

## **PUBLIC CONTRACTS REVIEW BOARD**

### **Case 2212 – CFQ/FES/023/2025 – Call for Quotations - Supply and Delivery of Paper Hand Towels with Reduced Environmental Impact for the Foundation for Educational Services (FES)**

**20<sup>th</sup> February 2026**

The Board,

Having noted the letter of objection filed by Mr Harry Parnis England on behalf of WJ Parnis England Limited, (hereinafter referred to as the appellant) filed on the 15<sup>th</sup> January 2026;

Having also noted the letter of reply filed by Dr Noel Bezzina acting for and on behalf of Foundation for Educational Services (hereinafter referred to as the Contracting Authority) filed on the 23<sup>rd</sup> January 2026;

Having heard and evaluated the testimony of the witness Mr Robin Parnis England (Representative of WJ Parnis England Limited) as summoned by Mr Robin Parnis England acting for WJ Parnis England Limited;

Having heard and evaluated the testimony of the witness Ms Amanda Mifsud (Chairperson of the Evaluation Committee) as summoned by Dr Noel Bezzina acting for Foundation for Educational Services;

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 16<sup>th</sup> February 2026 hereunder-reproduced.

#### **Minutes**

#### **Case 2212 CFQ/FES/023/2025 – Call for Quotations for the Supply and Delivery of Paper Hand Towels with Reduced Environmental Impact for the Foundation for Educational Services (FES).**

The tender was issued on the 18<sup>th</sup> of November 2025, and the closing date was 2<sup>nd</sup> December 2025.

The estimated value of the tender, excluding VAT, was €9,999

On 15<sup>th</sup> January 2026, W.J Parnis England lodged an appeal against the Foundation for Educational Services (FES). – the Contracting Authority, in accordance with Regulation 270 of the Public Procurement Regulations.

On the 16<sup>th</sup> of February 2026, the Public Contracts Review Board (PCRB), composed of Mr Kenneth Swain as Chairman, Mr Keith Victor Grech and Mr Lawrence Ancilleri as members, convened a public hearing to consider the appeal.

A deposit of €400 was paid.

There were nine bids.

The attendance for this public hearing was as follows:

**Appellant – W.J Parnis England**

Mr Robin Parnis England – Company Representative

Mr Harry Parnis England – Company Representative

**Contracting Authority – Foundation for Education Services (FES)**

Dr Noel Bezzina – Legal Representative

Ms Amanda Mifsud – Chairperson

Mr Carl Camilleri – Evaluator

Mr Adam Bouhleb – Tender Coordinator

**Preferred Bidder – Karta Converters Ltd (KC Trading Ltd)**

Mr Mark Micallef – Company Representative

**Opening Statements**

The Chairman welcomed the parties present and formally opened Case Number 2212 in the records of the PCR. The Chairman identified the Appellant as W.J Parnis England, the Contracting Authority as Foundation for Education Services (FES), and acknowledged the presence of representatives of the preferred bidder, Karta Converters Ltd (KC Trading Ltd)

The Chairman explained the procedure adopted during the PCR hearings, since the representatives of the appellant were not represented by a lawyer.

**Initial submissions by Mr. Robin Parnis England (for the appellant).**

Mr Parnis England stated that they had submitted their offer for FES (Foundation for Educational Services) by Eco Label. They then received a query requesting clarification regarding the Eco Label, which had been submitted with the offer. In the specifications, it states that the product meets EU GPP criteria and therefore can be offered for public tenders organised by Contracting Authorities. They were therefore confused by the request for clarification and re-submitted the technical specifications together with all the declarations.

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

Dr Bezzina stated that the issue was that the CFQ requested bidders to submit confirmation that they were compliant with Eco Label certification for the purposes of Green Public Procurement. In this case, the appellant failed to provide proof that their product was Eco Label certified and was therefore disqualified from the evaluation process. This requirement was clearly stated in the call for quotations.

No initial submissions were made by the preferred bidder, KC Trading Ltd.

**Witness:**

**Mr Robin Parnis England (ID no. 299972M), summoned by himself.**

Mr Parnis England presented the EU Eco Label certificate for the product they had submitted, in accordance with the specifications.

The Chairman requested that photocopies be made for the Board, the Contracting Authority and the preferred bidder.

**Cross-examination by Dr Noel Bezzina.**

Mr Parnis England agreed that the certificate exhibited had not been submitted with the offer.

