

Public Contracts Review Board
Departments of Contracts
Notre Dame Revelin
Floriana FRN1600- Malta
By Electronic mail: info.pcrb@gov.mt



6th February 2024

REFERENCE: CPSU 2494/23

The Public Contracts Review Board

RE: RESPONSE TO OBJECTION Tender CPSU 2494/23 Awardee's Response

Upon instruction of Green Skip Services Ltd, Maltese Company C13892, (the 'Awardee' / the 'Client'), I hereby lodge an official response to objection issued by PT Matic Environmental Services Limited (the 'Objector') with reference to their letter dated 29th January 2024, in response to the decision of the Central Procurement & Supplies Unit ('CPSU') to the award for tender CPSU 2494/23 (the 'Tender') dated 19th January 2024.

My Clients are called to respond in view of the Objector's claims and respectfully present their below position.

The Client is in agreement that the terms of the tender are clear, and object to the claims made by the Objector. The Client is confident in their position with regards to the technical compliance which is hereby being contested. This objection has been presented without substantiative arguments and with highly speculative statements about the end disposal.

The statement that the Objector is the only operator who is able to fully comply with the Tender requirements is hereby being rejected and presents that not only is this statement inaccurate in fact and at law, but such contestation without foundation or substantiation also renders such objection frivolous and vexatious clearly aimed delaying an award which has been awarded within full scope of the economic, operational, technical and legislative requirements in line with the ultimate objectives and scope of the Tender, and potentially obtaining commercially sensitive information.

My Client is ready to defend its position and remains available should the Honourable Board request any clarification, and address any of the Objector's concerns with regards to the technical compliance of the Awardee's methodology

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and process, should this be necessary once the grounds for objection are clarified. The Objector has clearly stated its objection to the award however it has failed to substantiate its arguments with facts.

Indicating that the Objector is the only economic operator which can deliver on the said Tender, is clearly deceitful since the Clients not only are in possession of all permits and authorisations required to adhere to and execute all Tender requirements. The Objector is basing its claim that end disposal of the hazardous waste cannot be achieved, however, what the Objector has failed to consider is that once treated the material is **no longer hazardous** and can be disposed of as such with multiple options including regular local disposal as indicated.


The Client is fully compliant technically, operationally and financially as has been ascertained by the evaluation process, and has full capacity and capability to execute in line with the Tender's requirements and objectives and in line with the EU's public procurement best practice, including Green and Sustainable Public Procurement standards which remain pivotal for the country's evolution in waste management and treatment.

This response is not going into the merits of technical compliance of the Objector with reserve, including counter-claims.

In view of the above, we humbly and respectfully request the Board:

- i. **To reject all the Objector's requests marked i - v listed in the objection letter dated 29th January 2024 issued on behalf of the Objector.**
- ii. **To declare the objection frivolous and vexatious.**
- iii. **To order that the process of the award to the Awardee be concluded as intended in the award communicated by the CPSU.**
- iv. **To order all legal costs be borne by the Objector.**

With utmost respect and Regards,



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