

## **PUBLIC CONTRACTS REVIEW BOARD**

### **Case 1183 – CFQ 019-2030 - 18 –Call for Quotations for the Supply of Couch Rolls to cover Medical Couches.**

The publication date of the call for tenders was the 21<sup>st</sup> May 2018 whilst the closing date of the call for tenders was the 28<sup>th</sup> May 2018. The estimated value of the tender (exclusive of VAT) was € 9,999.

There were nine (9) bidders.

W J Parnis England Ltd filed an appeal on 1<sup>st</sup> June 2018 against the Contracting Authority's decision to disqualify their bid on the grounds that a cheaper technically compliant offer had been received. A deposit of € 400 was paid.

On 26th June 2018 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Mr Carmel Esposito and Mr Richard A Matrenza as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

#### **Appellant – W J Parnis England Ltd**

Dr Matthew Cutajar	Legal Representative
Mr Robin Parnis England	Representative

#### **Recommended Bidder – Karta Converters Ltd**

Dr Frank Testa	Legal Representative
Mr Mark Micallef	Representative

#### **Contracting Authority – Central Procurement and Supplies Unit – Health**

Dr Marco Woods	Legal Representative
Mr Joseph Chircop	Chairperson Evaluation Committee
Mr Mark Zammit	Representative

The Chairman of the Public Contracts Review Board, Dr Anthony Cassar, invited Appellants to make their submissions.

Dr Matthew Cutajar, Legal Representative of W J Parnis Ltd, stated that his clients had appealed since they had submitted a cheaper technical offer. When the CPSU replied to their objection it resulted that their offer was technically non-compliant. They therefore wished to withdraw the appeal and requested the Board to refund the deposit paid.

The Chairman thanked Dr Cutajar for his submissions and declared the hearing closed.

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**This Board,**

**Having noted this Objection filed by WJ Parnis England Limited, (hereinafter referred to as the Appellants) on 1 June 2018, refers to the contentions made by the same Appellants with regards to the award of Tender of Reference CFQ 019-2030-18 listed as Case No 1183 in the records of the Public Contracts Review Board, awarded by the Central Procurement and Supplies Unit, (hereinafter referred to as the Contracting Authority).**

**Appearing for the Appellants: Dr Matthew Cutajar**

**Appearing for the Contracting Authority: Dr Marco Woods.**

**Whereby, the Appellants contend that:**

- a) **Their offer was the cheapest. In this regard, the Appellants' offer stipulated € 2.71 per pack of 68 metre roll, representing € 0.040 per metre, which is clearly cheaper than the Preferred Bidder's offer.**

**This Board also noted the Contracting Authority's "*Letter of Reply*" dated 11 June 2018 and its verbal submissions during the Public Hearing held on 26 June 2018, in that:**

- a) **The Central Procurement and Supplies Unit maintains that the Appellants' submission was technically non-compliant.**

**During the Public Hearing, this Board was informed by the Appellants that through the "*Reasoned Letter of Reply*", sent by the Contracting Authority, the latter indicated that their offer was technically non-compliant and in this respect, the Appellants are withdrawing their objection.**

**In view of the above, this Board,**

**a) Upholds the decision taken by the Central Procurement and Supplies Unit in the award of the Tender;**

**b) Recommends that the deposit paid by the Appellants is to be fully refunded.**

Dr Anthony J Cassar  
Chairman

Mr Carmel Esposito  
Member

Mr Richard A Matrenza  
Member

*5<sup>th</sup> July 2018*