

## **PUBLIC CONTRACTS REVIEW BOARD**

### **Case 2205 – SPD4/2025/050 – Supplies - Framework Contract for the Supply and Delivery of Stationery Items including Recycled Office Photocopy Paper made from 100% Recovered Paper Fibres to St Vincent de Paul – Lot 2**

**16<sup>th</sup> January 2026**

The Board,

Having noted the letter of objection filed by Mr Alfio Schembri on behalf of Kasco Limited, (hereinafter referred to as the appellant) filed on the 26<sup>th</sup> November 2025;

Having also noted the letter of reply filed by Dr Noel Bezzina acting for and on behalf of St Vincent de Paul (hereinafter referred to as the Contracting Authority) filed on the 5<sup>th</sup> December 2025;

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

Having noted and evaluated the minutes of the Board sitting of the 13<sup>th</sup> January 2026 hereunder-reproduced.

#### **Minutes**

#### **Case 2205 – SPD4/2025/050 – Supplies - Framework Contract for the Supply and Delivery of Stationery Items including Recycled Office Photocopy Paper made from 100 Percent Recovered Paper Fibres to St Vincent De Paul – Lot 2.**

The tender was issued on the 30<sup>th</sup> of July 2025, and the closing date was the 9<sup>th</sup> of September 2025.

The estimated value of the tender, excluding VAT, was € 53,400.00

On the 26<sup>th</sup> of November 2025 Kasco Limited, lodged an appeal against Saint Vincent de Paul, the Contracting Authority. In accordance with Regulation 270 of the Public Procurement Regulations.

On the 13<sup>th</sup> of January 2026, the Public Contracts Review Board (PCRB), composed of Mr. Kenneth Swain as Chairman, Dr Vincent Micallef and Mr Lawrence Ancilleri, as members, convened a public hearing to consider the appeal.

A deposit of € 400 was paid.

There were five bids.

The attendance for this public hearing was as follows:

#### **Appellant – Kasco Ltd. (C 2589)**

Mr Robert Zammit – Company Representative.

Ms. Sue Mifsud – Company Representative.

### **Contracting Authority – Saint Vincent de Paul.**

Dr Noel Bezzina – Legal Representative.

Ms Karen Muscat – Chairperson.

Ms Claudia Muscat – Secretary.

Mr Mario Caruana – Evaluator.

Ms Maria Victoria Micallef – Evaluator.

Ms Marcon Sultana – Evaluator.

Ms Marica Saliba – Representative.

### **Recommended Bidder – Office Essentials Ltd. (C27900).**

Dr Jan Micallef-- Legal Representative.

### **Opening Statements**

Mr. Kenneth Swain, Chairman of the Public Contracts Review Board, welcomed the parties present, namely the Appellant, Kasco Ltd., the Contracting Authority, Saint Vincent de Paul, and the Preferred Bidder, Office Essentials Ltd.

The Chairman stated that the hearing concerned Lot 2 of the tender. The appeal was clear, and the Board had taken note of the reply.

Since Mr Robert Zammit, representing Kasco Ltd., was not a lawyer, the Chairman explained the procedures of the Board.

### **Initial Submissions**

#### **Initial Submissions by Mr Robert Zammit (for the Appellant)**

Mr Robert Zammit stated that this was a very straightforward appeal. The issue was that the tender was issued in boxes, and the price was required to be quoted per box; however, the successful bidder under Lot 2 submitted its price per ream.

#### **Initial Submissions by Dr Noel Bezzina (for the Contracting Authority)**

Dr Noel Bezzina stated that they had no comments at this stage and would comment at a later stage.

The Chairman then asked Dr Jan Micallef, representing the Recommended Bidder, whether he had anything to add, since no written reply had been submitted.

#### **Initial Submissions by Dr Jan Micallef (for the Recommended Bidder)**

Dr Jan Micallef stated that he wished to clarify two points.

The first point concerned the letter issued by the lawyer appointed by the Contracting Authority. He remarked that it was unusual for the Contracting Authority to appoint a lawyer to contradict the decision of the Evaluation Board. In the context of public procurement, such a practice could

potentially lead to abuse and should not set a precedent. While he clarified that they were not alleging abuse in this case, he suggested that the PCRB should ensure that such a practice is not normalised.

