

PUBLIC CONTRACTS REVIEW BOARD

Case 1995 – MGOZ NP 02/2023 – Supplies – Negotiated Procedure for the Provision of Incontinence Diapers, Pull-Ups, Pads and Inco-sheet for Senior Citizens and Persons with Special Needs for the Ministry for Gozo

22nd April 2024

The Board,

Having noted the call for remedies filed by Dr Clement Mifsud Bonnici and Dr Calvin Calleja on behalf of Ganado Advocates acting for and on behalf of Krypton Chemists Limited, (hereinafter referred to as the appellant) filed on the 31st January 2023;

Having also noted the letter of reply filed by Dr Anthony Borg acting for Ministry for Gozo (hereinafter referred to as the Contracting Authority) filed on the 4th February 2023;

Having also noted the letter of reply filed by Dr Matthew Paris on behalf of DalliParis Advocates acting for Pharma-Cos Limited (hereinafter referred to as the Interested Party) filed on the 8th February 2023;

Having taken cognisance and evaluated all the acts and documentation filed, as well as the submissions made by representatives of the parties;

Having noted and evaluated the minutes of the Board sitting of the 17th April 2024 hereunder-reproduced.

Minutes

Case 1995 – MGOZ NP02/2023 – Supplies – Negotiated Procedure for the provision of Incontinence Diapers, Pull-Ups, Pads and Inco-Sheet for Senior Citizens and Persons with Special Needs for the Ministry for Gozo.

The call was issued on the 25th January 2023 and the closing date was the 17th February 2023

The estimated value of this call, excluding VAT, was € 280,051

On the 31st January 2023 Krypton Chemists Ltd filed a precontractual remedy in terms of Regulation 262 against the Ministry for Gozo

A deposit of € 1,400.26 was paid.

On the 16th April 2024 the Public Contracts Review Board composed of Mr Kenneth Swain as Chairman, Mr Lawrence Ancilleri and Dr Vincent Micallef as members convened a public hearing to consider the appeal.

The attendance for this public hearing was as follows:

Appellant – Krypton Chemists Ltd

Dr Clement Mifsud Bonnici	Legal Representative
Dr Calvin Calleja	Legal Representative
Mr Matthew Arrigo	Representative

Contracting Authority – Ministry for Gozo

Mr Marnol Sultana	Representative
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Interested Party – Pharma-Cos Ltd

Dr Matthew Paris	Legal Representative
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Mr Kenneth Swain Chairman of the Public Contracts Review Board welcomed the parties.

Mr Marnol Sultana Representative for the Ministry for Gozo stated that the Ministry was requesting that this contract is cancelled as it is no longer required.

Dr Clement Mifsud Bonnici Legal Representative for Krypton Chemists Ltd indicated that the Appellant was prepared to withdraw its appeal and would request refund of the deposit paid.

The Chairman thanked the parties and declared the hearing closed.

End of Minutes

Hereby resolves:

The Board refers to the minutes of the Board sitting of the 17th April 2024.

Having noted the call for remedies filed by Krypton Chemists Limited (hereinafter referred to as the Appellant) on 31st January 2023, refers to the claims made by the same Appellant with regard to the tender of reference MGOZ NP 02/2023 listed as case No. 1995 in the records of the Public Contracts Review Board.

Appearing for the Appellant:	Dr Clement Mifsud Bonnici & Dr Calvin Calleja
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Appearing for the Contracting Authority:	Mr Marnol Sultana
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Appearing for the Interested Party:	Dr Matthew Paris
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The Board,

This Board having noted that the Contracting Authority was requesting that this procedure is cancelled, once it was no longer required, and the Appellant was willing to withdraw its appeal, that it will not consider this call for remedies any further.

Therefore, it proceeds to resolve:

- a) That it will not consider this call for Remedies before closing date of a call for competition any further ;
- b) Under these circumstances, this Board orders that the deposit paid by the Appellant when filing its application be reimbursed.

Mr Kenneth Swain
Chairman

Mr Lawrence Ancilleri
Member

Dr Vincent Micallef
Member