



6 ta' Dicembru 2023

Segretarju tal-Bord,
Bord ta' Revizjoni dwar il-Kuntratti Pubblici,
Notre Dame Ditch,
Floriana.

Ittra ta' Oggezzjoni ta' Irrecs Ltd dwar is-sejha bl-isem *Timber Beams Restoration works at Esplora Main Building – Optics Area using Environmentally Friendly Materials* (SPD1/2023/097)

Bil-prezenti, Irrecs Ltd (minn hawn 'il quddiem "Irrecs") qed tilmenta ai termini tal-ligi mid-decizjoni tal-Awtorita' Kontraenti kif komunikat lilha bl-ittra tal-1 ta' Dicembru 2023

F'din id-decizjoni, l-Awtorita' Kontraenti ddecidiet li Irrecs ma kinitx *technically compliant* peress li "*for the two GPP Criteria mentioned above, your company submitted a self-declaration claiming that the products offered have the EU eco label, however no actual attestation of this was provided*".

Id-decizjoni tal-Awtorita' Kontraenti hija legalment infondata.

Dis-sejha kienet "*price based*". A skans ta' elucidazzjonijiet inutli, m'hemmx dubju li kulhadd jaqbel li gjaladarba l-uniku kriterju huwa l-prezz, il-kundizzjonijiet amministrattivi u teknici ghandhom ikunu dawk biss li jintalbu fis-sejha – minghajr ebda 'lee-way' moghtija mill-Awtorita' Kontraenti sabiex tqis dawk il-kundizzjonijiet.

Ghaz-zewg specifications indikati mill-Awtorita' Kontraenti fl-ittra taghha tal-1 ta' Dicembru 2023, jinghad hekk:

"Products which have been awarded the EU Ecolabel for paints and varnishes, as established in Commission Decision (EU) 2014/312/EU are deemed to comply."

Dan it-test jidher fuq pagni 41 u 42 tat-tender document f' sezzjonijiet 3.1.5 u 3.1.6.

A handwritten signature in black ink, appearing to be the name of the signatory.

La darba d-Dokument tas-Sejha ma kienx jitlob is-sottomissjoni ta' xi dokument ghal dan l-iskop, fil-qafas tal-principju ta' *self-limitation* tal-Awtorita' Kontraenti, *self-declaration* kellha tibbasta biex wiehed jitqies technically compliant.

Sitwazzjoni simili gja' giet deciza mill-Qorti tal-Appell fis-sentenza **Executive Security Services Ltd vs Agenzija ghas-Sistema ta' Infurzar Lokali et** (Appell Numru 221/2022) deciz fis-26 ta' Ottubru 2022 fejn, f'dak l-appell, l-Awtorita' Kontraenti kienet allegat li *self-declaration* ma kinitx tibbasta, izda kien hemm bzonn li din tigi attestata – f'dak il-kaz – b'firma. Il-Qorti tal-Appell irrifjutat bil-qawwa l-posizzjoni tal-Awtorita' Kontraenti.

L-istess, ghalhekk, jghodd f'dan il-kaz.

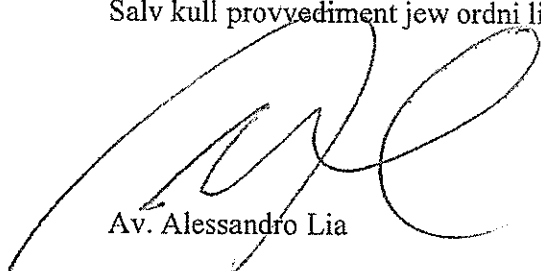
F'kull kaz, u minghajr pregudizzju, l-esponenti tirrileva li d-decizjoni, u/jew l-evalwazzjoni tal-Awtorita' Kontraenti hija zbaljata u/jew infondata, anke ghal dak li ghandu x'jaqsam mal-evalwazzjoni li hija ghamlet fir-rigward ta' AXD Co. Ltd u ghalhekk ghandha tigi revokata.

TALBA

Ghaldaqstant, ghar-ragunijiet premissi u ai termini tal-ligi, Irrecs Ltd titlob bir-rispett li dan il-Bord joghbu:

- (i) jiehu mizuri temporanji sabiex jipprevejeni milli ssir aktar hsara partikolarment, fost ohrajn billi jordna s-sospensjoni tad-decizjoni tal-Awtorita' ghall-ghoti tal-kuntratt lil AXD Co. Ltd.
- (ii) jiddikjara li r-ragunijiet moghtija mill-Awtorita' Kontraenti, kif komunikati lill-esponenti fl-ittra tal-1 ta' Dicembru 2023, ghall-iskwalifika tal-istess appellanti huma infondati kif hawn fuq spjegat;
- (iii) konsegwentement, jordna li tigi mwarra d-decizjoni li biha l-Awtorita' rakkomandat lil AXD Co. Ltd wahedha bhala l-ahjar offerenti;
- (iv) jordna li l-offerta ta' Irrecs Ltd ghandha terga tigi reintegrata fil-process tal-ghazla u jordna lill-Awtorita' Kontraenti sabiex issir evalwazzjoni mill-gdid tal-offerti, fosthom billi jinhatar kumitat evalwattiv gdid.

Salv kull provvediment jew ordni li dan il-Bord jidhirli xieraq u opportun.


Av. Alessandro Lia



Bank of Valletta p.l.c
Registration Number: C 2833
Registered Office: 59 Zachary Street, Valletta VLT 1130 - Malta

Pay third party

Printed by: Mr. Frank Charles Xem
Printed on: 06/12/2023 - 18:53
Document ID: 18344653

Transaction details

Beneficiary name: Cashier Malta Government

Relation: Professional Service

Reason: Other

Payment details: Objection Deposit for SPD12023097

Currency: EUR - Euro

Beneficiary IBAN/Account: MT55MALT011000040001EURCMG5001H

Beneficiary IBAN/Account type: Valid IBAN of country - Malta

Bank name: Other bank

Bank address / Bank's BIC: Insert the beneficiary bank BIC manually

Bank's BIC: MALTMTMT

Beneficiary address: No

From account: IRRECS QID (EUR) 4002408629 3

Charges should be paid by: Shared - I pay BOV charges, Cashier Malta Government pays the beneficiary bank charges

Amount: EUR 729.00

BOV to transfer the money: as soon as possible

Receiving bank to get the money as: normal priority payment

Saved template: no

Additional information

Credit amount: EUR 729.00

Debited amount (excluding charges): EUR 729.00

Estimated amount to be withdrawn from account: EUR 730.00

Transaction charge: EUR 1.00

Transaction result

Status: Your instructions have been processed successfully.

Transaction ID: 135758603