The Chairman intervened to clarify this point. It was not the first time that Contracting Authorities, upon reviewing the documents again—as alleged by the appellant—agreed with some of the grievances raised. For example, out of four grievances, a Contracting Authority might concede to three. Mr Swain also mentioned that a similar situation had occurred in a hearing held the previous day, where the Contracting Authority conceded to one of the grievances raised by the appellant. This was therefore not an uncommon occurrence.

Dr Micallef then proceeded to his second point. He explained that, in the paper market, the larger the quantity purchased, the lower the price.

Office Essential Ltd. submitted its price per ream, per packet, as requested by the Contracting Authority. The price submitted by Office Essential Ltd. was based on the Contracting Authority purchasing 7,800 packets. In contrast, Kasco Ltd. calculated its price as if the Contracting Authority were purchasing boxes, meaning that their calculation was based on 7,800 boxes rather than packets. 7,800 boxes would amount to 39,000 packets.

Had the price been calculated on the basis of 39,000 packets, the price would have been significantly lower than that submitted. Dr Micallef stated that their price was accurate and that Kasco Ltd. could not, at this stage—after Office Essential Ltd.’s tender had been made public—change the interpretation of what Kasco Ltd. had originally submitted. He requested that the PCRB accept the award as presented and allow the procurement process to continue. He reiterated that, had their offer been based on 39,000 packets, the price would have been much more competitive.

As there were no witnesses, the Chairman invited Kasco Ltd. to proceed with its final submissions.

## **Final Submissions**

### **Final Submissions by Mr Robert Zammit (for the Appellant)**

Mr Zammit stated that Kasco Ltd. would rely on the appeal as submitted.

### **Final Submissions by Dr Noel Bezzina (for the Contracting Authority)**

Dr Bezzina stated that he did not agree with the submissions previously made by Dr Micallef. He explained that abuse would arise if one knowingly ignored what was clearly stated in writing and pursued arguments that were not legally binding, thereby wasting the time of all parties involved. He added that a further review of the evaluation had been carried out and that the requirement in the final bid was per box. Bidders were required to tender strictly in accordance with the regulations and the final bid conditions. The Contracting Authority had reviewed its position and submitted its reply, which he stated was clear.

### **Final Submissions by Dr Jan Micallef (for the Recommended Bidder)**

Dr Micallef reiterated that under Lot 2, the requirement was for 7,800 packets, not boxes. He stated that if box pricing were to be accepted, it was unlikely that the Contracting Authority intended to purchase 39,000 boxes, as suggested. He emphasised that the award should therefore remain as issued.

## Conclusion of the Hearing

As no further arguments were presented, the Chairman, Mr Kenneth Swain, thanked the parties and formally concluded the session.

End of Minutes

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## Hereby resolves:

The Board refers to the minutes of the Board sitting of the 13<sup>th</sup> January 2026.

Having noted the objection filed by Kasco Limited (hereinafter referred to as the Appellant) on 26<sup>th</sup> November 2025, refers to the claims made by the same Appellant with regards to the tender of reference SPD4/2025/050 listed as case No. 2205 in the records of the Public Contracts Review Board.

Appearing for the Appellant: Mr Robert Zammit

Appearing for the Contracting Authority: Dr Noel Bezzina

Appearing for the Recommended Bidder: Dr Jan Micallef

Whereby, the Appellant contends that:

- a) We respectfully contend that the decision to award the contract to Office Essentials Ltd. is not correct for the reason detailed below.
- b) The tender, under the Financial Bid section, clearly specifies that the unit of measure for photocopy paper is boxes. Accordingly, as shown in the extract from our submitted Financial Bid below, our prices were tendered per box, each containing five (5) reams:
- c) 

Item	Description	Est. Qty	Unit	Unit Cost	Total Cost
3	A4 Photocopy	7,800	Boxes	€13.90	€108,420.00
5	A3 Photocopy	600	Boxes	€29.75	€17,850.00
- d) It is evident that the price quoted by the awarded bidder could only be possible if their submission reflected the cost per ream rather than per box (five reams), which would not be in conformity with the tender requirements.
- e) For illustration, had we been required to submit our prices per ream, our total bid would have been as follows:

Item	Description	Est Qty	Unit	Unit Cost	Total Cost
1	Spiral Notebooks	200	Units	€2.25	€450 (no change)
2	Hard Back A4	100	Units	€2.30	€230 (no change)
3	A4 Photocopy	7,800	Ream	€2.78	€21,684
4	A4 Coloured	400	Packets	€6.25	€2,500 (no change)
5	A3 Photocopy	600	Ream	€5.95	€3,570

When this figure is compared with the awarded bidder's total of €30,888.00, our offer would be the cheapest price offered.

