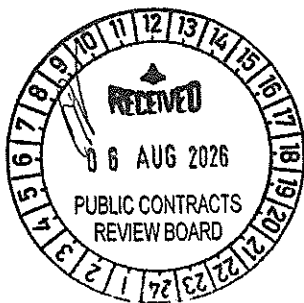


Public Contracts Review Board



Case 691 – Objection

TD/T/3879/2024 (12735)

6th August 2025

Powerenzi Ltd.

vs.

Enemalta plc. et

Reply by Enemalta plc. otherwise hereinafter referred to as the Defendant, to the objection filed by Powerenzi Limited in respect of the tender bearing reference: TD/T/3879/2024 (12735) for the Supply of 11kV Switchgear for Msierah DC

Respectfully submits:-

1. Enemalta plc. published the abovementioned call for tenders on the 20th November 2025.
2. The closing date for this call was on the 19th January 2026, upon which date the opening session of this tender took place.
3. For this call for tender 5 (five) offers were unlocked.
4. During the evaluation stage, the evaluation committee made a request for rectification for Powerenzi Ltd. to rectify and submit revised Technical literature as per Literature List for the reasons mentioned in the rectification request dated 18 February 2026.

5. Powerezi Ltd. replied with a word document dated 25th February 2026.
6. Consequently, by means of a letter dated 17th July 2026, the objector was informed that the Evaluation Committee had concluded that the submitted rectification answer was incomplete, leaving a number of issues in the rectification un-addressed.
7. Following such correspondence, Powerezi Ltd. filed an objection on the 27th July 2026.
8. The objector's alleged grievances are the following :-
 - a. As a preliminary plea the objector had requested a list of information at a stage preceding the submission of this objection and therefore he is reserving his rights accordingly;
 - b. Secondly, the objector is complaining that the reason given for disqualification does not contain sufficient reasons for the disqualification;
 - c. Thirdly, the objector is claiming that the document dated 25th February 2026 satisfies the rectification request by citing principles of 'substance over form' and 'proportionality' and therefore the submission of the objector should not have been disqualified;
 - d. Finally, the objector is also claiming the refund of the deposit.

The defendant rejects all the allegations and arguments put forward by the objector as unfounded both factually and legally for the following reasons:

9. List of Information requested antecedent to the filing of this objection

- 9.1 On the 20th July 2026 a correspondence was received at Enemalta plc., sent by Powerezi Ltd. requesting a multitude of information points spread over 58 headings some of which as including a number of sub-headings. For ease of reference a copy of the letter dated 20th July 2026 is being attached marked as **Doc. A.**
- 9.2 The defendant replied to this request on the 22nd July 2026 by claiming that information deemed confidential under the PPR will not be disclosed, whereas it also purported that more time is being required for a reply to be given to this extensive list. A copy of the reply given dated 22nd July 2026 is being attached for ease of reference marked as **Doc. B.**

- 9.3 With regards to this first grievance, unlike to the appellant's claim the information being required focuses mostly under a number of headings with respect to the internal workings of the evaluation committee. This information would inevitably include material pertaining to other bidders and therefore confidential.
- 9.4 Moreover, numerous points under the list of information requested such as Part B (from question 10 to 54 are strictly related to the recommended bidder as the title itself implies – "compliance of the recommended bidder", and therefore it is deemed that the information being requested is confidential.
- 9.5 Thereby, the defendant strongly disagrees with the claim of the appellant that the information being requested is not sensitive or confidential.
- 9.6 Having said the above, if any information is relevant to this objection the objector may have all the necessary opportunity to explore any substantive information during the hearing of this objection and summon any pertinent witnesses.
- 9.7 Without prejudice to the above, it is also important to note that this objection, apart from obviously the first grievance, is focused on the objector's grounds for disqualification following the rectification exercise. Therefore, in the humble opinion of the defendant the relevant and admissible information for this appeal should be that pertinent to Powerezi Ltd. bid and the rectification documentation submitted.
- 9.8 This matter can be further emphasized simply by analysing the pleas of the objector, wherein the objector's plea under heading ii.(a) is that of the retraction of the 17th July 2026 letter and cancelling the disqualification of the objector. This entails that first and foremost, the crux of this objection is bid specific to Powerezi Ltd. and therefore information pertaining to any other bidders including the recommended are to be deemed not relevant to this case.
- 9.9 For the above reasons this ground should be dismissed.

