

PUBLIC CONTRACTS REVIEW BOARD

Case 2201 – T – SFI/3/2025 - TENDER FOR THE REPLACEMENT, SUPPLY AND INSTALLATION OF NEW ARTIFICIAL TURF AT 5-A-SIDE FOOTBALL GROUND - HAL SAFI

12th January 2026

The Board,

Having noted the *Letter of Objection* filed by Dr Michael Camilleri acting for and on behalf of **Projekte Global Limited** (hereinafter referred to as “*the Appellant*”) filed on the 27th November, 2025;

Having also noted the *Reasoned Letter of Reply* filed by Dr Silvan Pulis acting for and on behalf of the **Hal Safi Local Council** (hereinafter referred to as “*the Contracting Authority*”) filed on the 4th December, 2025;

Having heard and evaluated the testimony of the witness Mr Johan Mula (Chairperson Evaluation Committee) as duly summoned by Dr Michael Camilleri acting for and on behalf of the Appellant;

Having heard and evaluated the testimony of the witness Ms Doris Baldacchino (Secretary Evaluation Committee) as duly summoned by Dr Michael Camilleri acting for and on behalf of the Appellant;

Having heard and evaluated the testimony of the witness Mr Emanuel Cassar (Expert nominated by the Contracting Authority) as duly summoned by Dr Michael Camilleri acting for and on behalf of the Appellant;

Having heard and evaluated the testimony of the witness Mr Desmond Mizzi (Representative of Projekte Global Limited) as duly summoned by Dr Michael Camilleri acting for and on behalf of the Appellant;

Having heard and evaluated the testimony of the witness Mr Johan Mula (Chairperson Evaluation Committee) as duly summoned by Dr Silvan Pulis acting for and on behalf of the Contracting Authority;

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 8th January, 2026, hereunder-reproduced.

Minutes

Case 2201 – Objection—T – SF/3/2025 – Tender for the Replacement, Supply and Installation of New Artificial Turf at 5 – A-side Football Ground – Hal-Safi.

The tender was issued on the 11th of July 2025, and the closing date was the 8th of August 2025.

The estimated value of the tender, excluding VAT, was €41,775

On the 27th November 2025 Projekte Global Limited lodged an appeal against Hal-Safi Local Council – the Contracting Authority. In accordance with Regulation 270 of the Public Procurement Regulations.

On the 8th of January 2026, the Public Contracts Review Board (PCRB), composed of Dr Vincent Micallef as Chairman, Dr Maria Cardona and Dr Ana Thomas, as members, convened a public hearing to consider the appeal.

A deposit of €400 was paid.

There were six bids.

The attendance for this public hearing was as follows:

Appellant –Projekte Global Limited.

Dr Michael Camilleri – Legal Representative.
Ms Ann Degiovanni – Company Representative.
Mr. Desmond Mizzi – Company Representative.

Contracting Authority – Hal-Safi Local Council.

Dr Silvan Pulis – Legal Representative.
Mr. Johann Mula – Mayor/Chairperson.
Ms. Doris Baldacchino – Executive Secretary/ Secretary.

Recommended Bidder – 389 Co. Ltd Roofing & Sports System. (VAT no. 1224 - 7223).

Mr. Etienne Borg – Company Representative. (on-line.)

Opening Statements

Dr Vincent Micallef, Chairman of the Public Contracts Review Board, welcomed the parties present, namely the Appellant, Projekte Global Limited, the Contracting Authority, Hal Safi Local Council, and the Preferred Bidder, 389 Co. Ltd Roofing & Sports System.

Initial Submissions

Initial Submissions by Dr Michael Camilleri (for the Appellant)

Dr Michael Camilleri stated that Projekte Global Ltd. was rejected because it was not the cheapest bid. However, the Appellant believed that the recommended bidder was not fully compliant. This became evident after the technical report was provided. The tender included two criteria: price and technical compliance. Had the recommended bidder, 389 Co. Ltd., offered all the required technical specifications, their price would have been higher.

Initial Submissions by Dr Silvan Pulis (for the Contracting Authority)

Dr Pulis stated that a technical expert was engaged for this tender, which concerned the new installation of artificial turf. The decision to select the recommended bidder was based on the expert's report. The recommended bidder submitted the cheapest offer and, according to the expert, the platform was not necessary given the proposed turf height; therefore, the price would be lower. The professional expert, commissioned by the Local Council, evaluated and ranked the bids.

The Chairman asked whether the Appellant was technically compliant but not the cheapest bidder.

Dr Pulis replied that, based on the clarifications, none of the bids were fully compliant. Two bids were technically compliant, and the Local Council selected the cheapest among them.

