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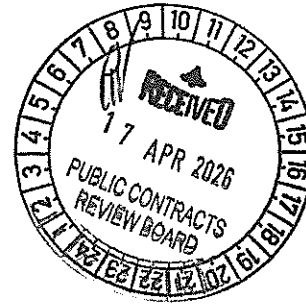
41236574/41M, GZM 43

*The Secretary*

*Public Contracts Review Board*

[info.pcrb@gov.mt](mailto:info.pcrb@gov.mt)

17<sup>th</sup> April 2026



*Dear Sir/Madam*

**Reference:** CPSU 6399/25

**Subject:** Tender for the Supply of Sterilization Reels (Various Sizes)

We write on behalf of **Technoline Limited** [C-4250 – Tender ID 233635] of 51, Edgar Bernard Street, Gżira GZR 1703 [hereinafter “**Appellant**”] in relation to the above-captioned tender proceedings. By means of the present we are filing an objection following the recommendation for award of said tender, formal notification of which was received by Appellant by means of an email and relative attachment dated 10<sup>th</sup> April, 2026 [letter attached as Document T1]. This appeal is being filed in accordance with the rules set out in the Public Procurement Regulations [“PPR”].

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**MAMO TCV**  
ADVOCATES

## **1.0 Facts of the case**

This objection refers to a tender procedure run by the Central Procurement and Supplies Unit ["CPSU" or the "Contracting Authority"] which was meant to lead to the award of a contract for the supply of Sterilization Reels (various sizes). The tender for the supply of Sterilization Reels (various sizes) (specifically in paragraph 6.1) established that *"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."*

On the 10<sup>th</sup> April, 2026, the Appellant received a notification informing it that its offer was being rejected. The letter, submitted to Appellant by email, stated as follows:

Further to samples received, there was a discrepancy in relation to Specification 2.9, whereby specifications indicate that the CE marking must be printed or stamped on the inner carton or the plastic roll. However, the samples received have the CE marking printed only on the outside of the carton box. The marking does not appear on the inner carton or on the plastic roll, as requested. Therefore, the bid is deemed as technically non-compliant.

The Appellant, however contends that the offer awarded the tender is not technically the cheapest price, and that the conclusion reached by the CPSU (or the evaluation committee appointed by it) is factually incorrect. The CPSU based its decision on an erroneous interpretation and evaluation of the technical capabilities of the selected bidder's supply, as will be demonstrated below.

## **2.0 Grounds of Appeal**

In the light of the factual background provided above, Appellant is putting forward this objection, which is based on the following considerations.

### **2.1 Compliance with CE Marking Requirement**

The tender specifications require the presence of the CE marking. The Appellant's product satisfies this requirement, as the CE marking is clearly affixed on the product packaging submitted with the offer. The marking is visible, identifiable, and fulfils its function of demonstrating regulatory compliance.

## *2.2 Inconsistency of Placement Requirement with Applicable Standards*

The placement of the CE marking on the outer packaging, rather than on the internal sterilisation components, is consistent with applicable European standards and established industry practice. Requiring the CE marking to be printed directly on such internal elements is not aligned with these standards and goes beyond what is necessary to demonstrate compliance.

## *2.3 Disproportionate and Formalistic Assessment*

The rejection of the bid is based solely on the specific placement of the CE marking, despite the fact that the marking is present and the product is fully compliant in substance.

Such an approach gives precedence to a purely formal requirement over the actual objective of the specification, namely the demonstration of conformity through CE marking.

In these circumstances, the conclusion of technical non-compliance is disproportionate and unjustified.

## *2.4 Concluding remarks*

By focusing exclusively on the specific placement of the CE marking, despite the undisputed presence of such marking on the product packaging, the Evaluation Committee adopted an overly formalistic approach to the assessment of compliance with specification 2.9. The Appellant's offer was therefore compliant in substance and should not have been rejected on this basis.

The rejected decision is therefore debased by a material error of assessment and should be annulled.

*REQUEST*

In the light of the above, this Board is respectfully requested to set aside the award in relation to the above-captioned tender procedure, and to order instead that the contract be awarded to the Appellant and/or to give any further orders or remedies which the Board deems fit. For the same reasons, Appellant requests that the deposit paid on the filing of this appeal be returned.

