

IN THE PUBLIC CONTRACTS REVIEW BOARD



Letter of objection by Yama Yami Ltd

Humbly submits:-

Yama Yami Ltd, (C87476), (hereinafter referred to either as the “*Objector*” or “*Appellant*”), of Blk B Flt 5, Triq Tac-Cawla, Victoria, Gozo Malta, VCT2207, whilst making reference to the call for Tenders, namely the Tender for a Project Manager for the Zebbug Local Council (Gozo, Malta), in connection with interreg euro-med project: Loopzone (Publication Ref: ZBLC_Loopzone-01) is hereby submitting a formal objection in relation to the same call for Tender. Thus, he is **availing of the right granted to him in virtue of Regulation 270 et. seq. of the Public Procurement Regulations (Subsidiary Legislation 601.03 of the Laws of Malta) - Public Procurement Regulations “PPR”, this following the objection lodged**

Facts pertinent to this Case are the following:

On 20/02/2026, the Contracting Authority, namely the Zebbug Local Council, issued a tender for a project manager for the Zebbug Local Council (Gozo Malta), in connection with the interreg Euro-Med Project: Loopzone.

The closing date for the submission of offers was on the 23/03/2026

By means of a communication dated 02/06/2026, the Objector was informed by the Contracting Authority of the following:

“Thank you for participating in the above-mentioned procurement procedure, however, this Entity regrets to inform you that the tender submission was not compliant for the following reasons;

Technical:

Following the rectification submitted in relation to the missing CV, Master’s certificate, and blank Key Expert Forms, the offer was deemed technically non-compliant for the following reasons:

The Proposed Key Expert’s Master in Knowledge Based Entrepreneurship is not considered to be related to a Master’s in European Studies and/or Environmental Management, as required by the tender document. Furthermore, although specifically requested in the rectification letter to provide the relevant Master’s certificate, an academic record for the said Master’s degree was submitted instead;

The submitted Diploma Supplement relating to the Master of Arts in Diplomatic Studies cannot be considered equivalent to the qualification certificate itself, as it is supplementary in nature and does not replace the official degree certificate. Moreover, the submitted Diploma Supplement does not clearly confirm that the

proposed Key Expert was awarded the said Master's degree, nor does it clearly indicate the academic results/credits necessary to establish successful completion of the programme.

In view of the above, the Evaluation Committee could not conclusively determine, on the basis of the submitted, that the proposed Key Expert satisfies the minimum academic qualification requirements.

The procurement was recommended for award to MICHELLE M VELLA [000240468] for the amount of: €18.75 per Hour Excluding VAT."

The Objector feels aggrieved by the decision of the Contracting Authority and is availing himself of the right granted by law to file an objection regarding the aforementioned communication, together with the required deposit of four hundred euros (€400).

Objection

The Objector respectfully submits to this Honourable Board that the evaluation and awarding of the tender were not conducted in accordance with the law.

In light of the aforementioned issues, the appellant raises the following grievances in this Objection:

The Objector respectfully submits that the Contracting Authority erred in concluding that the Proposed Key Expert did not satisfy the academic qualification requirements established in the tender document.

Firstly, with regard to the Master in Knowledge Based Entrepreneurship, the documentation submitted clearly demonstrates that the Proposed Key Expert was awarded and holds the said Master's degree. The academic documentation provided constitutes evidence of the qualification obtained and confirms successful completion of the programme. In any event, if the Contracting Authority considered that the submitted documentation was insufficient or required further substantiation, the Contracting Authority could have asked for further documentation by way of clarification. Rather than disregarding the qualification altogether, the Contracting Authority should have sought such clarification, particularly since the documentation submitted already evidenced the existence of the qualification.

Secondly, concerning the Master of Arts in Diplomatic Studies, the Objector submits that the Diploma Supplement provided forms part of the official academic documentation issued in connection with the degree and contains information relating to the programme completed by the Proposed Key Expert. If the Contracting Authority considered that the degree certificate itself was additionally required, it could and should have requested the submission of the certificate for clarification purposes. The absence of the degree certificate at that stage should not have automatically resulted in

the rejection of the qualification, especially where the documentation submitted clearly indicated the academic programme undertaken by the Proposed Key Expert.

Furthermore, the Contracting Authority incorrectly concluded that the qualifications held by the Proposed Key Expert were not related to the academic fields required by the tender document. The Master of Arts in Diplomatic Studies is intrinsically connected to and overlaps significantly with European Studies. Both disciplines encompass subjects relating to international relations, European institutions, European Union governance and policy-making, foreign affairs, political science, international cooperation, and public policy. Diplomatic Studies necessarily requires the study of European and international governance structures and therefore falls within the broad academic sphere of European Studies.

Additionally, the Masters acquired by the objector also addresses matters relating to environmental diplomacy, climate policy, sustainable development governance, and international environmental agreements. These areas are closely linked to Environmental Management, particularly where environmental issues are addressed through international and European policy frameworks.

Consequently, the Master's degrees acquired by the objector should reasonably be regarded as a qualification related to both European Studies and Environmental Management for the purposes of the tender requirements.

The Objector therefore submits that the Contracting Authority adopted an unduly narrow interpretation of the academic requirements and failed to properly assess the relevance and equivalence of the qualifications held by the Proposed Key Expert. The evidence submitted demonstrates that the Proposed Key Expert possesses Master's level qualifications that are directly related to the fields identified in the tender documentation. Accordingly, the conclusion that the Proposed Key Expert failed to satisfy the academic qualification requirements is unfounded and should be set aside.

In light of the foregoing, and considering what will be presented at the hearing, it is the Objector's considered opinion that the evaluation be reviewed, that the qualifications submitted on behalf of the Proposed Key Expert be duly recognised as satisfying the tender requirements, and that the resulting determination be reconsidered accordingly.

In view of the above, and whilst reserving the right to make further submissions and present further evidence (especially in view of the fact that Objector has requested further information), the appellant humbly requests this Honourable Board:

1. to accede to this objection / appeal and find in favour of the objector, in that it shall reverse the decision of the Contracting Authority
2. to declare the objector's offer as being technically compliant
3. to consider the objector as the preferred bidder

4. to order anything else which is conducive and necessary for the execution of the foregoing requests
5. to order the full reimbursement of the deposit paid by the objector

A handwritten signature in black ink, appearing to be the name 'Frank Anthony Tabone', written in a cursive style.

Av. Frank Anthony Tabone
No. 29/9, Vicenti Buildings,
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frank@azzopardilegal.eu



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

Pay third party

Printed by: Mr. Ryan Cefai Mercieca
Printed on: 10/06/2026 - 18:37
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Transaction details

Beneficiary Name & Surname / Company / Group name: PCRB

Relation: Administrative Services

Reason: Purchase of Services

Payment details: ZBLC LOOPZONE 01

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

From account: overdraft (EUR) 5001352827 3

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

Amount: EUR 400.00

BOV to transfer the money: as soon as possible

Receiving bank to get the money as: normal priority payment

FPAD Result: The name you entered does not match our records. If you continue, 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.

Saved template: no

Additional information