The Chairman referred to the rejection letter dated 20 November 2025 and quoted:

“With reference to the above captioned tender issued by Safi Local Council, although your technical offer was technically compliant, we regret to inform you that your offer was not the cheapest one”.

He noted that Dr Pulis had stated that no bid was compliant, whereas the rejection letter indicated that Projekte Global Ltd. was technically compliant.

Dr Pulis responded that the technical expert would explain the issue in relation to Federation Internationale de Football Association (FIFA) Standards.

Dr Ana Thomas asked about the requirements outlined in the tender document, and Dr Pulis stated that he was relying on the expert to provide the explanation.

Initial Submissions by Mr Etienne Borg (for the Recommended Bidder)

Mr Borg stated that his company was the recommended bidder as it had submitted the cheapest bid and met all the specifications.

Witnesses

Witness Mr Johann Mula (ID No. 334175 M), summoned by Dr Michael Camilleri

Mr Johann Mula, Mayor of Safi and Chairperson of the Board, testified that the Board was composed of a chairman, a secretary, and three evaluating members. The Local Council had allocated funds to replace the football ground turf. A technical expert was consulted, and his report was considered during the evaluation process. The expert was well renowned, had worked with the Malta Football Association (MFA), and was familiar with FIFA standards. The tender specifications were provided by Sport Malta.

The expert evaluated only the technical component, not the financial aspect. Three bids were deemed compliant, and the Council selected the cheapest.

The Chairman asked whether the tender document had been provided to the expert.

The witness confirmed this but stated that it was the Secretary who provided the document and that he was unsure whether it was Tender T-SFI/3/2025.

Dr Camilleri referred again to the rejection letter, and the witness stated that the letter reflected the Council's decision.

Dr Thomas asked, where the Sport Malta specifications, were published in the tender.

The witness replied that they were included on page 14 of the tender. He was unsure whether the expert had received the clarification notes together with the specifications.

Witness Ms Doris Baldacchino (ID No. 292162 M), summoned by Dr Michael Camilleri

Ms Baldacchino testified that she was the Secretary of the Safi Local Council and Secretary of the Evaluation Board. She signed the rejection letters following the Board's decision.

One clarification concerned the site visit, which all bidders attended. Neither the technical expert nor the architect was present. Ms Baldacchino replied to bidders' questions at a later stage after consulting with the other Board members.

Dr Ana Thomas asked whether the expert had been provided with the tender document, and all submitted bids.

Ms Baldacchino replied in the affirmative but stated that the expert was not provided with the clarification notes. Mr Cassar, the technical expert, reviewed the six bids and identified three as compliant.

Dr Maria Cardona stressed that the Local Council selected the cheapest bid by elimination, relying entirely on Mr Cassar's report.

Dr Camilleri asked whether the clarification notes included additional specifications not originally contained in the tender.

Dr Thomas showed a document to the witness, who confirmed that all bidders had received this document containing additional specifications.

Dr Camilleri noted that the expert had not received this document.

The Chairman referred to the specifications in Section 3, page 14 of the tender, and quoted from the clarification reply:

"The shock pack should be cast to have a minimum thickness of 20mm".

He noted a discrepancy between the tender document and the clarification notes. The clarification notes also included the requirement: "The turf supplier should be FIFA preferred supplier", which was not included in the original tender.

The Appellant argued that bidders were required to comply only with the specifications included in the tender document. Subsequently, on 4 July 2025, the Local Council introduced additional requirements not included in the original tender.

The Chairman asked whether, after the issuance of the tender, submission of bids, and issuance of clarification replies, the specifications differed from those stipulated in the tender document.

Ms Baldacchino replied in the affirmative.

Mr Etienne Borg stated that he had no questions for the witness and affirmed that 389 Co. Ltd. had submitted the FIFA certificate.

Witness Mr Emanuel Cassar (ID No. 114779 M), summoned by Dr Michael Camilleri

Dr Camilleri asked Mr Cassar to confirm that he had been requested by the Local Council to assess the tender specifications.

Mr Cassar stated that on 8 October 2025 he was provided with the offers and submissions, including prices, and was requested by Mr Johann Mula to prepare a technical report.

One bidder submitted documentation with completely different technical literature. Mr Cassar confirmed that he was not provided with the clarification notes.

The Chairman confirmed that Mr Cassar was not aware of the clarifications. Mr Cassar stated that his report was based on FIFA standards and football pitch requirements, a point confirmed by both the Chairman and Dr Thomas.

Dr Camilleri provided the witness with a copy of the clarifications, including the requirement that the turf include a cast in-situ shock pad with a thickness of 20mm. Dr Camilleri asked whether bids submitted without a cast in-situ shock pad were compliant.

