



4th March 2024

Public Contracts Review Board

Notre Dame Ditch
Floriana - FRN 1601

Bormla Local Council

2A, The Rest, Pjazza Santa Margerita,
Bormla

Re. Tender KLBO 02/2023 - COLLECTION OF BULKY REFUSE AND WEEE FROM THE LOCALITY OF BORMLA, USING LOW EMISSION TRANSPORT

We are retained by Simply Clean Limited (C-101719) of "Ultimate", Triq Dun Salv Ciappara Haz-Zebbug (the "Appellant")

By means of a letter dated 22nd February 2024 (Doc. "A"), our client was notified by the **Bormla Local Council** that:

The Bormla Local Council notifies that during a Council meeting, the above mentioned tender was awarded to Ronald Bezzina for the following reasons:

- (a) *Cheapest, Administratively and Technically compliant offer*

Simply Clean Limited feels aggrieved by such a decision of the Bormla Local Council (the "**Contracting Authority**") and is availing itself of the right granted to it in terms of the law and is filing an objection in regard to the aforementioned decision.

Award Criterion

The Criteria for Award was:

"The sole award criterion will be the price. The contract will be awarded to the tenderer submitting the cheapest priced offer satisfying the administrative and technical criteria".

Objection

1. The objection being raised by the Appellant lies in the fact that from the information in the possession of the appellant company, the recommended tenderer, Mr Ronald Bezzina, is not compliant with the ISO Standards required in the Special Requirements.

The Special Requirements mentioned in Section 3 of the tender dossier, referred to as the Terms of Reference, stipulate that:

8.2 - Special Requirements

8.2.1 ISO Standards

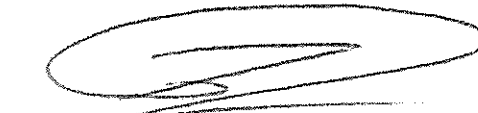
The bidder is to provide the necessary official documentation in order to confirm that the service provision shall be in accordance with the following standards (or equivalent):

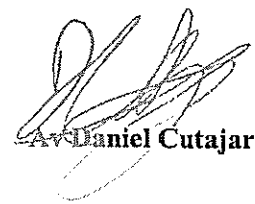
- a) SM EN ISO 9001 : 2015 (or equivalent) – Quality Management Service;*
- b) SM EN ISO 14001 : 2015 (or equivalent) – Environmental Management Service;*
- c) SM ISO 45001 : 2018 (or equivalent) – Occupational Health and Safety Management System.*

2. That this should lead to the immediate disqualification of the recommended tenderer from the present tender process.
3. That in fact, it must be brought to this Honourable Boards' attention that the recommended tendered has recently been disqualified from a tender issued by the Naxxar Local Council with reference number NLC/04/2023 on the grounds that he did not satisfy the standards of for the ISO Compliance in the fields mentioned in a), b) and c) above.

On the basis of the above, decision of the Contracting Authority as per their letter of 22nd February 2024 whereby Appellant's bid was discarded, and the tender awarded to Ronald Bezzina is null and void.

In view of the above, and whilst reserving the right to make further submissions and present further evidence, Appellant humbly request this Honourable Board to revoke the decision taken by the Bormla Local Council of 22nd February 2024 awarding the tender in question to Ronald Bezzina and consequently award the tender to Simply Clean Ltd or alternatively make such declarations, giving such orders and directives it may deem necessary in relation to the procurement process relative to the tender in questions.


Av Franco Galea


Av Daniel Cutajar

A



KUNSILL LOKALI

LOCAL COUNCIL

BORMLA
Citta' Cospicua

22nd February 2024

Notice of Adjudication

**LETTER OF ACCEPTNCE FOR THE TENDER - KLBO 02/2023 – COLLECTION OF BULKY REFUSE AND
WEEE FROM THE LOCALITY OF BORMLA, USING LOW EMISSION TRANSPORT**

The Bormla Local Council notifies that during a Council meeting, the above mentioned tender was awarded to Ronald Bezzina for the the following reasons:

- (a) Cheapest, Administratively and Technically compliant offer

Objections should be filed within 10 calendar days.

Duncan Hall
Executive Secretary



KUNSILL LOKALI

BORMLA
Citta' Cospicua

LOCAL COUNCIL

Ref:

22nd February 2024

Simply Clean Ltd

Dear Sir,

LETTER OF ACCEPTANCE FOR THE TENDER - KLBO 02/2023 – COLLECTION OF BULKY REFUSE AND WEEE FROM THE LOCALITY OF BORMLA, USING LOW EMISSION TRANSPORT

We regret to inform you that your tender has been rejected by the Bormla Local Council.

The call was adjudicated to Ronald Bezzina, his bid being the Cheapest Technical and Administratively Compliant offer.

Any objections (appeal) should be filed at the Public Contracts Review Board together with the respective deposit within ten (10) calendar days as per public procurement regulations.

Yours Sincerely

Duncan Hall
Executive Secretary

400 1582 8224

Account

BUSINESS SAVINGS

ACCOUNT

Transaction Date

06/03/2024

Amount

EUR -400.00