



Public Contract Review Board,
Notre Dame Ditch,
Floriana

22nd September 2023

Reasoned Letter of Reply

Dear Board Members,

Re: SPD 1/2023/036

Tender for the general maintenance to façade and roofs of block D, F, and J with painting works which maximise the lifespan of the paint whilst minimising associated environmental impacts – Lot 3 General Maintenance of Façade Block J

We write on behalf of MCAST of Triq Kordin Paola and make reference to the objection letter filed by George Vella (I.D 0388191M) regarding the tender in question.

We cordially submit that the objection letter filed by George Vella (I.D 0388191M) (from here on referred to as ‘the appellant’) is unfounded both in fact and at law due to the following reasons:

1. That by way of introduction, one of the requirements each tenderer had to input and reference in the Technical offer form, is the name of the product which was going to be utilised for the project, whilst making reference to the technical literature submitted with the offer, as evident in the last column highlighted in yellow of the below snippet of the technical form:

Item reference in Section 3 - the Specifications Section	Description of required item/specifications	Declare Yes / No where indicated OR insert the description (specifications) of the item being offered	Reference in the technical literature where this is being stated/shown (if applicable)
	<p>Preamble</p> <p>The items in this bill and the amounts shown apply to the whole of the Works carried out under this Contract.</p>		

2. That the appellant left various rows/columns of the above mentioned requirement without an answer and therefore failing to indicate which product he was going to use. The below extract of the appellant's technical offer form which was submitted is self-explanatory whereby the appellant did not specify in the yellow highlighted area, what stabilising solution he was proposing to use, which stabilising solution had to meet the specifications in the tender:

Remedial Woks of Façades			
Stabilizing Solution			
2.01	Supply and apply two (2) coats of stabilising solution as required for surfaces. All surfaces must be sound, clean, suitably dry and free from anything that will interfere with the adhesion of the materials to be applied.	[YES]	
2.02	Identify existing defected areas and treat as follows: The rate shall include (but not limited to) the following works:	[YES]	

3. That the above shortcoming is a technical fault by the appellant which therefore rendered the appellant technically non-compliant since as explained above, the appellant had failed to input in the technical offer form, the brand name of the paint/product he would be using during the execution of the works, which information is vital for this tender. The same shortcomings in the technical form is also repeated in item reference 2.04 and 3.01. As established in the proviso of Article 5(c)(i) of Section 1 of the tender document:

“all technical criteria listed in the technical offer form are of a mandatory nature and thus failure to complete even a single item will disqualify the submitted offer”

4. Bearing the technical offer form falls under NOTE 3, whereby no rectification shall be allowed to the form, the evaluation committee had to decide on the form as submitted by the appellant, which consequently is incomplete which ultimately renders the appellant non-compliant.

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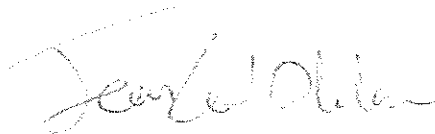
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5. That although the award criteria is based on the cheapest offer, the tenderer must firstly be technically compliant, whereby the requested information and documentation is submitted correctly as requested, as clearly defined in Article 6 of Section 1 of the tender document. Therefore, the appellant's argument that he should be awarded the tender since his offer was the cheapest, without being compliant, is incorrect and inadmissible in this regard. Therefore, the decision taken to disqualify and declare the tenderer non-compliant is correct.

Therefore, this Honourable Board is humbly requested to reject the request made by George Vella (I.D 0388191M) through his objection letter for the above stated reasons and confirm the decision taken by the Departmental Contracts Committee in which the tenderer qua appellant was declared technically non-compliant for the tender having reference SPD 1/2023/036.

Yours Faithfully,



Av. Jean Carl Abela