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20 ta' April 2024

RECEIVED
22 APR 2024
PUBLIC CONTRACTS REVIEW BOARD

Segretarju tal-Bord,
Bord ta' Revizjoni dwar il-Kuntratti Pubblici,
Notre Dame Ditch,
Floriana.

<u>Ittra ta' Oggezzjoni ta' Vaults Co. Ltd: CFT: Quotation for the Supply of Pre-mixed mortar to be used for Plastic Repair</u>

Bil-prezenti, Vaults Co. Ltd qed tilmenta ai termini tal-ligi mid-decizjoni tal-Awtorita' Kontraenti li biha giet skwalifikata u li l-kuntratt pubbliku hawn fuq imsemmi gie kancellat.

L-Awtorita' Kontraenti, fl-ittra taghha tal-11 ta' April 2024, iddecidiet illi l-esponenti gie skwalifikata minhabba li "*During sample testing, as part of the evaluation of the Technical Offer, the Evaluation Committee noted that the submitted offer is a bit on the yellow side when it comes to colour and it is very hard to finish due to large grains. This renders the proposed product as technically non-compliant*" u sussegwentement ghazlet li ma tirrakkomandax is-sejha lil xi operatur ekonomiku ai termini tal-artikolu 18.3(a) tal-General Rules Governing Tenders.

<u>Dwar ir-Raguni ghall-Iskwalifika</u>

Fl-ewwel lok, l-Awtorita' Kontraenti tghid li l-offerta tal-esponenti kienet teknikament mhux konformi minhabba zewg ragunijiet. L-esponenti ser tezaminahom wahda wahda:

(i) *"[T]he submitted offer is a bit on the yellow side when it comes to colour"*

Din ir-raguni hija ghal kollox irregolari u tmur kontra t-test tad-dokument tas-sejha nnifsu.

Fis-sezzjoni "Specifications", pagna 5 tad-dokument, senjatament Specification No. 2 jinghad hekk:

"The pre-mixed mortar to be used for plastic repair shall have a COLOUR VISUALLY COMPATIBLE WITH LOCAL STONE (i.e. BEIGE TO YELLOW OCHRE i.e. RAL 1001 to RAL 1024".

Il-firxa ta' RAL 1001 sa[1] RAL 1024 tindika firxa ta' sfumaturi ta' kulur partikolari li jikkostitwixxu standards internazzjonali. L-esponenti qeghda tannetti ma' din l-oggezzjoni *chart* li turi l-firxa kollha minn RAL1001 sa RAL1024. M'hemmx dubju, li diversi minnhom ghandhom sfumatura skura ta' isfar, izda li l-Awtorita' Kontraenti accettathom bhala prodott konformi mar-rekwiziti tas-sejha.

Anke testwalment, l-Awtorita' Kontraenti ssemmi li l-firxa ghandha tkun ta' "*Beige*" sa "*Yellow Ochre*". Jekk wiehed ifittex il-kulur Yellow Ochre f'tiftixa semplici *online*, m'hemmx dubju wkoll li dan il-kulur huwa ta' sfumatura safra pjuttost skura.

Minkejja dan, il-prodott offert mill-esponenti, li certament jaqa' fil-firxa mitluba mill-Awtorita', lanqas huwa ta' xi sfumatura ta' isfar skur – del resto – accettat fid-dokument tas-sejha – u huwa prodott li l-esponenti ilha tuza ma' diversi entitajiet pubblici, inkluz mal-Awtorita' Kontraenti, f'diversi progetti ohra, ghall-istess skop ta' tiswija jew rimpjazzar ta' gebla lokali.

L-esponenti qed tannetti, ghal dan il-ghan, ritratt ta' xoghol ezegwit minnha stess f'progett iehor fejn intuza proprju l-istess prodott ghall-istess skop u li turi x-xebh kwazi preciz, tal-kulur tal-prodott tal-esponenti mal-gebla lokali.

Ghal dawn ir-ragunijiet kollha, din l-ewwel raguni moghtija mill-Awtorita' Kontraenti ma tiswiex u ghandha tigi mwarrba.

(ii) "*it is very hard to finish due to large grains*"

Ibda biex, l-Awtorita' Kontraenti ma tghid xejn dwar il-qies tal-*grain* tal-prodott. Fis-sezzjoni *specifications* jissemmew hwejjeg ohra, fosthom li jrid ikun konformi ma' Standard partikolari EN459-1:2010 (liema standard – tajjeb jew hazin, gie irtirat).

Il-prodott tal-esponenti huwa ghal kollox konformi mal-istandard tal-2010, kif ukoll mal-istandard tal-2015 (li rrimpjazzah) u standards sussegwenti – li fil-verita', jezigu li l-*grain* ma tkunx inqas minn certu qies u mhux li ma tkunx akbar.

F'kull kaz, l-ispecification partikolari ma kinitx tifforma parti mid-dokument tas-sejha u ghalhekk, illum, l-Awtorita' Kontraenti ma tistax ittiha bhala raguni la darba ma talbithiex espressament fid-dokument innifsu.

Ghal dawn ir-ragunijiet, din ir-raguni ghandha wkoll titqies bhala wahda invalida.

Dwar ir-Raguni ghall-Kancellament

Sussegwentement, u fl-istess ittra, l-Awtorita' Kontraenti tghid li hija qed taghzel li tikkancella t-tender in kwistjoni ai termini tal-artikolu 18.3(a) tal-General Rules Governing Tenders.

