by Bezzina Maritime Services Limited, observes that in relation to circumstances applicable to this particular case, article 151 of the Public Procurement Regulations does not require the cancellation of the tender in order to proceed with a “*negotiated procedure*” evaluation process. In this respect this Board confirms its decision and the implementation thereof, in its entire contents and form.**

Dr Anthony Cassar  
Chairman

Mr Lawrence Ancilleri  
Member

Mr Carmel Esposito  
Member

*27<sup>h</sup> September 2018*