



IN THE PUBLIC CONTRACTS REVIEW BOARD

27th July 2026

Re: Objection 689 – CT2271/2025 - FRAMEWORK CONTRACT FOR THE SUPPLY OF INTERFERON BETA-1A 30 MICROGRAMS SOLUTION FOR INJECTION

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

A call for tenders for the Framework Contract for the Supply of Interferon Beta-1A 30 Micrograms Solution of Injection was published on the 11th November 2025.

A number of bids were submitted and following an evaluation process the tender was recommended for award to **Pharma Regulatory Services Limited** (the Recommended Bidder), having the cheapest offer satisfying all the required specifications.

The Objector's offer was rejected on the basis of technical compliance, with the reason being the below:

'the tender submitted by your company was not successful since the criteria for award of this tender was the cheapest priced offer satisfying the administrative and technical criteria.'

The objector felt aggrieved with the decision of the evaluation committee and filed its objection, arguing that the time period for delivery was too restrictive.

DOC and CPSU humbly disagree with the grievances raised and are hereby presenting their reply.

Submissions

First Grievance: the Contracting Authority cannot ascertain that te Recommended Bidder complies with the economic and financial standing selection criteria or otherwise

1. In virtue of its first grievance the objector is objecting to the manner in which the bidders were to be evaluated on their economic and financial standing and the documentation that was to be presented at bidding stage for the evaluation committee to carry out the evaluation.
2. CPSU objects to this objection since the grievance does not relate to the Award but to a particular clauses and requirements in the tender document, relating to economic and financial standing selection criteria.

3. This grievance is fuori termine and inadmissible at this time of the procurement process.
4. Any difficulty about the published specifications should have been addressed by the objector by means of a clarification request or by means of an application in terms of regulation 262 of the Public Procurement Regulations (PPR), which provides that:

262. (1) Prospective candidates and tenderers may, within the first two-thirds of the time period allocated in the call for competition for the submission of offers, file a reasoned application before the Public Contracts Review Board:

(a) to set aside or ensure the setting aside of decisions including clauses contained in the procurement document and clarification notes taken unlawfully at this stage or which are proven to be impossible to perform; or

(b) to determine issues relating to the submission of an offer through the government's e-procurement platform; or

(c) to remove discriminatory technical, economic or financial specifications which are present in the call for competition, in the contract documents, in clarifications notes or in any other document relating to the contract award procedure; or

(d) to correct errors or to remove ambiguities of a particular term or clause included in a call for competition, in the contract documents, in clarifications notes or in any other document relating to the contract award procedure; or

(e) to cancel the call for competition on the basis that the call for competition is in violation of any law or is likely to violate a particular law if it is continued

5. Since no clarification and no application in terms of regulation 262 of the PPR was filed in this matter, the Objector is presumed to have agreed to all tender specifications and basis for evaluation, and thus was bound to comply with all specifications;
6. Had the evaluation committee refer to documentation which was not specifically required by the tender document, the evaluation committee would have acted in flagrant breach of the principle of equal treatment of participants and the principle of self-limitation, which are fundamental principles of public procurement law which should be always observed.

Second Grievance: the Recommended Bidder made false declarations in his offer because it cannot supply the Interferon Beta-1A 30 Micrograms Solution for injection without relying on third-parties

7. The Contracting Authority, in addition to the above submissions which are also applicable to this second grievance, submits that the Evaluation Committee is duty bound to respect the principle of self-limitation, and since the Preferred Bidder presented the self-declaration as requested by the tender document declaring that it is in a position to supply the required product, the Evaluation Committee has

accepted the declaration in good faith to be true and binding. Therefore, the Committee has acted in line with the principles of public procurement, and carried out its obligation and duties in line with the law and good order.

8. CPSU humbly submits that therefore, all claims raised by the Objector are totally unfounded in fact and at law.

CPSU hereby reserves its right to present further evidence and submissions both written and orally to further substantiate its 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, and the relevant deposit forfeited.

CPSU will however not object to the refund of the deposit if the appeal is withdrawn before the hearing.



Avv. Alexia I Farrugia Zrinzo
alexia@360legalmalta.com
204/3 Old Bakery Street
Valletta



Avv. Leon Camilleri
leon@360legalmalta.com
204/3 Old Bakery Street
Valletta