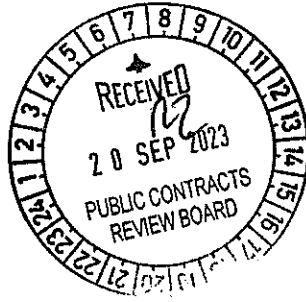


The Secretary  
Public Contracts Review Board



19<sup>th</sup> September 2023

**SPD 6/2023/020 - Tender for the supply and installation of electric vehicle chargers for MPWP.**

The appellant, Raymond Vella & Co. Ltd., has submitted an objection on the 9<sup>th</sup> September 2023 contending that the reason for rejection issued by the Contracting Authority rendering the bid non-compliant is not valid.

The Contracting Authority has deemed the bid in question as technically non-compliant since the appellant did not fully corroborate the Technical Offer with the technical literature.

As the technical literature submitted by the appellant had various specifications which were not clear or missing, the Contracting Authority sent a rectification letter on the 11<sup>th</sup> July 2023 for the appellant to confirm such issues.

Although the appellant simply confirmed the required items with an affirmative reply, he still failed to submit the technical literature supporting his confirmed items and thus he was in breach of Section 5(C)(ii) in providing a complete literature to corroborate a fully compliant technical offer as per rule 16.3 of the General Rules Governing Tenders. The appellant was clearly aware of this requirement as Section 5(C)(ii) was quoted in his reasoned letter of objection.

The Contracting Authority further contends that the appellant's statement in the reasoned letter of objection at paragraph 2.3 is not correct. If the appellant had provided all the requested information in the submitted offer, the Contracting Authority would not have had the need to send a rectification letter. As for paragraph 2.5, the Contracting Authority never requested any information that went beyond the tender document requirements. The scope of the rectification was to confirm the corroboration of the technical literature with the technical questionnaire submitted by appellant.

The Contracting Authority sent the rectification to give a further opportunity to the appellant to clarify and rectify the missing information in the technical literature and thus the Contracting Authority is also rebutting the argument made by the appellant in paragraph 2.6. The Contracting Authority was always in line with the evaluation rules since the rectification was in line with the conditions pertaining to the rule of an item classified as note 2.

Thus the Contracting Authority re-iterates that its decision was correct since the appellant, although replying to the rectification letter, still failed to present sufficient technical literature to have a fully corroborated and compliant technical offer. Such is confirmed by the appellant as in his submissions he is asking for the continuation of the technical evaluation of his bid and to make any additional clarifications or rectifications if necessary.

Thus, the Contracting Authority is respectfully requesting the Public Contracts Review Board to confirm its decision.

A handwritten signature in black ink, appearing to read 'Ing. Conrad Casha', with a large, sweeping flourish at the end.

Ing. Conrad Casha.

o.b.o

The Contracting Authority