10. Reasons for Disqualification

- 10.1. Under this heading the objector is claiming that insufficient reasons for his disqualification have been afforded in the letter dated 17th July 2026. The reason given was the following:

“ A rectification re technical literature was issued, with bidder submitting an incomplete answer, leaving a number of issues in the rectification un-addressed.”

10.2. For the proper understanding of this reason one has to revisit the rectification letter itself dated 18th Febraury 2026 which included a reference to the whole literature list which the bidder (Powerezi Ltd.) had to resubmit in view of the non-compliance of the total panel width as clearly stated in the rectification request. The relevant part of the rectification is being reproduced here for ease of reference:

1. List of literature to be submitted with the technical offer:

Item	Description	Reference in Technical Specifications
1.1	Single-line diagram of proposed switchgear.	2.7
1.2	Plan view of installation of the GIS inside the designated room clearly showing expected dimensions and layout.	
1.3	Technical data and information about GIS in conformity with table 2.1 and table 2.2	
1.4	Type tests of switchgear offered.	
1.5	List of recommended strategic and programmed maintenance spares	
1.6	Any other documentation regarding design, instrumentation, and ancillary equipment to enable proper evaluation of the offer	
1.7	Specification documents and operating manuals for the main communication components.	3.6
1.8	Protection schemes for the 11kV systems	
1.9	Technical information about bay controllers and other control equipment	
1.10	Technical information about protective relays	
1.11	Reference list of control systems using similar technologies as proposed	
1.12	Reference list of protective systems using similar technologies as proposed	
1.13	Any other documentation regarding design, instrumentation and ancillary equipment to enable proper evaluation of the offer	

In view of the above, please note that:

- (i) Technical Literature submitted for Clause 2.1 (i) of the Technical Schedule: “The Tenderer must be responsible for the supply of 11kV switchboard with the layout shown in the single-line diagram of drawing ENE-DN-12.1. The room dimensions are fixed (refer to drawing MDC OCT24 D03), and switchgear must be installed in a straight line with 800MM clearance behind the panel and clearance of 500MM on both sides of the switchgear panel” is not compliant as total panel width as submitted is 11.6m.

- 10.3. The defendant would like to submit that the width parameter mentioned in the rectification request is a very basic element to the supply being procured in this tender, wherein any change to the requested width parameter would entail a drastic change to a variety of technical literature which needed updating through the same rectification. This was not submitted by the objector in the rectification exercise.
- 10.4. Therefore, the reason given in the disqualification letter is sufficiently clear wherein a number of technical literature as per literature list (referred to in the rectification letter) remained unanswered in the sense that these were not submitted.
- 10.5. Without prejudice to the above, the defendant could be willing to concede that the reason for disqualification should have been more specific and perhaps included a list of what remained missing, however one cannot argue that the disqualification statement was not sufficiently clear insofar it is clearly related to Technical Literature, and that this related to the Literature list which was clearly referred to in its entirety in the rectification letter.
- 10.6. Therefore, as explained above, one can argue that this may have been a case of lack of explanation as the objector pointed but clearly not a case of lack of reasons being given to the objector. One also has to keep in mind that bidders for this kind of procurement have a certain level of expertise in the field and clearly it stands to reason that a change in a basic parameter (width of the switch gear panel) inherently entails a thorough reexamination and resubmission of the literature of the hardware involved.
- 10.7. The defendant also reserves the right to further explain in technical merits this point during any hearing.
- 10.8. For this reason, even this ground should be dismissed;

11. All information has been provided in the rectification

- 11.1 The defendant contests this assertion fully. Clearly the rectification request was meant for the bidder to be given the opportunity to rectify his position and resubmit the Technical Literature which was either missing, incomplete or incorrect – hence the reason why the Literature list was included in the rectification request.