Appellant reserves the right to make further submissions during an eventual hearing.



Adv. Jonathan Abela Fiorentino

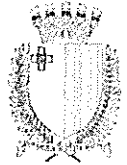
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cc. client



Date: 10/04/2026

Publication Reference: CPSU 6399/25

Tender ID 233635

Messrs Technoline Ltd

Dear Sir/Madam,

**Re: Tender for the Supply of Sterilization Reels (Various Sizes)**

Thank you for participating in the above-mentioned procurement procedure. However, this Entity regrets to inform you that the procurement proposal submitted by your company was not technically compliant. The main reason/s why your procurement proposal was non-compliant is/are as follows:

Reason for Rejection: *Further to samples received, there was a discrepancy in relation to Specification 2.9, whereby specifications indicate that the CE marking must be printed or stamped on the inner carton or the plastic roll. However, the samples received have the CE marking printed only on the outside of the carton box. The marking does not appear on the inner carton or on the plastic roll, as requested. Therefore, the bid is deemed as technically non-compliant.*

The procurement was recommended for award to Messrs Medina Healthcare Ltd for the amount of €109,892.75 excluding VAT, this being the cheapest priced offer satisfying the administrative and technical criteria.

If you intend to object to this decision, the Public Procurement Regulations allow for an official objection which in this case must be lodged electronically with the Public Contracts Review Board, by sending an email on: [info.pcrb@gov.mt](mailto:info.pcrb@gov.mt) by noon of Monday, 20 April 2026 against a deposit as stipulated in the published schedule.

Payments are to be made through bank transfer in terms of the following details:

Name of Account Holder	Cashier Malta Government
Name of Bank	Central Bank of Malta
Address of Bank	Castille Place, Valletta
Account Number	40001EUR-CMG5-001-H
BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100



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The official 'recommendation for award' schedule can be accessed on the website:  
[www.etenders.gov.mt](http://www.etenders.gov.mt).

Although we have not been able to make use of your services on this occasion, I trust that you will continue to take an active interest in our initiatives.

Yours sincerely

Kirsty Agius

f/Chief Executive Officer  
Central Procurement Unit



**Bank of Valletta p.l.c**  
 Registration Number: C 2833  
 Registered Office: 58 Zachary Street, Valletta VLT 1130 - Malta

## Pay third party

Reprinted by: Dr. Helga Buttigieg Debono  
 Reprinted on: 15/04/2026 - 13:32  
 Document ID: 27982925

### Transaction details

Date: 15/04/2026

From: Internet Banking

Transaction ID: 177410702

Status: Registered

Transaction: Pay third party

Beneficiary Name & Surname / Company / Group name: CASHIER MALTA GOVERMENT

Relation: Importer-Exporter

Reason: Contract of Purchase

Payment details: PUBLICATION REF CPSU 6399 25 AND TENDER ID 233635

Currency: EUR - Euro

Beneficiary IBAN/Account: MT55MALT011000040001EURCMG5001H

Beneficiary IBAN/Account type: Valid IBAN of country - Malta

Bank name: Other bank

Bank address / Bank's BIC: Let the bank apply the beneficiary bank BIC

Beneficiary address: No

Withdraw from account: OD (EUR) 4002490485 4

Charges should be paid by: Shared - I pay BOV charges; CASHIER MALTA GOVERMENT pays the beneficiary bank charges

Amount: EUR 550.00

Receiving bank to get the money as: normal priority payment

FPAD Result: The name you entered is very similar to our records: CASHIER MALTA GOVERNMENT CALL ACCOUNT - GENERAL. If you continue without correcting it, the payment may be sent to the wrong person, and recovery may not be possible as it could result in fraud. This Verification of Payee check will not block the payment, but it is simply providing additional security. Please verify the payment details with the recipient before proceeding.

To be effected on: as soon as possible

Credited amount: EUR 550.00

Debited amount (excluding charges): EUR 550.00

Estimated amount to be withdrawn from account: EUR 551.00

Transaction charge: EUR 1.00

Creator: Dr. Helga Buttigieg Debono

Authorised by: Dr. Helga Buttigieg Debono

Result: Your instructions have been processed successfully.