Mr Cassar stated that this was the first time he had seen this requirement. He confirmed that the recommended bidder was technically compliant according to the original tender requirements.

The Chairman asked whether the recommended bidder, which did not include a cast in-situ shock pad of at least 20mm, would be compliant.

Mr Cassar replied that the recommended bidder was not compliant with this requirement.

Dr Camilleri asked the witness to explain the difference between a cast in-situ shock pad and a polymer shock pad.

Mr Cassar explained that they are two different systems with different characteristics, including thickness and cost. He stated that the Appellant's system was the best option. The recommended bidder offered a 15mm polymer shock pad and stated that an underlay was unnecessary.

Dr Camilleri argued that the polymer system did not comply with the clarification requirements.

Dr Thomas stated that the awarded bidder was not compliant with the clarification requests.

Mr Cassar explained that the clarification required a minimum of 700 microns, while the awarded bidder offered 300 microns; a dTex of 25,000, while the bidder offered 12,000; and a pile weight of 1500 g/m², while the bidder offered 1299 g/m². The required pile height was 50mm; the awarded bidder offered 62mm, while the Appellant offered 40mm.

The Chairman referred to clarification number 2 and quoted:

“The turf supplier should be FIFA preferred supplier, the microns to be more than 700, the dTex more than 25,000 and the pile weight 1500g/m²”.

He noted that the recommended bidder did not comply with these requirements.

Cross-Examination by Dr Silvan Pulis

Dr Pulis questioned Mr Cassar regarding his experience as a technical expert.

Mr Cassar stated that he had worked with the MFA for 13 years as a director responsible for pitches, stadiums, and football centres, including tendering processes. He currently serves as a consultant with the Sports Association.

Dr Pulis asked whether Mr Cassar's report would have changed had he seen the clarifications.

Mr Cassar replied that his report was based on the requirements of a FIFA football pitch.

The Chairman confirmed that the report was based on FIFA standards rather than the specific tender specifications.

Mr Cassar concluded that 389 Co. Ltd. was not compliant with the later clarification requirements, while Projekte Global Ltd. did not meet the pile height requirement.

Cross-Examination by Dr Michael Camilleri

Dr Camilleri referred to the clarification question and quoted:

“Can other pile heights be offered that will have already been tested by FIFA uncertified?”.

The reply was “Yes”.

Mr Cassar stated that the questions and answers under clarifications seven and five were contradictory. He explained that the system submitted by Projekte Global Ltd. satisfied the requirements. He further stated that a 20mm shock pad normally corresponds to a pile height of 40–45mm, and where no shock pad is used, the pile height compensates.

Mr Etienne Borg stated that none of the bidders complied with the 700-micron requirement.

Witness Mr Desmond Mizzi (ID No. 465463 M), summoned by Dr Michael Camilleri

Mr Mizzi testified that there are various types of artificial turf for football, and even FIFA-certified turf is not suitable for every pitch. A higher rubber content requires increased maintenance, and the Safi ground lacks maintenance access. A shock pad combined with a lower pile height is therefore preferable.

Polymer shock pads cost approximately €3.60 per square metre, whereas cast in-situ shock pads cost approximately €20 per square metre and require extensive mobilisation.

If Projekte Global Ltd. had offered the same system as the recommended bidder with a 62mm pile height, their offer would have been €5000–€6000 cheaper. Projekte Global Ltd. offered 40mm turf with a face weight of 1600, which provides greater durability and requires less maintenance, justifying the price difference.

Although the tender required partial dismantling of a wall, large machinery would not be necessary for cast in-situ works.

The tender contained shortcomings, and Projekte Global Ltd. raised queries that were addressed in clarification number 5.

In the final clarification, the Local Council introduced requirements regarding cast in-situ shock pads and pile height, which created confusion. A bidder could have submitted turf suitable for a hockey pitch while still being FIFA-certified. Projekte Global Ltd. offered a 25mm cast in-situ shock pad with a 40mm pile height.

Witness Mr Johann Mula (ID No. 334175 M), summoned by Dr Silvan Pulis

Mr Mula testified again, stating that the Contracting Authority had both the technical report and the clarifications and based its decision on the report. Referring to report about 389 Co. Ltd., the expert noted that due to the pile height, a shock pad was unnecessary. This clarification was suggested after the site visit, at which the Local Council was not present.

Dr Thomas asked about Mr Mula's involvement in preparing the clarification responses.

Mr Mula stated that he received the clarifications already prepared when they were presented to the Board.

The Chairman confirmed that the clarification responses were not prepared by the evaluators or the Chairman of the Board.

Dr Camilleri referred to the bill of quantities in the tender document, noting that a shock-absorbing underlay was specified.

