



24rd April 2026

Public Contracts Review Board
Notre Dame Ravelin,
Floriana,
Malta

Technoline Limited [TID 233635]

vs

[1] Central Procurement & Supplies Unit; and

[2] Medina Healthcare Limited

CPSU 6399/2025

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

LETTER OF REPLY

Whereas, the Central Procurement and Supplies Unit (*hereinafter* **CPSU**) issued a call for tenders for the Supply of Sterilisation Reels (Various Sizes)

Whereas, Messrs. Medina Healthcare Limited (*hereinafter* "**recommended bidder**") were recommended for award by virtue of a letter dated 10th April 2026

Whereas, by means of a letter dated 17th April 2026, Technoline Limited (*hereinafter* "**appellants**") filed an objection with the Public Contracts Review Board (*hereinafter* "**PCRB**")

Whereas the recommended bidder is submitting its reply, in accordance with article 276[c] of the public procurement regulations (*hereinafter* "**PPR**"), as follows:-

1. Reply No:1 Compliance with CE Marking Requirement

- 1.1 The Appellant’s first grievance relates to CE marking, asserting that its product is CE compliant. However, no explanation is provided as to how the product offered satisfies the specific requirements set out in the tender document.
- 1.2 In this regard, Specification 2.9 of the Tender clearly and unambiguously stipulates that the product must not only bear CE marking, but that such marking must also be printed and stamped on the inner carton and/or plastic roll.

2.9	Must have CE marking printed or stamped on the inner carton/plastic roll.			
Extract from tender document				

- 1.3 The grievance fails to explain how the discrepancy identified by the Technical Evaluation Committee (hereinafter “TEC”) is incorrect, namely the inconsistency between the Technical Offer Form and the sample submitted. It appears that the TEC afforded the Appellant the opportunity to clarify its position; however, the clarification provided failed to offer the necessary assurance or to establish that the product offered complies with the tender requirements.

2. Reply No:2 Inconsistency of Placement Requirement with Applicable Standards

- 2.1 The recommended bidder makes it clear that the statements being advanced are incorrect and thereby should be rejected both in fact and in law.
- 2.2 In any case, and without prejudice to the above, the statement now being advanced is clearly belated and, in any event, ought properly to have been raised at an earlier stage, either by way of a request for clarification during the tender process or through the appropriate procedural avenue in terms of Regulation 262 of S.L. 601.03. The procurement framework provides clear mechanisms to challenge or seek clarification of tender conditions within defined timeframes, thereby safeguarding transparency and equal treatment among all economic operators. A failure to avail oneself of these mechanisms within the prescribed period renders any subsequent objection procedurally improper.
- 2.3 Moreover, by electing to participate in the tender under the conditions as published, the Appellant must be deemed to have accepted those conditions in their entirety. It is well established that a bidder cannot, after submission, seek to challenge or reinterpret the very terms upon which it chose to compete. To allow such a course of action would undermine legal certainty and the integrity of the procurement process, as well as prejudice other participants who complied with the tender requirements as issued.

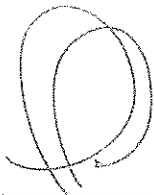
3. **Reply No: 3 Disproportionate and Formalistic Assessment**

- 3.1 With all due respect, what is being characterised as a formalistic assessment is, in reality, nothing more than strict adherence to the tender specifications.
- 3.2 On the point, the recommended bidder refers to the doctrine of self-limitation a principle which was also discussed at length in the PCRB decision with number Case 1665 of 2021 [27th December 2021], wherein this Honourable Board held that:

'This Board opines that the Evaluation Committee did not observe the principle of Self-Limitation when it deemed the Appellant's offer as technically non-compliant when it adjudged the equipment of the Appellant company on issues not included within the Tender Dossier'

- 3.3 In view of the above, any departure by the TEC from the established criteria would constitute a breach of this doctrine, as it would entail an assessment based on specifications and conditions not contemplated in the tender document.

NOWHEREFORE, whilst reserving the right to put forward further submissions, the recommended bidder is hereby requesting the PCRB to reject the appeal filed by the appellant.



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