

Public Contracts Review Board
Notre Dame Ditch
Floriana – FRN 1601

cc: Bormla Local Council
2A, The Rest,
Pjazza Santa Margerita
Bormla



BY EMAIL ONLY

16th March 2024

REASONED LETTER OF REPLY RE: TENDER KLBO 02/2023: COLLECTION OF BULKY REFUSE AND WEEE FROM THE LOCALITY OF BORMLA, USING LOW EMISSION TRANSPORT

This Office is writing on behalf of Bormla Local Council (the “Respondent”), having office at 2A, The Rest, Pjazza Santa Margerita, Bormla, in response to the appeal letter dated 4th March 2024, sent by the legal representatives of ‘Simply Clean Limited’ (C-101719) of ‘Ultimate’, Triq Dun Salv Ciappara, Zebbug (the “Appellant”) with file reference 428-KLBO02-2023, whereby the latter is contesting the tender bid award having reference number: KLBO02-2023 regarding the ‘Collection of Bulky Refuse and Weee From the Locality of Bormla, using low emission transport’, recently awarded on the 22nd February 2024 and communicated to the winning bidder on the 25th February 2024.

We appreciate the diligence of the Appellant in pursuing transparency and fairness in this matter, and our Client (the Respondent) is committed to addressing the concerns of the Appellant with due seriousness and professionalism. Hereunder please find a detailed justification for the decision to award the tender for the ‘Collection of Bulky Refuse and Weee From the Locality of Bormla, using low emission transport’ to Mr. Ronald Bezzina. This decision was reached after a thorough evaluation and consideration of the submitted proposals, in accordance with the guidelines outlined in the tender document.

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i. Award:

The bid submission of the winning bidder underwent thorough scrutiny by an independent panel, which assessed various factors, including technical competence, financial viability, and capacity to deliver on the tender's requirements within the specified timeframe, following which, on the 22nd February 2024, our Client sent a letter, marked and attached as Doc 1, stating 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 complaint offer.

ii. Compliance with the Tender Requirements:

The Appellant is stating that the winning bidder did not provide the necessary documentation in order to confirm that the service provisions are in accordance with the requirements of the responsible Authority. The Respondent would like to point out that this is not correct, as the winning bidder has provided a letter from the Environment and Resources Authority dated 16th May, 2023, authorising the vehicle of the winning bidder to collect waste classes A1, A2, and D2 categories. Attached and marked as Doc. 2 find the document confirming this, issuing permit numbers:

- GBR/12/02947/23
- GBR/12/02848/23
- GBR/12/02952/23

iii. The case with the Naxxar Local Council:

The Appellant also cites a precedent wherein the winning bidder was disqualified from participation in a tender administered by the Naxxar Local Council. However, the Respondent contends that this cited instance lacks relevance to the present case.

The Respondent has done a thorough assessment of the documents that the winning bidder presented when applying for the tender in question and that he has abided by the requirements. The decision of the Evaluating Board was based on the fulfillment of the requisite criteria stipulated for the tender in question.

iv. Final remarks:

In light of the above factors, it is clear that our Client has correctly evaluated the bids and awarded the tender to the '*Cheapest, Administratively and Technically complaint offer.*' The pleas raised by the Appellant are unfounded in fact and in law, and for the above reasons, the Respondent appeals to this Honourable Board to confirm that the decision of the Evaluating Board was correct and therefore submits that it deserves confirmation in its entirety.

Thus, the Respondent, whilst referring to all the documents produced and while reserving the right to deal further and to produce all the evidence admissible according to law, demands at this stage that the Honourable Board should dismiss the Appellant's appeal, and thus uphold the decision of the Evaluation Board delivered on the 16th May 2023, in its entirety, with costs against the Appellant.



Dr. Adrian Sciberras
Advocate

Dr. Roseanne Sant Cortis
Advocate

ANNEX I: List of Documents Attached

1. **Doc 1:** Letter sent by the Bormla Local Council dated 22nd February 2024, confirming award of the tender.
2. **Doc 2:** Letter dated 16th May 2023 sent by the Environment & Resources Authority to Ronald Bezzina stating permit number for registration of vehicle for carrying of waste

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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



Ronald Bezzina
4 San Niklaw Farms,
Trijq il Mitjar ta San Niklaw
Siggiewi
SGW 2830

Numru ta Permess: GBR/12/02947/23
GBR/12/02948/23
GBR/12/02952/23

Reġistrazzjoni tal vetturi għal-ġarr tal-Iskart
Att dwar il-Harsien tal-Ambjent (KAP. 549)

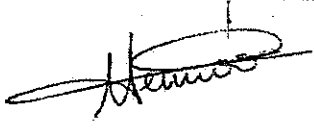
L-Awtorit  għall-Ambjent u r-Riżorsi (minn hawn 'il quddiem l-Awtorit ; l-Awtorit  Kompetenti jew l-ERA) fl-eżerċizzju tas-setgħat tagħha taht l-Att dwar il-Protezzjoni tal-Ambjent (KAP. 549), hawnhekk tawtorizza skond il kundizzjonijiet annessi :

Ronald Bezzina (minn hawn 'il quddiem "id-Detentur tal-Permess"), Ta'/Li l-Uffiċċju Reġistrat tiegħu (jew il-post prinċipali tan-negożju) li jinsab fl indirizz indikat hawn fuq

Reġistrazzjoni ta' **ACX 565** bħala trasportatur tal-iskart taht dawn il-klassijiet msemmija hawn:
A1, A2, D2

Iffirmat:

Data:

| | |
|---|----------------------------|
|  Jonathan Henwood Team Manager (Permessi Ambjentali) Għad-Direttur għal-Ambjent u r-Riżorsi | Permess Mogħti: 16/05/2023 |
|---|----------------------------|

Awtorizz t li jiffirma f'isem l-Awtorit  Kompetenti