Mr Mula agreed.

Final Submissions

Final Submissions by Dr Michael Camilleri

Dr Camilleri stated that the evidence confirmed his submissions. Projekte Global Ltd. had complied with all tender requirements and submitted a technically sound system.

Final Submissions by Dr Silvan Pulis

Dr Pulis stated that Projekte Global Ltd. was not fully compliant and that the Council's objective was to provide a project for the youth of Safi. The expert based his assessment on FIFA and football standards. The recommended bidder complied with the two essential criteria.

Final Submissions by Mr Etienne Borg

Mr Borg reiterated that none of the bidders complied with the 700-micron requirement.

Conclusion of the Hearing

With no further arguments presented, Chairman Dr Vincent Micallef thanked all parties and formally concluded the hearing.

End of Minutes

Hereby resolves:

The Board refers to the minutes of the Board sitting of the 8th January, 2026.

Having noted the objection filed by Dr Michael Camilleri (hereinafter referred to as "*the Appellant*") on the 27th of November, 2025, refers to the claims made by the same Appellant with regard to the tender of reference – T – SFI/3/2025 TENDER FOR THE REPLACEMENT, SUPPLY AND INSTALLATION OF NEW ARTIFICIAL TURF AT 5-A-SIDE FOOTBALL GROUND - HAL SAFI listed as case No. 2201 in the records of the Public Contracts Review Board.

Appearing for the Appellant: Dr Michael Camilleri

Appearing for the Contracting Authority: Dr Silvan Pulis

Whereby, the Appellant contends that:

Fatti

Illi t-tender "T-SFI/3/2025, ippubblikat mill-Kunsill Lokali Hal Safi fil-1 ta' Lulju, 2025, kien jirrigwarda s-sostituzzjoni, il-provvista u l-installazzjoni ta' turf artifizjali gdid fil-Ground tal-Futbol 5-A-Side, bi stima ta' valur ta' €41,775 eskluza 1-VAT.

Illi l-kriterju ewlieni tal-għoti kieri stipulat bhala l-prezz I-aktar baxx li jissodisfa r-rekwiziti amministrattivi u teknici kollha.

1 Specificazzjonijiet Teknici fit-Tender Document Originali

Illi in succinct il-provvista u installazzjoni ta' turf artifi jali kellu ikun ta' 62mm, it-turf kellhom ikunu infilled bis-Silica u rubber infill. It-turf huwa soggett għal massimu ta' $1 < 3$ mm wear fis-sena; it-tender jstipula li 'no seams or joints' għandhom ikunu viżibbli; il-materjal irid ikun Fifa Quality Pro Certified; ilmaterjal irid ikun kopert minn Garanzija UEFA ta' tmien snin; il-kuntrattur irid jipprovdi servizz affidabbli u regolari ta' after sales għal perjodu ta' hames snin u il-grawnd għandu jkun disponibbli għall-ittestjar fuq il-post minn tim professjonali ta' plejers tal-futbol qabel iċ-ċertifikazzjoni finali u l-għoti tiegħu għall-użu.

Illi matul il-process tal-offerti, ingħataw diversi kjarifili. Fid-28 ta' Lulju, 2025, gie ccarat li s-sotto-baži tal-grawnd kienet magħmula mill-konkrit u li l-linji tal-pitch iridu jkun inseriti u mhux miżbugħa. F'din l-istess data, giet organizzata żjara fis-sit għall-30 ta' Lulju, 2025, minkejja li oriġinarjament ma kinitx ippjanata. Wara din iż-żjara, saret bidla sinifikanti fl-ispecificazzjonijiet tekniċi permezz ta' Kjarifika Nru 7 ippubblikata fl-4 ta' Awwissu, 2025. Gie stipulat bhala rekwizit mandatorju li l-"shock pad" għandu jkun cast in-situ u installat b'paving equipment biex jiġu korretti l-imperfazzjonijiet eżistenti, b'ħxuna minima ta' 20 mm. Ir-rekwiziti bażici kienu jitolbu wkoll li t-turf ikun FIFA Quality Pro Certified u jkollu garanzija UEFA ta' tmien snin.

Decizjoni

Illi fil-20 ta' Novembru, 2025, il-Kunsill Lokali Hal Safi nnotifika lill-offerenti biddeċizjoni li jirrakkomanda l-ghoti tal-kuntratt lil Three Eight Nine Co Ltd. Lappellenti Projekte Global Ltd. giet infurmata li l-offerta tagħha ma ntlaghetx minhabba li "ma kinitx l-irhas wahda". Projekte Global Ltd.

