

**Public Contracts Review Board
Department of Contracts
Notre Dame Ravelin
Floriana VLT 2000**



27th November 2023

Dear Sirs,

Quote for the removal, lifting on hard at temporary storage of M/Y Pathfinder with Reference Number TM Quote 039/2023 (the "Tender")

Reply to an appeal filed by Sammut Marine Limited (C-82608) in terms of Regulation 270 of the Public Procurement Regulations.

At the outset the Contracting authority wishes to indicate that it will be proceeding with the **cancellation of the procedure**.

The cancellation of the procedure shall be proceeded with on the basis that:

- (i) the economic or technical parameters of the project have been altered and
- (ii) there are exceptional circumstances or force majeure render normal performance of the project impossible.

The lapse of time and recent bad weather has placed the vessel Pathfinder in an immediate state of danger as assessed by the technical arm of Transport Malta. It is reported in fact that the situation onboard the vessel deteriorated further and water ingress has increased due to damages within the hull and also holes in the deck. Winter is now on us and the Authority is expecting further bouts of stormy weather in the coming days. Arrangements are being made for the emergency salvage of the vessel. In the event that the vessel were to sink the risk of environmental and other damage will be greater and any potential recovery will correspondingly diminish. The wreck could also pose a risk to navigation. TM assesses that the cost for actually recovering the M/Y Pathfinder will increase leading to costs not foreseen by the call for quotes.

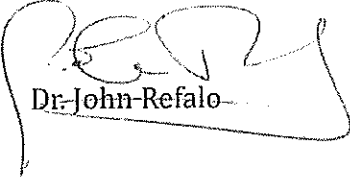
The contracting Authority will therefore proceed to issue a cancellation notice according to law which will be notified to all the interested parties.



For these reasons the Authority will not comment on the merits of the Appeal, which has been superseded by events. In the circumstances the Authority will not object to the refund of the fees of the appeal to appellant.

I remain

Yours



Dr. John Refalo