

# Simply Clean

Ultimate, Triq Dun Salv Ciappara, Zebbug.  
77428254 | 27136278 | info@simplyclean.com  
VAT No: MT 2907 0603



18th April 2024

Public Contracts Review Board

Re SPD2/2023/052

On behalf of Simply Clean Limited of [insert Address] I would like to appeal from the Contracting Authority's decision of the 8th April 2024 declaring our bid as being non compliant for the following reason:

*In the social aspect criteria clause iii - In the written contract of employment submitted, the hourly rate has been greyed out. The redaction renders the bid to be technically non-compliant.'*

The reason for the alleged non compliance is unfounded in fact and at law.

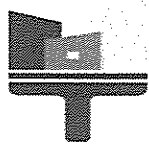
The requirement as per tender dossier was the submission of:

**Bidders should submit one of the following as part of their submission:**

- (i) A Conditions of Employment Description whereby the Economic Operator shall submit a Write-Up Report in the form of a Conditions of Employment Report of approximately 300 words making sure to meet the minimum requirements as per Terms of Reference Article indicated above. This shall briefly outline the principles and criteria of Employment Law Conditions as set by the Employment and Industrial Act (CAP 452) as well as any applicable Subsidiary Legislations. Specific reference shall also be made to how these Conditions of Employment relate to the Personnel employed on this Contract.
- (ii) A signed Declaration by a Union Representative stating that negotiations have started with the Economic Operator in order to enact a Collective Agreement.
- (iii) A identical copy of an expired (i.e. Validity Period exceeds the demarcated 90 day period as per above definition) Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER.
- (iv) An identical copy of a valid Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER.
- (v) An identical copy of a valid Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER including the acknowledgement by DIER that the Collective Agreement has been submitted for registration at their end.

All these criteria were met as well as the fact that all employees are employed with a written contract. Therefore the mandatory criterion was satisfied.

If any part of the contract was not clear to the evaluators, the evaluation committee had all the powers at law to request a clarification on the documents provided. Furthermore the hourly rates in this field of employment as set at law and are reflected in the pay slips given to each and every employee.



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In view of the above the appellant humbly requests this honourable tribunal to revoke the decision of the contracting authority of the 8th April 2024, to reinstate the appellant in the procurement process and to give such directives as it deems fit to ensure due compliance with the procurement regulations

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Melchior Dimech', written in a cursive style.

Melchior Dimech

DIPARTIMENT TAL-KUNTRATTI  
Notre Dame Ravelin  
Floriana FRN 1600 – MALTA  
Direttorat għall-Akkwist Settorali



DEPARTMENT OF CONTRACTS  
Notre Dame Ravelin  
Floriana FRN 1600 – MALTA  
Sectoral Procurement Directorate  
Telephone: 23781528  
e-Mail: spd2.mfe@gov.mt

## Award Notice

In terms of Regulation 270, Part IX of Legal Notice 352 of 2016 of the Public Procurement Regulations 2016, you are hereby being notified that the Departmental Contracts Committee has agreed with the below recommendation.

Reference	Subject	Decision	Recommended Tenderer	Price (excl. VAT)	Deposit
SPD2/2023/052	Tender for Cleaning Services using Environmentally Friendly Cleaning Products at Identita'	Award	AGV NON FERROUS MALTA LTD. TID. No. 200861	€325,798.20 (Schedule A : €217,198.80 Schedule B: €108,599.40)	€2000

Tenderers are informed that any appeals by means of an objection to the decision listed above must be lodged electronically with the Public Contracts Review Board by sending an email on [info.perb@gov.mt](mailto:info.perb@gov.mt) by 12:00hrs (noon) of **Thursday 18<sup>th</sup> April, 2024**. Objections shall contain in a very clear manner the reasons for the complaint. Payments are to be made to the amount indicated in the table above, calculated in terms of Regulation 273 of Legal Notice 352 of 2016; otherwise, they will not be considered.

Payments are to be made through bank transfer in terms of the following details:	
Name of Account Holder	Cashier Malta Government
Name of Bank	Central Bank of Malta
Address of Bank	Castille Place, Valletta
Account Number	40001EUR-CMG5-001-H
BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100

Tenderers are to note that this information does not imply any obligation on the part of Government to actually implement any of the decisions indicated.

Mandy Barbara (signed)  
\_\_\_\_\_  
Officer in Grade 9  
f/Sectoral Procurement Directorate

8<sup>th</sup> April, 2024

\_\_\_\_\_  
Date



**Bank of Valletta p.l.c**  
 Registration Number: C 2833  
 Registered Office: 58 Zachary Street, Valletta VLT 1130 - Malta

## Pay third party

Printed by: Mr. Melchior Dimech  
 Printed on: 18/04/2024 - 09:01  
 Document ID: 19802182

### Transaction details

Beneficiary name:	PCRB
Relation:	Financial Services
Reason:	Other
Payment details:	APPEAL FROM SPD2/2023/052
Currency:	EUR - Euro
Beneficiary IBAN/Account:	MT55MALT011000040001EURCMG5001H
Beneficiary IBAN/Account type:	Valid IBAN of country - Malta
Bank name:	Other bank
Bank address / Bank's BIC:	Let the bank apply the beneficiary bank BIC
Beneficiary address:	No
From account:	4001582822 4 (EUR)
Charges should be paid by:	Shared - I pay BOV charges; PCRB pays the beneficiary bank charges
Amount:	EUR 2,000.00
BOV to transfer the money:	as soon as possible
Receiving bank to get the money as:	normal priority payment
Saved template:	no

### Additional information

Credit amount:	EUR 2,000.00
Debited amount (excluding charges):	EUR 2,000.00
Estimated amount to be withdrawn from account:	EUR 2,004.00
Transaction charge:	EUR 4.00

### Transaction result

Status:	Your instructions have been processed successfully.
Transaction ID:	141620276