Raguni għall-Appell

Illi Projekte Global Ltd. tappella d-deċizjoni tal-Kunsill Lokali Hal Safi tat-20 ta' Novembru, 2025, li tirrakkomanda l-ghoti tat-tender T-SFI/3/2025 lil Three Eight Nine Co Ltd. Hemm zewg kriterji sabiex dan it-tender jigi mogħti li lill-offerent ossia li l-offerent jissottometti l-offerta bl-irhas prezz u li għandha tissodisfa l-kriterji amministrattivi u tekniċi kollha.

L-esponenti hija tal-fehma li dawn il-kriterji ma gewx sodisfatti mill-offerent rebbieh. Illi dan l-appell qiegħed issir ai termini tar-Regolament 87 ta' LS 601.03 kif ukol r-Regolament 61 li jghid li 'l-offerta hi konformi mar-rekwiżiti, kondizzjonijiet u kriterji stabbiliti fid-dokumenti tal-akkwist' Għaldaqstant, l-appellanti Projekte Global Ltd titlob lill-Bord ta' Revizjoni tal-Kuntratti Pubblici sabiex:

1. Jezamina fid-dettall it-taqsimha teknika sottomessa minn Three Eight Nine Co Ltd
2. Jiddikjara li Three Eight Nine Co Ltd. ma jissodisfawx dawn ir-rekwiżiti tekniċi mandatorji.
3. Konsegwentement, jiddikjara li għoti tat-tender lil Three Eight Nine Co Ltd huwa null.

This Board also noted the **Contracting Authority's Reasoned Letter of Reply** filed on the 4th December, 2025, and its verbal submissions during the hearing held on the 8th January, 2026, in that:

Illi l-Kunsill Lokali ta' Hal Safi, ħareg sejha għal 'Tender for the Replacement, Supply and Installation of New Artificial Turf at 5-A- Side Football Ground - Hal Safi';

Illi mal-għeuq ta' sejha l-Kunsill Lokali, qabbad espert fuq dan il-qasam u cioe lis-Sur Emanuel Cassar, li huwa Sports Turf Consultant mal-Malta Football Association, sabiex jhejji Technical Comparison Report (Dok A); Illi permezz ta' dan ir-rapport giet prezentata lil Kunsill evalwazzjoni teknika komparattiva tas-sistemi tat-turf artifiċjali proposti minn sitt (6) operatori ekonomiċi. L-Għan ta' din il-valutazzjoni kien li jidentifika l-aktar Sistema teknikament konformi u durabli adattata għal applikazzjonijiet sportivi u

rikreattivi professjonali b'enfasi partikolari fuq il-kwalita tal-prodott, l-istandards taċ-ċertifikazzjoni, il-kompożizzjoni tal-materjal, il-prestazzjoni strutturali, u l-kopertura tal-garanzija;

Illi barra minnhekk kull sottomissjoni giet riveduta bir-reqqa kontra parametri ewlenin talprestazzjoni, inklużi l-kredenzjali tal-liċenzjar tal-fornitur (eż. ċertifikazzjoni tal-FIFA), ilkompożizzjoni tat-turf, l-għoli u d-densità, l-inklużjoni ta' sistemi ta' shock absorption system, u l-karatteristiċi generali tad-durabbiltà;

Illi permezz ta' ittra datata 20 ta' Novembru 2025, il-Kunsill Lokali Hal Safi nnotifika liofferenti bid-deċiżjoni li jirrakomanda l-għoti tal-kuntratt lil Three Eight Nine Co Ltd; Raguni għall-Appell ta' Projekte Global Ltd;

Illi l-Kunsill Lokali Hal-Safi gie nformat li Projekte Global Ltd, intavolaw appell datata 27 ta' Novembru 2025 quddiem il-Bord ta' Revizjoni tal-Kuntratti Pubblici (PCRB); Illi l-appellanti jsostni li; hemm zewg kriterji sabiex dan it-tender jigi mogħti li lilofferent ossia li l-offerent jissottometti l-offerta bl-irhas prezz u li għandha tissodisfa l-kriterji amministrattivi u tekniċi kollha. Lesponenti hija tal-fehma li dawn il-kriterji ma gewx sodisfiatti millofferent rebbieh.

Illi l-appellanti talbu lill dan l-Onorabli Bord sabiex;

1. Jeżamina fid-dettall it-taqsimha teknika sottomessa minn Three Eight Nine Co Ltd;
2. Jiddikjara li Three Eight Nine Co Ltd. ma jissodisfawx dawn irrekwiżiti tekniċi mandatorji;
3. Konsegwentement, jiddikjara li-għoti tat-tender lil Three Eight Nine Co Ltd huwa null;

Sottomissjonijiet mil-Kunsill Lokali ta' Hal Safi;

Illi permezz ta' Tender Document, il-Kunsill indika x'inhuma l-kriterji li għandhom jkunu segwiti; 6. Criteria for Award 6.1 The sole award criterion will be the price. The contract will be awarded to the tenderer submitting the cheapest priced offer satisfying the administrative and technical criteria.

