



03rd April 2024

Public Contracts Review Board
Notre Dame
Ravelin, Floriana,
Malta

In the acts of the PCRB remedies before
closing date of call for competition in
the names of:

Pharma-Cos Limited

vs

Department of Contracts et.

This is an application for Lot 1, Lot 2 & Lot 3

CT 2238/2023

Tender Name: Supplies – The supply, delivery and distribution of incontinence products
for senior citizens and persons with disabilities in Malta – Active ageing and community
care

APPLICATION

Whereas Messrs. Pharma-Cos Limited (hereinafter Appellant company and/or PCL) filed an application on the 20th October 2023 in accordance with article 262 of S.L. 601.03 in relation with the captioned subject;

Whereas in accordance with reg. 264 of S.L. 601.03 (hereinafter PPR)

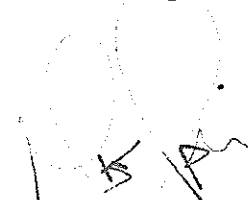
The contracting authority and any interested party may, within five days from the date when the application is uploaded on the website of the Public Contracts Review Board, file a written reply. Such replies shall also be affixed to the notice board of the Review Board and uploaded online

Whereas the Department of Contracts and the Active Ageing and Community Care, filed on the 25th October 2023, whilst Krypton Chemists Limited, filed on the 30th October 2023 and thereby outside the five days permitted by reg. 264 of S.L. 601.03;

In view of the above, the Public Contracts Review Board is hereby being asked to:

- (i) declare inadmissible the written submission filed by Krypton Chemists Limited on the 30th October 2023;
- (ii) declare that the reply by Krypton Chemists Limited on the 30th October 2023 has been filed *fuori termine*, in view of the fact that its reply as “an interested party” was filed outside the permitted timeframe, i.e. “within five days from the date when the application is uploaded on the website of the Public Contracts Review Board”;
- (iii) declare that Krypton Chemists Limited has no legal standing within the procedures filed by Pharma-Cos Limited;
- (iv) take any further action in accordance with S.L. 601.03 and to do anything else which is conducive and necessary for the proper execution of the above;

Appellant company is hereby reserving the right to present further evidence, both orally or in written, during the hearing.



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