

## PUBLIC CONTRACTS REVIEW BOARD

Case 2070 - SPD2/2024/024 - Framework Contract for the Provision of Security Services at the Ministry for Tourism and Public Cleanliness

23<sup>rd</sup> January 2025

The Public Contracts Review Board, having noted the application filed by Dr Alex Scerri Herrera on behalf of the Ministry for Tourism and Public Cleanliness dated 22nd January 2025, wherein it is stated that the Contracting Authority intends to cancel the Tender in caption.

Resolves:

That the Board is adjourning the hearing until confirmation in writing signalling the cancellation denoted by the Contract Authority is filed in the acts of the proceedings by the Department of Contracts (DOC).

Following such filing, the Board will desist from considering any further the objection filed on 16<sup>th</sup> September 2024 by GoldGuard Security Services Limited and the Board will be directing that the deposit paid by the Appellant when filing the Objection will be reimbursed.

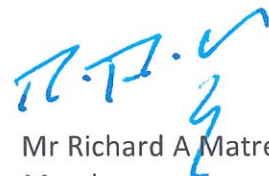
Dr Alessandro Lia on behalf of the appellant stated that he reserves his right to contest any eventual cancellation as indicated in the request which was handed a copy of at this hearing and whatever the decision of this Board may be. This should not be construed as a tacit acceptance by the appellant of the Department of Contracts (DOC) or the Contract Authority's decision to cancel the tender.



Dr Vince Micallef  
Chairman



Mr Lawrence Ancilleri  
Member



Mr Richard A Matrenza  
Member

Illum, 22 ta' Jannar, 2025

Lil: **Public Contracts Review Board**  
*Notre Dame Ravelin,*  
*Floriana, Malta*

Fl-ismijiet:  
GoldGuard Security Services Limited  
vs  
Department of Contracts et

**SPD 2/2024/024**

**Tender Names: Supplies – Framework contract for the Provision of  
Security Services at the Ministry of Tourism and Public Cleanliness  
(SPD 2/2024/024)**

Illi l-preżenti talba qeghda tiġi intavolata u tirrelata mal-fatt li l-Ministeru tat-Turiżmu u l-Indafa Pubblika ġie riassenjat u amalgamat ma' Ministeru ieħor u bi tmexxija ta' Ministru ġdid u dan permezz ta' deċizzjoni mill-Uffiċju tal-Prim Ministru li hija datata nhar is-27 ta' Novembru 2024.

Illi jidher li s-sejha pubblika a tenur tal-'Public Hearing 491/493 - SPD2/2024/024 - Framework Contract for the provision of Security Services at the Ministry for Tourism and Public Cleanliness' m'għadiex meħtieġa u dan għaliex bir-ril allokar tar-rizorsi, l-istess servizzi m'humiex meħtieġa u huma ġia koperti.

Għaldaqstant, jidher ċar li wara li jikkonferma tali pożizzjoni s-Segretarju Permanenti tal-istess Ministeru jidher li ser tiġi meħudha d-deċizzjoni sabiex l-istess sejha tiġi kanċellata, naturalment bid-drittijiet tal-partijiet kollha nvoluti jibqaw inpregudikati.

Illi l-istess intiża tiġi spegata aħjar fuq Artikolu 18.1 tar-Regoli Generali li jisthqu is-sewgewenti:

"The Central Government Authority/Sectoral Procurement Directorate/Contracting Authority reserves the right to accept or reject any tender and/or cancel the whole tender procedure before and after the closing established for the submission of the tenders, including instances where the financial offers submitted exceed the estimated value (budget) for the tender and/or the financial offers are deemed as economically not feasible".

Illi għalhekk qabel ma tinħareġ id-deċizzjoni definittiva għal l-istess kancellament, il-mittenti bħala awtorita kontraenti kompetenti f' dan l-istadju speċifiku tal-proċeduri u wara l-izviluppi suesposti li jistaw jiġu sostazjati bix-xhieda jew dokumenti opportuni jitolbu għal direzzjoni tal-istess Board in vista ta' dak suespost.

Illi l-istess talba qegħda tiġi ipprezentata in massima kawtela versu l-proċeduri ġia avviati.

Av. Matthew Xuereb



Av. Alex Scerri Herrera