Illi permezz ta' kjarifika numru sebgħa li giet publikata fl-erbgha (4) t' Awwissu 2025 wara li saret site visit gie kkomunikat is-segweni; Following site visit kindly note the following: It is important that the shock pad should be cast in-situ having a minimum thickness of 20 mm and 14 per cent binder It needs to be installed with paving equipment in order to correct any existing imperfection in existing sub base. Minimum pile height that could be offered is that of 50mm.

Illi l-Kunsill jsostni lil-kriterji amministrattivi u tekniċi gew kollha sosdisfatti anki a bazi tal-kjarifika li giet ippublika minn Three Eight Nine Co Ltd;

Illi b'referenza għar-rapport tal-espert tekniku, m'hejji mil-kunsill stess, dan jagħmel rapport detaljat fejn jidhol b'mod detaljat f'kull offerta, u għar-rigward ta' dak li għie prezentat minn Three Eight Nine Co Ltd, l-espert jikkonkludi is-segwenti;

Three Eight Nine Co. Ltd - The offer is comprehensive and well documented.

The proposed CCGrass Libra PU 62-13 system is manufactured by a FIFA Preferred Provider, guaranteeing conformity with FIFA Quality and Quality Pro standards. The inclusion of a 15 mm polymer shockpad enhances player comfort and shock absorption; however, given the proposed turf height, such an underlayer is not strictly necessary. The 8-year warranty is considered satisfactory. It is worth noting that the manufacturing operations of this provider are located outside Europe, and as such, it would be prudent to obtain guarantees from the installer regarding delivery timelines¹.

Illi għalhekk l-espert jindika li minħabba l-gholi ta' turf ta' 62 mm, 1-15 mm polymer shockpad, ma huwiex necessarji.

Illi meta wiehed jagħmel referenza għal kjarifika jidher lil- 'Minimum pile height that could be offered is that of 50mm. Illi barra minn hekk jirrizulta ukoll mit-Technical Data sheet, lit-Turf provdut minn Projekte Global Ltd għandu Pile height ta' 40 mm u għalhekk ma jissodisfax ir-rekwizit tekniċi ta' din is-sejha.

Konkluzjoni

Għalhekk, filwaqt li jirriżervaw id-dritt li jipprezentaw kwalunkwe sottomissjoni orali jew bil-miktub jew evidenza oħra b'appoġġ għal din it-tweġiba, ir-risponent qed jitlob kordjalment u b'rispett lil dan l-Onorevoli Bord biex jirrifjuta kompletament it-talbiet imressqa mill-appellant u jikkonfermaw id- deċiżjoni li jirrakomanda l-ghoti tal-kuntratt lil Three Eight Nine Co Ltd.

This Board, after having examined the relevant documentation to this appeal and heard submissions made by all the interested parties including the testimony of the witnesses duly summoned, will now consider Appellant's grievances as follows in their entirety.

Facts

The PCRB heard an appeal filed by Projekte Global Limited against the decision of the Local Council of Hal Safi regarding tender T-SFI/3/2025, concerning the replacement, supply, and installation of new artificial turf at the 5-a-side football ground, with an estimated value of €41,775, exclusive of VAT. The

primary criterion for award was the lowest price offered that fully complied with all administrative and technical requirements.

On the 20th November, 2025, the Local Council notified bidders that the contract was recommended to Three Eight Nine Co Ltd., with Projekte Global Ltd. informed that its offer had been rejected on the basis that it “*was not the lowest.*” Projekte Global Ltd. appealed this decision, asserting that the award did not comply with the administrative and technical criteria stipulated in the tender.

Technical Specifications in the Original Tender Document

The tender specified that the artificial turf should be 62mm in height, infilled with silica and rubber, with a maximum wear of 1–3mm per year. No seams or joints were to be visible. The material was required to be FIFA Quality Pro certified and covered by an eight-year UEFA warranty. Contractors were to provide reliable after-sales service for five years, and the ground was to be available for on-site testing by a professional team prior to final certification.

During the tender process, various clarifications were issued. On the 28th July, 2025, it was clarified that the sub-base of the ground was concrete and that pitch lines were to be inserted, not painted. A site visit took place on the 30th July 2025. Significant amendments were introduced through Clarification No. 7, published on the 4th August, 2025, requiring, *inter alia*, that the shock pad be cast *in-situ* with a minimum thickness of 20mm and installed with paving equipment.

