

PUBLIC CONTRACT REVIEW BOARD



4th September 2023

SPD 6/2023/007 - Tender in Lots for the Refurbishment Works at Gnién Dar il-Kaptan, Mtarfa using environmentally friendly materials – Re-Issue (Lot 1).

Mr. George Vella (holder of identity card number 0388191M) has submitted an objection on the 31st August 2023. The objector is contending that the reason for rejection issued by the Contracting Authority rendering the bidder non compliant is not valid.

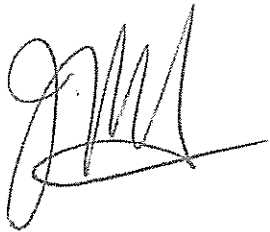
The Contracting Authority has deemed the bid in question as technically non compliant since the model offered by the appellant consisted in 4 burners and not 5 as requested in the tender documents. As per the attached document marked as Doc A, the model required had to be equipped with '5-Cast Iron porcelain coated burners'. This statement clearly means that the requirement is for 5 in number, cast iron porcelain coated burners. The Contracting Authority cannot comprehend the appellant's argumentation that the phrase 5-cast is meaningless. Notwithstanding the alleged issue of interpretation, the appellant had the opportunity to ask for a clarification on this issue. Since this was not done, the ordinary remedies available to him at that time were not exhausted.

As per the attached Doc B, the appellant submitted in his bid a BBQ 'Beef Eater -- Built-In BBQ 1500 Series 4 Burner.' The model given was a 4 Burner BBQ and clearly not a 5 burner as requested. The technical questionnaire is Note 3 and thus the Contracting Authority could not send a clarification on the subject matter. As a matter of fact, on a separate issue the Contracting Authority had sent a clarification to rectify the matter. Unfortunately this was not the case with the Note 3 technical questionnaire.

As stated in the appellant's objection '*Paragraph 6 (Criteria for Award) of Section 1 of the tender document states that the sole award criterion will be the price and that the tender would be awarded to the cheapest priced offer satisfying administrative and technical criteria.*' The

Contracting Authority is in full agreement with this statement and thus reiterates that the appellant was not awarded the tender since it did not satisfy the technical criteria.

With reference to the foregoing reasons, the Contracting Authority humbly requests the board to confirm the TEC's board decision dated 22nd August 2023.

A handwritten signature in black ink, appearing to be 'J. M. Grech', written in a cursive style.

Perit Joseph Borg Grech

o.b.o. The Contracting Authority

DOC 'A'

be exercised in setting out. All foul and surface water drains will be tested to 1.5 metre head of water. No drains are to be covered on or further proceeded with until such test is made and passed to the approval of the Architect in charge. The Contractor will be held responsible for all damage that may result and all expenses incurred due to noncompliance with the above mentioned test.

11 CUSTOM MADE BBQ BENCH

11.1 Custom BBQ bench is a hybrid construct of architectural terrazzo slabs as per specifications in Section B 3.2.1, hot-dipped galvanized as supporting steel structure, marine ply timber cabinets with iroko (natural varnish) cabinet doors, as per detailed design. Contractor shall make sure that the design detail included in the tender drawings can be provided including, play equipment set, 30 ltr water heater, pillar stainless steel water tap (fixed on bench top) and respecting the dimensions and form required.

The wash hand basin is to be seamlessly integrated with top bench using same terrazzo material. To include supply and fixing of bottle trap and waste with integrated pop-up system.

The Gas BBQ grill should be a built-in type affixed to the terrazzo bench top as indicated in drawings.

The Contractor shall be responsible to deliver, install and hand over the product in complete working/ functional condition.

11.2 Built in Gas BBQ set.

11.2.1 Specifications;

Stainless steel 304 Gauge 2mm

Minimum of 20 kHW cooking power.

5-Cast Iron porcelain coated burners.

Igniters.

Zinc/ metal knobs.

Solid stainless steel grates.

Heavy duty thermometer.

CE certified.

11.2.2 BBQ grill set warranty:

Cooking grates, Fire box and raising hood - 5 years.

Burners - 2years.

Doc 'B'

TECHNICAL OFFER QUESTIONNAIRE (Note 3)

Lot 1: General refurbishment works

Note: Where in this tender document a standard is quoted, it is to be understood that the Contracting Authority will accept equivalent standards. However, it will be the responsibility of the respective bidders, at tendering stage, to prove that the standards they quoted are equivalent to the standards requested by the Contracting Authority.

Bidders must include this form as their technical offer. This form is to be submitted online through the prescribed tender response format and by using the Tender Preparation Tool provided.

The technical offer falls under Note 3, thus, the information/technical specifications provided in the below table shall not be subject to rectifications. Therefore, bidders that fail to complete in full, submit and upload the requested information will be deemed as non-compliant and will result in disqualification of their offer.

It is to be noted that the manufacturer/brand and model number cannot be changed at any stage (during and after evaluation of the offer).

The items being offered in the technical offer must be in conformity with the specifications requested under Section 3 - Technical Specifications and/or the Bills of Quantities and/or any Drawings issued.

Moreover, for the item offered, the respective supporting documents and/or printed manufacturer's technical literature shall be submitted at tendering stage so as to supplement the technical offer submitted.

Item No.	Description	Reference in Technical Specifications (Section 3 of Tender document)	Bidders are to mark the word YES or the word NO in this column to confirm compliance with specifications.	Bidders are to insert the Model / Catalogue No of the items being offered (as part of their technical offer Note 3). These are to be inserted next to each item in the space provided below.
A	Lot 1			
A1	Is the Gas BBQ set according to specifications?	Section B- Clause 11.2.1	YES	Beef Eater - Built-in BBQ 1500 Series 4 Burner

A 'NO' answer to the above will lead to Non-Compliance