

IN THE PUBLIC CONTRACTS REVIEW BOARD

3rdth June 2026

Re: 676 - CT2231/2025 - Tender for the supply of Anti-Haemophilia Factor VIII 1000 I.U.

Reply of the **Department of Contracts** as the Central Government Authority and **Central Procurement and Supplies Unit (CPSU)** on behalf of the Department of Health as the Contracting authority to the reasoned application lodged by **Drugsales Limited (the Objector)**.

A call for tenders for the Supply of Anti-Haemophilia Factor VIII 1000 I.U. was issued by CPSU on the 3rd of September 2025.

One bid was submitted and following an evaluation process the tender was recommended for cancellation since *"the economic or technical parameters of the project have been altered"*

The Objector filed the present objection based on 3 grounds of appeal.

CPSU is humbly presenting its reply.

Submissions

On the First Grievance: Lack of Explanation as to the Alteration in economic or technical parameters of the project

1. In this First Grievance the appellant claims that the reason for the cancellation was not clearly provided.
2. When the evaluation committee came to evaluate the tender, I transpired that certain requirements were insufficiently clear to allow for an objective and verifiable assessment of the offer versus the submitted offer;
3. First and foremost, the requirement for "high purity Anti-Haemophilia Factor VIII 1000 I.U. lyophilised powder" (Section 3.1.1.2.1) did not define measurable parameters or reference any recognised standard by which "high purity" is to be assessed.
4. Secondly the specification for the FVIII:VWF ristocetin cofactor activity (RiCof) ratio, section 3.1.1.2.2: ("The FVIII:VWF ristocetin cofactor activity (RiCof) ratio should not be greater than 1:2"), does not prescribe a single, unambiguous method of calculation, allowing for more than one technically valid interpretation.

5. The evaluation committee was thus in a situation of impossibility to evaluate the tender and thus had to refer this matter to the Directorate of Pharmaceutical Affairs (DPA) responsible for the rafting of specification relating to medicinal products.
6. The DPA taking considerations of these ambiguities, amended the specifications to avoid such ambiguities in the future, and thus the technical parameters of the project have been altered and the tender had to be cancelled.

On the Second Grievance: The Cancellation of The Tender is not Justifiable

7. DOC and CPSU submit that this grievance is repetitive to the first grievance and to a certain extent contradictory to the same since it is stating that the cancellation was not justifiable and at the same time stating that the reason for the cancellation is not know;
8. DOC and CPSU submit that as stated in the reply to the first grievance the cancellation was indeed justified since an evaluation process could not be properly done with the specifications as published, in fact an evaluation did not even take place;
9. The objector makes reference to a number of previous tenders which it is alleging that have been awarded with the same specifications, however it must be submitted that each and every tender is separate and distinct from other tenders, and once the evaluation committee in this tender deemed that the tenders could not be objectively adjudicated on the basis of the published specifications and once the matter was referred to the DPA which in turn amended such specifications, the technical parameters have indeed been altered and the tender had to be cancelled;

On the Third Grievance: The Cancellation of the Tender goes against the Fundamental Principles of Public Procurement

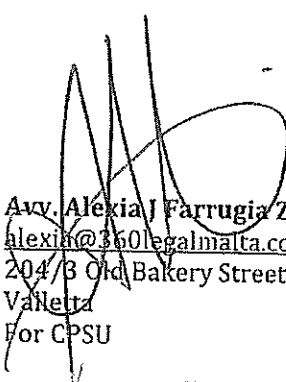
10. DOC and CPSU submit that since the cancellation has been done in accordance with the applicable laws and rules, it cannot be considered in breach of the principles of public procurement;
11. The Cancellation was recommended in accordance to the general rules governing tenders and is subject to appeal, and if the decision of the contracting authority is confirmed, and a new tender is issued, the tender will be issued for all interested participants including the objector;
12. Moreover, and without prejudice to the above, the cancellation was necessary in order to ensure an objective evaluation;
13. The Objector is attempting to capitalise the fact that it was the sole participant in the tender in question, however the principles of public procurement are the same irrespective of the number of bidders participating and thus if multiple tenders had to submit their offers with the specifications as they were published in this tender, the evaluation committee could never ensure that the offers submitted are comparable, and this the recommendation could never be done on objective grounds;

14. Contrary to what is being claimed in this grievance thus the cancellation is spurred by the observance to the principles of equal treatment of economic operators, self-limitation and objectivity.


DOC and CPSU hereby reserve their right to present further evidence and submissions both written and orally to further substantiate their reply in relation to the said objection throughout the hearings.

In view of the above, the objection lodged by the objector ought to be rejected in full, whilst the decision of the Evaluation Committee confirmed.


In the circumstances DOC and CPSU do not object to the refund of the deposit.



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