Decision of the Local Council

The Council recommended the award of the contract to Three Eight Nine Co Ltd., notwithstanding that the recommended bidder’s submission did not comply with several mandatory technical requirements, and that the expert relied upon by the Council had not assessed compliance with the tender document itself.

Consideration of the Contracting Authority’s Reply

The Board has carefully considered the Reasoned Letter of Reply filed by the Local Council of Hal Safi on the 4th December, 2025, together with its oral submissions on the 8th January, 2026. The Council submitted that it issued a call for tenders and appointed Mr Emanuel Cassar, a Sports Turf Consultant with the Malta Football Association, to prepare a Technical Comparison Report. This report compared the artificial turf systems proposed by six economic operators to identify the most technically compliant and durable system suitable for professional sporting and recreational use, emphasising product quality, certification standards, material composition, structural performance, and warranty coverage.

Each tender submission was reviewed against key performance parameters, including supplier licensing credentials, turf composition, pile height and density, inclusion of shock absorption systems, and general durability characteristics.

By letter dated the 20th November, 2025, the Local Council notified tenderers of its decision to recommend the award to Three Eight Nine Co Ltd. Projekte Global Ltd. filed an appeal on the 27th November, 2025, contending that although the award criterion was lowest price, such price still had to satisfy all administrative and technical requirements, which, according to the appellant, had not been met by the recommended bidder.

In its defence, the Council referred to clause 6 of the Tender Document, which provides that the sole award criterion is price, to be awarded to the cheapest offer satisfying administrative and technical criteria. The Council relied on Clarification No. 7, which stated that the shock pad should be cast *in-situ* with a minimum thickness of 20mm and 14% binder, installed with paving equipment, and that the minimum pile height that could be offered was 50mm. The Council asserted that all administrative and technical criteria were satisfied by Three Eight Nine Co Ltd., including on the basis of published clarifications.

The Council highlighted that the expert concluded the offer was “*comprehensive and well documented,*” that the proposed CCGrass Libra PU 62-13 system was manufactured by a FIFA Preferred Provider, conformed with FIFA Quality and Quality Pro standards, included a 15mm polymer shock pad, and that the eight-year warranty was satisfactory. The Council argued that, given the turf height of 62mm, a 15mm shock pad was not strictly necessary. It distinguished Projekte Global Ltd.’s offer by noting a pile height of 40mm, failing to meet the minimum 50mm requirement introduced through Clarification No. 7.

On this basis, the Council requested the Board to reject the appeal and confirm the award recommendation.

Further Considerations of the Board

Ground 1: Discrepancy in the Testimony of the Evaluation Committee Members

The Board notes that there was a clear divergence between the testimonies of the evaluation committee secretary and the chairperson. The secretary testified that clarification questions submitted by the appellant were referred to committee members for responses. The chairperson testified that the secretary composed the replies independently. The Board finds this contradiction constitutes a serious lack of credibility and undermines confidence in the impartiality, transparency, and integrity of the evaluation process.

Ground 2: Irregularities in the Expert Report

Mr Cassar confirmed under oath that he prepared a report regarding the turf but did not assess compliance with the tender document, considering only football-specific requirements and FIFA standards. He

admitted commencing evaluation before receiving the tender document. Both chairperson and secretary confirmed the recommendation relied solely on the expert report. Reliance on a report prepared without reference to the tender constitutes a procedural and substantive irregularity.

The expert also stated that the tender document was “*not up to standard*” and contained irregularities. Rather than evaluating compliance with the published tender, he substituted his own professional assessment based on football requirements and FIFA standards. His task was to determine compliance, which was not done.

Ground 3: Clarification Replies Creating Additional Specifications

Clarification replies introduced specifications not in the original tender, materially altering the scope. These were never communicated to Mr Cassar, who became aware only during the PCRB proceedings. Reliance on the expert report without considering these clarifications was improper.

Ground 4: Non-Compliance of the Recommended Bidder with Technical Requirements

The Board observes that the recommended bidder, Three Eight Nine Co Ltd., failed to satisfy several mandatory technical requirements. Clarification No. 2, issued on the 24th July, 2025, required the turf supplier to be a FIFA Preferred Supplier and that the artificial turf meet minimum thresholds of microns exceeding 700, dfex exceeding 25,000, and pile weight exceeding 1,500 g/sqm.

The bidder, alternatively, submitted microns of 300, dfex of 12,000, and pile weight of 1,299 g/sqm, figures significantly below the prescribed thresholds, as confirmed under oath by Mr Cassar and acknowledged by the bidder itself.