Hawnhekk l-Awtorita' Kontraenti tghid hekk:

[1] Bl-ingliz, indikata "to"

> *Moreover, kindly note that this procurement procedure is being cancelled in line with Article 18.3(a) of the General Rules Governing Tenders which states that cancellation may occur where "the tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received".*

Gjaladarba r-ragunijiet li bihom l-Awtorita' Kontraenti qieset li l-esponenti hija *technically non-compliant* ma jissussistux, ma kien hemm ebda raguni ghall-kancellament tas-sejha a bazi tal-artikolu 18.3(a) tal-General Rules Governing Tenders.

M'hemmx dubju li l-prezz offert mill-esponenti kien "financially worthwhile" ghaliex huwa biss madwar €400 aktar mill-*estimated procurement value*.

Konsegwentement, anke l-ghazla ghall-kancellament tas-sejha ghandha tigi revokata.

Talba

Ghaldaqstant, ghar-ragunijiet premessi u ai termini tal-ligi, Vaults Co. Ltd titlob bir-rispett li dan il-Bord joghgbu:

(i) jiehu mizuri temporanji sabiex jipprevejeni milli ssir aktar hsara partikolarment, fost ohrajn billi jordna s-sospensjoni tad-decizjoni tal-Awtorita' Kontraenti tal-11 ta' April 2024;

(ii) jordna li tigi mwarrba d-decizjoni li biha l-Awtorita' skwalifikat lill-esponenti mill-istess sejha u kkancellat l-istess sejha.

(iii) jordna li Vaults Co. Ltd terga' tigi re-integrata fis-sejha u terga' ssir evalwazzjoni tal-offerta taghha, bl-eskluzjoni ta' dawk l-offerenti li minhabba li ma oggezzjonawx ghal xi decizjoni tal-Awtorita', ma ghandhomx jitqiesu aktar bhala offerenti validi skond il-ligi.

(iii) jaghzel lil Vaults Co. Ltd bhala l-ahjar offerent li jissoddisfa l-kriterji amministrattivi u teknici tal-istess sejha ghall-offerti.

Av. Alessandro Lia
162, Old Bakery Street, Valletta VLT1455

New Stone

RAL 1000	RAL 1001	RAL 1002	RAL 1003
RAL 1004	RAL 1005	RAL 1006	RAL 1007
RAL 1011	RAL 1012	RAL 1013	RAL 1014
RAL 1015	RAL 1016	RAL 1017	RAL 1018
RAL 1019	RAL 1020	RAL 1021	RAL 1023
RAL 1024	RAL 1026	RAL 1027	RAL 1028

MINISTERU GĦALL-WIRT NAZZJONALI, L-ARTI U L-GVERN LOKALI

Dipartiment tar-Restawr u l-Preservazzjoni

MINISTRY FOR NATIONAL HERITAGE, THE ARTS AND LOCAL GOVERNMENT

Restoration and Preservation Department

REST34/2023/A

11 April 2024

Vaults Co. Ltd. (000204446)

CFT: Quotation for the Supply of Pre-mixed mortar to be used for Plastic Repair

Dear Sir/Madam,

Thank you for participating in the above-mentioned procurement procedure. We regret to inform you that the offer submitted was not technically compliant. The main reason why your procurement proposal was non-compliant is as follows:

- During sample testing, as part of the evaluation of the Technical Offer, the Evaluation Committee noted that the submitted offer is a bit on the yellow side when it comes to colour and it is very hard to finish due to large grains. This renders the proposed product as technically non-compliant.

Moreover, kindly note that this procurement procedure is being cancelled in line with Article 18.3(a) of the General Rules Governing Tenders which states that cancellation may occur where "the tender procedure has been unsuccessful, namely where no qualitatively or financially worthwhile tender has been received".

If you intend to object to this decision, the Public Procurement Regulations allow for an official objection which in this case has to be lodged electronically with the Public Contracts Review Board by sending an email on info.pcrb@gov.mt by **12:00hrs (noon) of 22 April 2024**.

Yours sincerely,

Evaluation Committee

BOV
Bank of Valletta

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. JOSEPH FARRUGIA
Printed on: 22/04/2024 - 07:36
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Transaction details

Payer's name:	VAULTS CO. LTD
Beneficiary name:	Cashier Malta Government
Relation:	Retail
Reason:	Purchase of Services
Payment details:	Vaults Co Ltd REST34.2023.A Quotation for the Supply of Premixed
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:	Overdraft (EUR) 4001360114 2
Charges should be paid by:	Shared - I pay BOV charges; Cashier Malta Government pays the beneficiary bank charges
Amount:	EUR 400.00
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 400.00
Debited amount (excluding charges):	EUR 400.00
Estimated amount to be withdrawn from account:	EUR 401.00
Transaction charge:	EUR 1.00

Transaction result

Status:	Your instructions have been processed successfully.
Transaction ID:	141788709

MINISTERU GHALL-WIRT NAZZJONALI, L-ARTI U L-GVERN LOKALI

Dipartiment tar-Restawr u Preservazjoni

MINISTRY FOR THE NATIONAL HERITAGE, THE ARTS AND LOCAL GOVERNMENT

Restoration and Preservation Department

The Ministry For The National Heritage, The Arts & Local Government has agreed to the following Recommendations made by the Evaluation Committee.

Advert No.	Subject	Decision Award / Cancelled	Recommended Tenderer	Price - Excluding VAT	Deposit
REST/34/2023/A	Quotation for the Supply of Pre-mixed mortar to be used for Plastic Repair	Cancelled	N/A	N/A	€400

Tenderers are informed that any objection to the decisions listed above must reach the Public Contracts Review Board (PCRB) by not later than the **22/04/2024**. Objections must be accompanied by a deposit to the amount indicated against each advert; otherwise they will not be considered. Tenderers are to note that this information does not imply any obligations on the part of the Government to actually implement any of the decision indicated.

G. XUEREB

Secretary - Evaluation Committee
f/Restoration and Preservation Department

11/04/2024

Date