11.2 The bidder replied to the rectification by claiming that the parameters including the switchgear panel width will be respected. The bidder included an endorsed document claiming that the parameters included as part of the technical offer would be adhered to. This information by itself is not deemed incorrect wherein the bidder is simply confirming that he is striving to be compliant with the technical specifications of the tender document. However, the bidder did not provide the technical literature as per literature list to corroborate the changes from the previous literature that was submitted.

11.3 The lacking literature material can be further explained by the technical personnel involved in this evaluation during the hearing for this objection.

11.4 As a salient point, all reference being done to 'substance over form' and 'proportionality' is in the humble opinion of the defendant superfluous for this case since in this case we are dealing with a clear scenario of technical literature not submitted. The non-submission of technical literature to corroborate the offer leads to a disqualification of offer.

11.5 In the circumstances the evaluation committee had no option but to disqualify the offer, since having not disqualified the offer this would constitute a breach of the basic principles such as equal treatment, transparency and self-limitation. Self-limitation in the sense that where technical literature has been requested the evaluation board cannot unilaterally decide to do without the technical literature as listed in the literature list.

11.6 For this reason, this ground should also be dismissed.

12. Refund of the Deposit

12.1 The defendant formally objects to the refund of the deposit however it deems that this is a matter entirely within the jurisdiction of this honorable Board and the defendant accepts any ruling which this Board deems fit and proper.

13. Conclusion

Finally in view of the above, the defendant humbly requests the Review Board to **dismiss all arguments** submitted by the objector and to order the continuation of this tender procedure.

The defendant reserves the right to make further submissions and produce such evidence and testimony as may be appropriate during the hearing of this remedy.



Avv. Chris Mizzi

Nominated Witnesses:

1. Parties to this objection;
2. Members of the Evaluation Committee
3. Representative Department of Contracts to give evidence and attest information from the Electronic platform (epps).



Avv. Chris Mizzi

Notification: Powerezi Ltd.

Enemalta plc
Central Administration Building
Church Wharf
Marsa MRS 1571

For the attention of Ing. Ryan Fava, Executive Chairman, and of the Chairperson of the Evaluation Committee

Via email: procurement.em@enemalta.com.mt; contracts.em@enemalta.com.mt

20th July 2026

We write to you for and on behalf of Powerezi Ltd [TID 000237835] (hereinafter referred to as 'Powerezi') and make reference to:

- Tender TD/T/3879/2024 (12735) - Supply of 11kV Switchgear for Msierah DC, issued by Enemalta plc;
- A letter dated 17th July 2026 signed by the Executive Chairman, by virtue of which Powerezi was informed that its offer was found to be technically non-compliant and that the tender is being recommended for award to TID 000237893 AG Installations for the amount of €791,853.36 excluding VAT.

By virtue of this letter, Powerezi is hereby requesting information [**vide / information requested in ANNEX 1**] in terms of the applicable public procurement regulations governing this procurement procedure, being those expressly identified at Articles 1.5 and 1.6 of Section 2 of the tender document. This request is being made in accordance with the jurisprudence of the European Court of Justice, the Court of Appeal, and the Public Contracts Review Board [hereinafter 'PCRB'], whereby they all confirmed that bidders are eligible to receive information in relation to the respective bids, and this in conformity with the maxim of equality of arms.

In view of the limited time available to submit an objection before the PCRB, the deadline for which expires at noon of Monday 27th July 2026, the Contracting Authority is hereby being called upon to treat this request with urgency.

Powerezi expressly reserves the right to rely upon any refusal, failure, delay or insufficiency in the information provided, in support of any objection or other remedy available at law.

Please be guided accordingly.

Av. Matthew Paris
matthew@dalliparis.com


Av. Zackariah Esmail
zack@dalliparis.com

PART A - The evaluation of the offer of Powerezi Ltd [TID 000237835]

[1] Can the Contracting Authority confirm or otherwise, that the reply submitted by Powerezi to the rectification request of 18th February 2026 was received through the ePPS within the stipulated timeframe, was registered, and was considered in full by the Evaluation Committee?

[2] The rectification request of 18th February 2026 identified one single shortcoming, being that under Clause 2.1(i) of the Technical Schedule the total panel width as submitted was 11.6m. Can the Contracting Authority confirm or otherwise, that this was the only shortcoming identified in the said request?