Furthermore, the recommended bidder did not meet the minimum pile height requirement stipulated in Clarification No. 7, which required 50mm. While the bidder offered turf of 62mm, the shock pad provided was only 15mm, contrary to the 20mm requirement. Contradictions between Clarification Nos. 5 and 7, regarding turf composition and installation standards, further highlight inconsistencies that materially affected evaluation.

Mr Cassar testified that no tenderer, including the recommended bidder, satisfied the minimum micron specification. This *ex admissis* assertion demonstrates that the recommended bid was technically non-compliant, yet still, the evaluation committee recommended the award. The Board finds that awarding the tender on this basis was a manifest breach of the tender requirements, undermining equal treatment, transparency, and fair competition.

Taken cumulatively, the Board concludes that the recommendation to award to Three Eight Nine Co Ltd., despite these deficiencies, was procedurally and substantively flawed.

Ground 5: Procedural Anomalies

The evaluation process exhibited multiple irregularities, including contradictory testimonies, reliance on an expert report prepared before access to the tender document, disregard for clarifications, awarding to a non-compliant bidder, and contradictions in clarifications issued. Collectively, these render the award process opaque, arbitrary, and legally unsustainable.

Credibility Findings

The Board finds that the evaluation committee's credibility is seriously undermined, raising doubts whether it functioned as a deliberative body or whether decision-making was concentrated in a single individual. Mr Cassar's expert opinion is compromised, being untethered to the tender and disregarding clarifications. The evaluation process lacked transparency, diligence, and objectivity, and the evidential basis of the award decision is unreliable.

Proportionality and Remedy

The Board notes that under the Public Procurement Regulations, it possesses the authority to annul a tender entirely where circumstances so warrant. Such a power is intended to ensure the integrity of the procurement process, uphold fairness, and rectify situations where the tender itself is fundamentally flawed.

In the present case, however, the deficiencies identified, whether in procedural adherence, the expert report, or the evaluation committee's determinations, arise exclusively from the conduct and oversight of the Evaluation Committee and the manner in which the expert's opinion was relied upon, rather than from any intrinsic defect in the tender documentation or from the *bona fide* participation of any economic operator.

To annul the tender outright would therefore unjustly penalise all tenderers, including those whose submissions fully complied with the terms of the call, and would exceed what is necessary to correct the procedural and substantive irregularities identified.

Therefore, in the interests of proportionality, fairness, and the preservation of competitive integrity, the Board finds that the most appropriate and legally sound remedy is to direct a full re-evaluation of the submitted tenders, conducted by a newly constituted Technical Evaluation Committee in strict compliance with the tender document, all issued clarifications, and the governing procurement regulations. This approach ensures that the deficiencies attributable to the Evaluation Committee are remedied without imposing undue prejudice on the economic operators, and safeguards the principles of equal treatment, transparency, and lawful competition.

Overall Credibility Assessment

The Board concludes that:

- the testimony of the evaluation committee members lacks internal consistency and reliability;
- the expert report, while prepared in good faith, is not credible as a basis for assessing tender compliance;
- the Contracting Authority's evaluation process lacks the degree of transparency, diligence, and objectivity required by public procurement law.

The Board therefore finds that the factual substratum upon which the award decision was based is unreliable. Where the evidential foundation of a procurement decision is, itself compromised, the resulting decision cannot be allowed to stand.

Final Considerations and Decision

Taking all the above into account, the Board is compelled to reiterate that the tender process and its evaluation were inundated with incorrect, improper, and extraneous considerations. The process was obfuscated by contradictory clarifications, an expert report untethered from the tender document, and an evaluation committee whose credibility was seriously undermined by conflicting sworn testimony.

To this effect, and in view of all the above, the Board finds that the appellant is right on all fronts.

NOW THEREFORE,

The Public Contracts Review Board having evaluated all the above and based on the above considerations, concludes and decides:

1. To uphold in its entirety the appeal filed by Projekte Global Limited;
2. To declare that the award decision is null and without legal effect as consequentially annuls the *Notice of Award* of the Local Council of Hal Safi dated the 20th November, 2025 recommending the award of Tender T-SFI/3/2025 to Three Eight Nine Co Ltd.;
3. To cancel the *Letter of Rejection* dated the 20th November, 2025, sent to Projekte Global Limited;
4. To order the Contracting Authority to re-evaluate the tenders strictly in accordance with the tender document, all issued clarifications, and the applicable procurement regulations;
5. To order the Contracting Authority to re-instate the offer of the Appellant Projekte Global Limited;
6. To re-evaluate the bids through a newly constituted Technical Evaluation Committee taking into consideration the Board's findings; and
7. Directs that the deposit paid by Appellant to be reimbursed in full.

Dr Vincent Micallef
Chairman

Dr Ana Thomas
Member

Dr Maria Cardona
Member