

PUBLIC CONTRACTS REVIEW BOARD ERRATA CORRIGE

Case Reference: PCRB Case 2131

Original Decision: Page 191, Operative Direction on Reimbursement of Deposit

Issued by: The Public Contracts Review Board

I. NATURE OF THIS INSTRUMENT

This instrument constitutes an Errata Corrige issued by the Public Contracts Review Board in respect of its decision in PCRB Case 2131. It corrects an error of attribution appearing at page 191 of that decision, in the operative direction concerning the reimbursement of the administrative deposit paid by the Appellant. The correction is issued on the Board's own motion and forms part of the formal record of the case. Save as expressly corrected herein, the decision in PCRB Case 2131 stands in its entirety and in full force.

II. THE PASSAGE AS ORIGINALLY ISSUED

The operative direction at page 191 of the decision in PCRB Case 2131, as originally issued, reads as follows:

“The Contracting Authority, Malta Strategic Partnership Projects Limited, is directed to take all steps necessary to effect the reimbursement of the deposit of €50,000 to the Appellant forthwith upon the service of this decision.”

III. THE ERROR IDENTIFIED

The direction as issued is erroneous in attributing to the Contracting Authority, Malta Strategic Partnership Projects Limited, the obligation to effect the reimbursement of the administrative deposit of €50,000 to the Appellant.

The deposit of €50,000 was paid by the Appellant to the Public Contracts Review Board in accordance with the applicable procedure governing the institution of appeal proceedings before this Board. The deposit was accordingly received by, and remains in the custody of, the Board. It was not paid to, and is not held by, the Contracting Authority. The Contracting Authority is therefore without the legal or practical capacity to effect the reimbursement directed. The direction, as originally issued, could not be complied with by the party upon whom it was imposed.

The Board considers it necessary and appropriate to correct it by means of this Errata Corrige, in order to give full and proper legal effect to the operative direction and to avoid any ambiguity or difficulty in its implementation.

IV. THE CORRECTED TEXT

The operative direction at page 191 of the decision in PCRB Case 2131 is hereby corrected and shall henceforth read as follows:

“**Orders** that the administrative deposit paid by the Appellant to **be fully reimbursed** in accordance with the applicable Regulations.”

V. EXTENT OF CORRECTION AND EFFECT ON THE ORIGINAL DECISION

This Errata Corrige is confined exclusively to the correction of the error of attribution identified above. It does not alter, qualify, or affect any other part of the decision in PCRB Case 2131, including the Board’s findings on the merits, the operative directions on any other matter, or the legal reasoning upon which the decision is founded. The correction does not constitute a review, revision, or reconsideration of the decision; it is a correction of a clerical and administrative error going solely to the identity of the body charged with effecting the reimbursement of the deposit.

The decision in PCRB Case 2131, as corrected by this instrument, is to be read and construed as a single coherent act of the Board. This Errata Corrige shall be appended to the original decision and shall form part of its formal record.

Mr Kenneth Swain
Chairman

Dr Vincent Micallef
Member

Mr Lawrence Ancilleri
Member