

6 March 2024

The Secretary,  
Public Contracts Review Board  
Floriana

## Reasoned letter of reply

Reference is made to the Call for Tenders for the Supply and Installation of Energy efficient and durable solar street lighting at Tas-Salib, ir-Rabat for which an appeal was submitted on the 26 February 2024 by MicaMed Ltd. I refer also to the undated declaration of Mr James Agius bearing the rubber stamp of the Public Contracts Review Board dated 26 February 2024.

The undersigned confirms the first line as indicated that is Clarification No 3, having a deadline of 20 December 2023, that is an Evaluation Rectification sent to Mica Med bearing the contents of:

With reference to your submitted bid:

- The Key Expert number 2 should be recognised from the listed OHSAs officers. Please change the key expert and submit the relevant qualifications
- Provide the technical literature showing that the solar panel is rated at 300Wp - 320Wp as per Clause 4.3 of the Technical Specifications

Reply given on the 19 December 2023

- Key Expert number 2 updated. Qualifications updated
- Literature for solar power attached

With regards to 'after discussion with local council representative' the undersigned was instructed by the Mayor, Mr Sandro Craus to phone Mr Adam Agius after he failed to answer the second clarification indicated below:

Other Evaluation Rectification to Micamed having a deadline of the 4.1.24:

Following the clarification reply, kindly submit the literature of the entire system showing how the Photovoltaic Panel is going to be integrated with the luminaire and the pole.

No Reply: Unanswered until deadline date and time

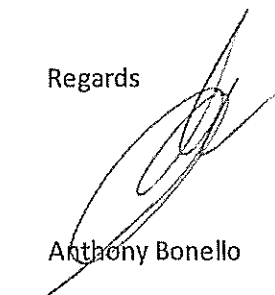
The undersigned confirmed that Mica Med Ltd has indeed failed/ignored to reply as they in fact did. A communication was made with Mr David Gatt of the Contracts Department to this respect which is being attached for your perusal.

With regards to the second clarification sent to Mica Med Ltd, it is to be noted that it differed from the first one. The first clarification was about submitting the 'Literature for solar power' whilst the second unanswered clarification was more specific since it requested proof of 'how the 'Photovoltaic Panel is going to be integrated with the luminaire and the pole'. As the CFT title specifies the emphasis of the tender is on Energy Efficiency and Durable Solar Street Lighting. Thus, evaluators needed a certain assurance to this regard.

Consequently, the Rabat Local Council for the above mentioned reason, is refuting the content of Micamed Ltd's appeal as it is unfounded in fact and at law.

This project is being funded by the Energy and Water Agency. To this extend, Rabat Local Council has an agreement in place with the same authority. The budget is that of €118,000.00. As such, Mica Med are being held liable for Rabat Local Council risking to lose the funds indicated above due to this futile appeal. Nobody was saying that with the re-issuing of the same tender, Mica Med were going to be penalised or else excluded from participating.

Regards



Anthony Bonello  
Executive Secretary

encl Mr David Gatt's e-mail

Energy and Water Agency Agreement