**Witness:**

**Ms Amanda Mifsud (ID no. 258885M), summoned by Dr Noel Bezzina.**

Ms Mifsud, a Corporate Services Manager with FES for the past nine years, was the Chairperson of the Evaluation Committee for this call for quotations. There were a number of offers; some bidders submitted the Eco Label certificate with an expiry date, while others did not submit the certificate. This was the case with Parnis England. The Authority had to ensure that the Eco Label certificate was valid because of the GPP criteria. Clarifications were issued, and the committee received a number of updated certificates. However, Parnis England re-submitted the technical offer originally submitted.

The Committee could not determine whether the certificate held by Parnis England was valid because the expiry date was not provided.

Dr Bezzina asked the witness to exhibit the clarification note.

There was no communication with the appellant apart from the clarification issued through the ePPS. After the appeal was received, the committee conducted a Google search and found an outdated certificate for the product. They did not base their decision on this, as the Google search was carried out after the appeal had been submitted. Dr Bezzina stated that the outdated certificate was sent by email to the PCRB.

**Cross-examination by Mr Parnis England.**

Mr Parnis England asked the witness to clarify the question raised in the clarification, as he stated that they were never asked to provide a copy of the licence but rather proof that their product was EU Eco Label certified. In their opinion, this requirement was amply satisfied in the specifications by including the licence number, which could have been verified online.

Ms Mifsud quoted from the clarification note sent: "to provide documentation proving compliance with the requirements of EN ISO 14024 type 1 Eco label". She stated that the committee required the certificate to justify compliance with the criteria, and this formed the basis of the decision.

**Final Submissions by Mr Robin Parnis England (for the appellant).**

Mr Parnis England stated that they frequently participate in such tenders, submitting the full specifications, the Eco Label licence number and the supplier's declaration confirming that the product is fully compliant. They had never previously been requested to produce the licence.

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

The case is straightforward. Green Public Procurement requirements must be followed, and the best confirmation for a bidder to demonstrate that a product complies with Eco Label certification is the certificate itself, which exists.

In this case, request no. 6 on page 6 of the CFQ states:

*“All tissue paper goods to be provided to the contracting authority by the tenderer as part of the contract must be compliant with the requirements of an EN ISO 14024 type 1 ecolabel”.*

If the appellant possessed this certificate, one must ask why it was not presented and what the reason was for its omission. The appellant confirmed that this certificate was not submitted with the offer. The committee could not rely on self-declarations, particularly those made by suppliers, as it was required to ensure that the product offered was Eco Label certified. It was the committee’s duty to verify this, and accepting self-declarations could have disadvantaged other tenderers who submitted the Eco Label certificate in compliance with the criteria.

Referring to Case 1952 SPD/1/2023/097 IRex Ltd vs Malta Council for Science and Technology.

In its decision, the Board stated that the appellant’s self-declarations regarding compliance with Green Public Procurement and Eco Label certification were insufficient to prove that the product was Eco Label certified.

The appellant was given the opportunity to rectify the omission by submitting new documentation, which he failed to do. In this case, although the appellant was given the opportunity to rectify the situation, he did not submit the required documentation.

This appeal had to be dismissed.

The preferred bidder had nothing further to add.

### **Conclusion of the Hearing**

With no further arguments presented, Chairman Mr Kenneth Swain thanked all parties and formally concluded the hearing.

End of Minutes

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### **Hereby resolves:**

The Board refers to the minutes of the Board sitting of the 16<sup>th</sup> February 2026.

Having noted the objection filed by WJ Parnis England Limited (hereinafter referred to as the Appellant) on 15<sup>th</sup> January 2026, refers to the claims made by the same Appellant with regards to the tender of reference CFQ/FES/023/2025 listed as case No. 2212 in the records of the Public Contracts Review Board.

Appearing for the Appellant: Mr Robin Parnis England

Appearing for the Contracting Authority: Dr Noel Bezzina

Whereby, the Appellant contends that:

- a) I attach the documentation that was included in our original bid, and re-submitted when a clarification was asked for. The literature that we had submitted clearly indicates that the product is Ecolabel certified.