[3] The letter of 17th July 2026 states that the reply left 'a number of issues in the rectification un-addressed'. Can the Contracting Authority identify each and every such issue, separately and specifically, and in respect of each such issue provide:

[3.1] the precise clause of the Technical Schedule, Technical Specifications, Literature List or tender document said to have been infringed;

[3.2] the document, or absence of document, in which the said issue is said to arise;

[3.3] whether the said issue had been expressly and specifically identified in the rectification request of 18th February 2026;

[3.4] the date upon which the Evaluation Committee first identified the said issue?

[4] In respect of any issue which was not expressly and specifically identified in the rectification request of 18th February 2026, can the Contracting Authority explain the basis upon which the offer of Powerezi was rejected on a ground which it was never invited, and never afforded the opportunity, to address?

[5] Can the Contracting Authority confirm or otherwise, whether the Evaluation Committee accepted that the revised configuration submitted by Powerezi, consisting of twelve panels of 600mm and four panels of 800mm, giving a total installed length of 10.4m, resolved the shortcoming which had been notified to it?

[6] Can the Contracting Authority confirm or otherwise, whether the Evaluation Committee considered the express confirmations contained in the Technical Rectification and Compliance Confirmation Report submitted by Powerezi, and in particular the confirmations relating to:

[6.1] the total installed length of 10.4m against the available installation length of 10.5m;

[6.2] the maintenance of 800mm rear clearance and 500mm clearance on both sides;

[6.3] the preservation of straight line installation;

[6.4] the inclusion within Unit 08 of two Voltage Transformers, one on the left hand side and one on the right hand side;

[6.5] the rated voltage, busbar rated current, short circuit rating and duration, frequency, auxiliary supply and IP ratings;

[6.6] compliance with IEC 62271-200 and the confirmation that the protection philosophy, metering and relay configuration and all feeder functions remained unchanged?

[7] Can the Contracting Authority provide the price of Powerezi as opened and as evaluated, together with details of any arithmetical correction applied thereto?

[8] Can the Contracting Authority provide the complete list of offers received, with the TID and opening price of each, the ranking of all offers by price, and, in respect of each offer other than the recommended offer, whether it was found compliant or non-compliant together with the reason therefor?

[9] Can the Contracting Authority provide the non-confidential extracts of the evaluation report, the technical evaluation and the compliance matrix insofar as these concern the offer of Powerezi?

PART B - Compliance of the recommended bidder [TID 000237893 AG Installations]

Technical and professional ability - the minimum of 120 units

[10] Clause 5(B)(c)(i) requires a list of principal supplies of 11kV switchgear units having similar ratings to those requested, delivery of which was effected during the last five years being 2020 to 2024, the minimum total number of which must not be less than 120. Can the Contracting Authority state the total number of units listed by the recommended bidder?

[11] Can the Contracting Authority explain how the Evaluation Committee satisfied itself that the units listed were of 'similar ratings' to those being requested in this tender, and the criteria applied in reaching that conclusion?

[12] Can the Contracting Authority provide the list of end clients declared by the recommended bidder, confirm whether the Evaluation Committee contacted any of them, and confirm whether additional documentation was requested in respect of the deliveries listed and if so what documentation was requested and received?

[13] Can the Contracting Authority confirm or otherwise, whether the minimum of 120 units was satisfied by the recommended bidder in its own right, or by reliance upon the capacities of another entity, including any manufacturer, distributor, group company or member of a consortium?

[14] If reliance was placed on the capacities of another entity, can the Contracting Authority provide or confirm:

[14.1] the name and pertinent details of the entity or persons on whose reliance is being made;

[14.2] that a separate ESPD was submitted for each and every such entity;

[14.3] that the ESPD of the recommended bidder, in the section dealing with reliance on the capacities of third parties, makes specific reference to the entity on whose reliance is being made;

[14.4] the specific criterion or criteria in respect of which reliance was sought;

[14.5] that a commitment letter, agreement, letter of undertaking or other means confirming that the resources required have been appropriately committed and shall be available for the full duration of the contract was submitted;

[14.6] the names and designations of the persons who provided such commitment;

[14.7] the manner in which the Evaluation Committee evaluated and verified the correctness of such reliance and whether in effect the criteria are satisfied, as required by Clause 5(B)(c)(iii)?

