

DR JOHN L GAUCI  
& ASSOCIATES



20th September 2023

Public Contracts Review Board  
Notre Dame Ditch  
Floriana

**Reasoned Reply to Objection filed by Mr Alistair Ciantar acting for iAutomate (Malta) Ltd in relation to WSC/T/44/2023 - Supply, Delivery and Commissioning of Oil Free Compressors to the Water Services Corporation**

I am writing on behalf of the Water Services Corporation (WSC) in response to the objection filed by Mr. Alistair Ciantar on behalf of iAutomate (Malta) Ltd regarding tender WSC/T/44/2023 (hereinafter 'the Objection').

First and foremost, we would like to bring to your attention that the Objection does not comply with the detailed reasoning requirements as stipulated by law, specifically Regulation 270 of the Public Contracts Regulations. This regulation explicitly states that any objector must submit their objection to the Public Contracts Review Board in a very clear manner, providing detailed reasons for their complaints.

Additionally, the objection in question does not contain the required appeal demands as mandated by procedural law. It is essential that objections not only state grievances but also outline the specific relief or remedy sought by the objector in accordance with the procedural requirements.

Given these substantial shortcomings in the objection's content and in adherence to the legal framework governing public procurement, we kindly request that the Public Contracts Review Board carefully consider the objection's compliance with the legal requirements as it proceeds with its review.

Nevertheless, we would like to reiterate our response to the substantive issue raised in the objection. The specific concern raised in the objection pertains to Section 2.5 of the tender specifications, which stipulates the requirement for the compressed air to be cooled by a refrigerant dryer integrated on the same frame of the compressor, appropriately sized to cater for the maximum flow of the compressor under specified conditions. It has been alleged that Alup, the manufacturer represented by Proenergy Solutions (hereinafter 'the Recommended Bidder'), does not manufacture this type of configuration.

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In response to this concern, we refer to the Technical Questionnaire submitted by the Recommended Bidder as part of their tender submission. In this questionnaire, it was explicitly confirmed that the compressed air shall indeed be cooled by a refrigerant dryer integrated on the same frame of the compressor. Furthermore, the literature submitted by the Recommended Bidder, corroborated with the requirements outlined in clause 2.5 of the tender specifications, as detailed in the Data Sheet attached to their submission.

The Water Services Corporation reserves the right to submit further evidence and witnesses at the hearing of the objection, if deemed necessary.

In conclusion, we respectfully request the Public Contracts Review Board to dismiss this objection and confirm the appealed decision. Additionally, we request this Board to recommend that the deposit paid by the Objector should not be reimbursed in accordance with the applicable regulations.

  
Dr. John L. Gauci LL.D