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13 November 2023

Department of Contracts
Notre Dame Ravelin
Floriana FRN 1600

Request for Information

Re: CT3039/2022 – Tender for the Mapping, Re-engineering and Documenting the Business Processes of the Justice Entities within the Ministry for Justice (the “Tender Procedure”)

Dear Sir, Madam,

We write to you on behalf of TID 192137 Deloitte Advisory and Technology Limited (“**Deloitte**”) further to your letter to Deloitte dated 27th October 2023 in relation to the Tender Procedure, whereby you informed that the contract has been recommended for award to TID 192165 Grant Thornton (“**GT**”) and the reasoned letter of objection filed by Deloitte on 6th November 2023 (the “**Objection**”).

Deloitte is hereby filing this application, in accordance with the Public Procurement Regulations (S.L. 601.03 of the laws of Malta) (the “**PPR**”) which govern the Tender Procedure, to request further information in relation to GT and its offer.

As explained in the Objection, in documentation filed by GT with the Public Contracts Review Board (the “**Board**”) in connection with the Tender Procedure, GT made numerous references to information and documentation which was not attached to said documentation and, therefore, is not available to Deloitte.

Deloitte therefore requires the following documentation:

- i. copies of all clarification / rectification requests made by the evaluation committee / contracting authority / Department of Contracts to GT in relation to its offer, and responses thereto; and
- ii. details of the composition of GT, including any sub-contractors nominated by GT.

Deloitte submits that the requested information / documentation is necessary in order for Deloitte to be in a position to exercise its rights under the PPR, including its right to an effective remedy as enshrined in the Remedies Directive¹.

Deloitte refers to the teachings of the Court of Appeal which clearly authorise the disclosure of information and documentation referred to above, including in particular appeal number 72/22/1 *South Lease Limited (C 65614) v. Central Procurement and Supplies Unit; VZ Lines Limited (C 43513); Smart Transport Limited (C53708); Leone Grech u Zarb Coaches Limited (C 28927) il-koll u flimkien*

¹ Council Directive of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (89/665/EEC)



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maghrufa bhala 'Health JV'; Direttur Generali tal-Kuntratti ghan-nom u in rapprezentanza tad-Dipartiment tal-Kuntratti.

Deloitte respectfully requests the Board to order the contracting authority to submit the information / documentation requested as soon as practicable, and in any case prior to the Board scheduling a hearing of the Objection.

Yours faithfully,

Steve Decesare
cc: Client