- f) In view of the above, we respectfully request that the Evaluation Committee reviews the award decision in accordance with the tender specifications and the principles of fair and transparent procurement.

This Board also noted the Contracting Authority's Reasoned Letter of Reply filed on 5<sup>th</sup> December 2025 and its verbal submission during the hearing held on 13<sup>th</sup> January 2026, in that:

- a) The Contracting Authority respectfully submits that the Financial Bid Form clearly indicated the denomination of units for Items 3 and 5 as "boxes," and therefore required bidders to quote a price per unit, meaning per box and not per ream.
- b) Upon review of the offer submitted by the recommended bidder, it can indeed be confirmed that the recommended bidder quoted a price per ream and not per box and thus should have been deemed as non-compliant.
- c) It is also pertinent to point out that, the estimated procurement value of the tender was calculated by the contracting authority on the basis of a price per ream rather than per box, which fact may have also contributed to submission of non-compliant offers.
- d) In light of the objection lodged by the appellant and the submissions made in this reply, the Contracting Authority respectfully defers to the decision of this Honourable Tribunal and, given the circumstances and procedural shortcomings outlined herein, raises no objection to the reimbursement of the deposit paid by the appellant upon lodging the appeal.

This Board, after having examined the relevant documentation to this appeal and heard submissions made by all the interested parties, will now consider Appellant's grievances.

- a) The Board has examined the appellant's grievance in relation to Lot 2, whereby it is contended that the Contracting Authority erroneously awarded the tender to the recommended bidder notwithstanding that the Financial Bid Form clearly stipulated that the unit of measure for A4 and A3 photocopy paper was boxes, each box containing five reams. The appellant's own Financial Bid was correctly structured on a price per box basis, in full conformity with the tender documentation.
- b) From the documents and submissions, including the Contracting Authority's written reply and oral explanations, it emerges that the recommended bidder in fact quoted a price on a per ream basis, and not per box as required by the Financial Bid Form. This was also confirmed during the hearing by the same legal representative of the recommended bidder. The Contracting Authority expressly acknowledged that, on this basis, the recommended bidder's offer should have been evaluated differently.
- c) The Financial Bid Form forms an official and integral part of the tender dossier and clearly indicates "Boxes" as the unit for Items 3 and 5, thereby imposing an unequivocal obligation on all bidders to submit unit prices per box and not per ream. Deviation from this structure alters the economic comparability of offers and undermines the level playing field, since an offer priced per ream cannot be directly and fairly compared to offers priced per box.
- d) The Board notes with approval that the Contracting Authority aligns itself with the appellant's interpretation of the Financial Bid Form and accepts that the recommended bidder's offer did not comply with the prescribed unit of measure for Lot 2. In such circumstances, the principles of transparency and equal treatment require that the financial bid be assessed strictly in accordance with the tender's own terms, without ex post facto adjustments or re-interpretations of the units.
- e) In light of the above, the Board concludes that the award decision in respect of Lot 2 is vitiated by a manifest error in the financial evaluation, since the recommended bidder's offer was not presented in accordance with the mandatory unit "Boxes" laid down in the Financial Bid Form. The appellant's grievances are therefore well-founded, and the contracting authority must revisit the evaluation and award process for Lot 2 in strict adherence to the units and structure prescribed in the tender documents.

**The Board,**

Having evaluated all the above and based on the above considerations, concludes and decides in relation to Lot 2:

- a) To uphold the Appellant's grievances;
- b) To revoke the Letter of Rejection issued Kasco Limited dated 21<sup>st</sup> November, 2025;
- c) To revoke the Award Letter issued to Office Essentials Ltd dated 21<sup>st</sup> November, 2025;
- d) To order the Contracting Authority, to reinstate the offer of the appellant company and to re-evaluate the bids received whilst taking into consideration the Board's findings and to do anything else which is conducive and necessary for the proper execution of the above orders;
- e) Directs that the deposit paid by Appellant be fully reimbursed.

**Mr Kenneth Swain**  
Chairman

**Mr Lawrence Ancilleri**  
Member

**Dr Vincent Micallef**  
Member