#### PUBLIC CONTRACTS REVIEW BOARD

Case 1190 – CT 3063/2018 - Tender for the Supply, Delivery, Installation and full Commissioning of a CCTV Network for Transport Malta, ERDF.07.0091

# Remedies before the Closing Date of a Call for Competition

The publication date of the call for tenders was the  $22^{nd}$  April 2018 whilst the closing date of the call for tenders has been extended to the 19th July 2018. The estimated value of the tender (exclusive of VAT) was  $\in$  2,585,995.80.

On the  $11^{th}$  June 2018, G4 Security Services Malta Ltd filed a Call for Remedies before the Closing Date of the Competition against Transport Malta. .

On 19<sup>th</sup> July 2018 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Dr Charles Cassar and Mr Carmel Esposito as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

## **Appellant – G4S Security Services Malta Ltd**

Mr Eder Catania Representative

#### **Contracting Authority – Transport Malta**

Mr Victor Battistino Representative
Ms Liz Markham Representative

### **Department of Contracts**

Dr Christopher Mizzi Legal Representative

The Chairman of the Public Contracts Review Board, Dr Anthony Cassar, welcomed the parties

and invited submissions.

Mr Eder Catania, Representative of G4S Security Services Malta Ltd said that his Company was

seeking a remedy as the financial offer in the tender was very unclear especially as to the types of cameras required. The subsequent clarifications were also not clear and the specifications of

the cameras were unnecessarily detailed to the extent that they were only applicable to one brand

of camera.

Dr Christopher Mizzi, Legal Representative of the Department of Contracts stated that the

technical issues were being reconsidered and requested the withdrawal of the tender.

The Chairman thanked both parties and declared the hearing closed.

This Board,

Having noted this Call for Remedies filed by G4S Security Services Malta

Limited, (hereinafter also referred to as the Appellants), prior to the Closing

Date for the Call of Competition on 12 June 2018, which refers to the

contentions made by the same Appellants with regards to the Tender of

reference CT 3063/2018 listed as Case No 1190 in the records of the Public

Contracts Review Board issued by Transport Malta, (hereinafter also

referred to the Contracting Authority).

**Appearing for the Appellants: Mr Eder Catania** 

Appearing for the Contracting Authority: Dr Christopher Mizzi.

# Whereby the Appellants contend that:

a) The Tender Specifications are based on one particular type of brand.

In this regard, the Appellants are requesting that the Technical Specifications are to be more generic so as to allow fair competition.

This Board also noted the Contracting Authority's "Reasoned Letter of Reply" dated 16 July 2018 and its verbal submissions during the Public Hearing which was held on 19 July 2018, in that:

a) The Contracting Authority, through their "Reasoned Letter of Reply" dated 16 July 2018 requested the Public Contracts Review Board permission to withdraw the Tender, so that the Appellants' concerns will be addressed in a new Tender.

Through the submissions made by Transport Malta, this Board was made aware that the latter is withdrawing the Tender so that the concerns raised by G4S Security Services Malta Limited will be fully addressed.

In this regard, this Board would respectfully point out that, the Technical Specifications should be clear and easy to understand, apart from the fact that they should be formulated so as not to limit the scope of competition.

In view of the above, this Board:

- i) Upholds Transport Malta's proposal to withdraw the Tender;
- ii) Recommends that the Technical Specifications of the new Tender should be formulated in such a manner so as not to restrict competition.

Dr Anthony Cassar Chairman Dr Charles Cassar Member Mr Carmel Esposito Member

26<sup>th</sup> July 2018