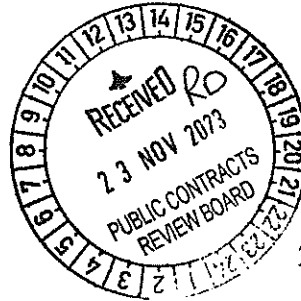




The Secretary  
The Public Contracts Review Board  
Notre Dame Ravelin  
Floriana  
[info.pcrb@gov.mt](mailto:info.pcrb@gov.mt)



23<sup>rd</sup> November 2023

Dear Sir,

**NP14/2023 - Negotiated Procedure for the Supply, Delivery and Distribution of Incontinence Products for Senior Citizens and Persons with Disabilities in Malta**

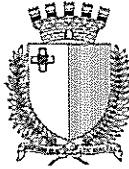
Reasoned letter of reply of the Department of Contracts (the DoC) to the reasoned letter of objection of Krypton Chemists Limited (C8933) (the appellant)

Whereas:

1. The appellant filed a reasoned letter of objection (the objection) on the 13<sup>th</sup> November 2023 based on four grievances:  
(i) the contracting authority could not award the negotiated procedure to the incumbent contractor, (ii) the contracting authority has used the VEAT notice mandatorily required by law and (iii) that the Contracting Authority has not disclosed the requested information; (iv) the Contracting Authority should procure from multiple suppliers;
2. The appellant has stated that the Active Ageing and Community Care (the Contracting Authority) has awarded a public contract to Messrs. Pharma Cos Limited and provided a document where the Contracting Authority informs that a recommendation for award dated 2<sup>nd</sup> November 2023 where it had been stated that Messrs. Pharma-Cos Limited had been recommended for award;
3. The appellant has also stated that it had requested the Contracting Authority to disclose information and that it had to resort to the reasoned letter of objection to request the Public Contracts Review Board to disclose information.
4. The DoC acknowledges that there have been references stated in the reasoned letter of objection to the same DoC.
5. Whilst the DoC submits that it is not the legitimate defendant, it shall be making submissions regarding the grounds of appeal made by the appellant;
6. The DoC submits that the call for tenders has not been published by the Department of Contracts and therefore, it is the Contracting Authority that is to provide its reasoned letter of reply in terms of regulation 276(c) of the Public Procurement Regulations, 2016.
7. The Contracting Authority has filed its reasoned letter of reply on the 22<sup>nd</sup> November 2023.

Therefore, the DoC requests that the Public Contracts Review Board is to declare the Department of Contracts as not being the legitimate defendant in these proceedings.

DIPARTIMENT TAL-KUNTRATTI  
Notre Dame Ravelin  
Floriana FRN 1600 – MALTA



DEPARTMENT OF CONTRACTS  
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Floriana FRN 1600 – MALTA

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website: [www.contracts.gov.mt](http://www.contracts.gov.mt)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'M. Debono', written over a horizontal line.

**Av. Mark Anthony Debono**  
Junior Legal Officer  
Department of Contracts  
Notre Dame Ravelin  
Floriana  
[mark-anthony.debono.1@gov.mt](mailto:mark-anthony.debono.1@gov.mt)