This Board also noted the Contracting Authority's Reasoned Letter of Reply filed on 23<sup>rd</sup> January 2026 and its verbal submission during the hearing held on 16<sup>th</sup> February 2026, in that:

- a) In its objection, the Appellant is basically stating that his offer shouldn't have been deemed non-compliant since it was indeed Ecolabel certified as shown in the literature submitted by the Appellant.
- b) Basically, the CFQ document required all prospective bidders to show that the product they offer is compliant with the requirements of an EN ISO 14024 type I ecolabel, and this obviously in line with the requirements of Green Public Procurement.
- c) It appears that, after having submitted its offer, the Appellant failed to produce the relative ECO Label certificate which is required to show that the product is ECO Label certified but simply submitted declarations apparently declaring compliance with the ECO Label requirements. In this regard, the Contracting Authority humbly submits that, self-declarations or rather declarations made by the suppliers of the Appellant are not sufficient in showing compliance with ECO Label requirements. Needless to say, it is the duty of each economic operator and prospective bidder to show compliance with such requirement by submitting the relative certificate of conformity.
- d) In this regard, it is also pertinent to note that, notwithstanding the fact that the Contracting Authority gave an opportunity to the Appellant to rectify its submission by submitting documentation proving compliance with the requirements of an EN ISO 14024 type 1 Ecolabel, the Appellant submitted the same documentation initially submitted by it without providing the Eco label certificate and thus failed to meet the requirements of the CFQ.
- e) It is evident that, if the product offered by the Appellant is indeed Eco Label certified, then it shouldn't have had a problem to produce the relative certificate even when it was given the opportunity to rectify its submission. Since the Appellant failed to submit the relative certificate which, according to GPP standards, is the best form of evidence demonstrating compliance with Eco Label requirements, and since the Contracting Authority couldn't rely on self-declarations

and/or declarations made by suppliers of the Appellant, then the Contracting Authority had no other option but to deem the offer non-compliant.

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.

- a) The Board has examined the Appellant's objection, whereby it argues that the product offered is in fact Ecolabel-certified and that its offer should not have been disqualified merely because it initially submitted a self-declaration and later a declaration from the supplier, rather than the Ecolabel certificate itself. The Board notes that Specification – Requirement 6 in the CFQ clearly required bidders to “...*provide documentation proving their compliance*....” with an EU Ecolabel of type I (EN ISO 14024 Type I Ecolabel), thus imposing a duty to **prove** compliance through documentary evidence, not merely to **declare** it.
- b) The wording “*provide documentation proving their compliance*” is precise and leaves no room for a lesser standard of proof based on unilateral or third-party declarations without supporting certification. The Evaluation Committee correctly interpreted this as requiring the submission of the actual Ecolabel certificate (or equivalent formal documentation) from the competent body, enabling an objective verification that the product satisfies the EN ISO 14024 Type I criteria.
- c) From the sequence of events, it is clear that the Contracting Authority identified the absence of the required Ecolabel certificate and afforded the Appellant an opportunity to rectify its submission by producing the underlying documentary proof. Instead of supplying the certificate, the Appellant merely replaced its original self-declaration with a substantially similar declaration made by the supplier, again without enclosing the Ecolabel certificate itself. This did not transform a declaration into proof; it simply changed the signatory of the declaration.
- d) The Board also notes that other bidders correctly understood the tender requirement and submitted the necessary Ecolabel certification with their offers, thereby objectively “proving” compliance rather than simply asserting it. To accept a bare declaration (whether by the bidder or by its supplier) in lieu of the certificate would not only contradict the express wording “*provide documentation proving their compliance*” but would also place the Appellant in a more favourable position than competitors who complied fully with the evidential burden.
- e) In this context, the Board is satisfied that the Contracting Authority applied the tender conditions correctly and proportionately. The requirement to **prove** compliance through documentation was clear, the Appellant was given a fair opportunity to meet this requirement, and its failure to submit the Ecolabel certificate cannot be attributed to any ambiguity or procedural unfairness. The decision to deem the Appellant's offer non-compliant is therefore legally and procedurally sound, and the grievance is rejected.

**The Board,**

Having evaluated all the above and based on the above considerations, concludes and decides:

- a) Does not uphold Appellant's Letter of Objection and contentions,
- b) Upholds the Contracting Authority's decision in the recommendation for the award of the tender,
- c) Directs that the deposit paid by Appellant **not** to be reimbursed.

**Mr Kenneth Swain**  
Chairman

**Mr Keith Victor Grech**  
Member

**Mr Lawrence Ancilleri**  
Member