Subcontracting

[15] Can the Contracting Authority confirm or otherwise, whether the recommended bidder proposed to subcontract any portion of the contract, and if in the affirmative, provide the name and pertinent details of each proposed subcontractor, the percentage of the works or supplies to be subcontracted, confirmation that an ESPD was submitted for each, and confirmation that each was evaluated in line with the exclusion and blacklisting criteria as required by Clause 5(B)(c)(iii)?

Quality assurance and environmental management standards

[16] Can the Contracting Authority identify the manufacturer of the switchgear offered by the recommended bidder?

[17] Can the Contracting Authority confirm or otherwise, whether the said manufacturer produced a certificate drawn up by an independent body attesting compliance with ISO 9001, or alternatively provided an explanation as to what other means of proof concerning its quality assurance scheme could be provided, and if the latter, the explanation given and the basis upon which it was accepted?

[18] Can the Contracting Authority provide the certificate number, the issuing body, the accreditation of that body, and the dates of issue and expiry of the ISO 9001 certificate relied upon, and confirm that it was valid as at the closing date of the tender?

[19] Can the Contracting Authority confirm or otherwise, whether the manufacturer holds ISO 14001 certification, provide the corresponding details, and if such certification is not held, the basis upon which the offer was nonetheless found to be compliant?

Technical offer and Tender Preparation Tool

[20] Can the Contracting Authority confirm or otherwise, that the Technical Offer of the recommended bidder was submitted online through the prescribed Tender Response Format and by using the Tender Preparation Tool provided, as required by Clause 5(C)(i)?

[21] Can the Contracting Authority confirm or otherwise, that no part of the Technical Offer of the recommended bidder was submitted, completed, amended, replaced or supplemented after the closing date of the tender, and if any such step occurred, whether it was treated as a clarification or as a rectification and the basis therefor, having regard to the Notes to Clause 5?

The Literature List

[22] Clause 5(C)(ii) requires literature as per the Form marked 'Literature List' to be submitted with the Technical Offer at tendering stage, the scope of the literature being to corroborate a fully compliant technical offer. Can the Contracting Authority confirm, item by item, whether each of the following items was submitted by the recommended bidder with its Technical Offer at tendering stage, and in respect of each provide the title, reference and date of the document relied upon:

[22.1] Item 1.1 - Single-line diagram of proposed switchgear;

[22.2] Item 1.2 - Plan view of installation of the GIS inside the designated room clearly showing expected dimensions and layout;

[22.3] Item 1.3 - Technical data and information about the GIS in conformity with table 2.1 and table 2.2;

[22.4] Item 1.4 - Type tests of the switchgear offered;

[22.5] Item 1.5 - List of recommended strategic and programmed maintenance spares;

- [22.6] Item 1.6 - Any other documentation regarding design, instrumentation and ancillary equipment to enable proper evaluation of the offer;
- [22.7] Item 1.7 - Specification documents and operating manuals for the main communication components;
- [22.8] Item 1.8 - Protection schemes for the 11kV systems;
- [22.9] Item 1.9 - Technical information about bay controllers and other control equipment;
- [22.10] Item 1.10 - Technical information about protective relays;
- [22.11] Item 1.11 - Reference list of control systems using similar technologies as proposed;
- [22.12] Item 1.12 - Reference list of protective systems using similar technologies as proposed;
- [22.13] Item 1.13 - Any other documentation regarding design, instrumentation and ancillary equipment to enable proper evaluation of the offer?

[23] In respect of any item at [22] above which was not submitted with the Technical Offer at tendering stage, can the Contracting Authority explain the basis upon which the offer was nonetheless found to corroborate a fully compliant technical offer, and identify when and how the said item was eventually submitted?

Room dimensions, panel width and physical arrangement

[24] Clause 2.1(i) of the Technical Schedule requires the supply of an 11kV switchboard with the layout shown in the single-line diagram of drawing ENE-DN-12.1, with fixed room dimensions per drawing MDC OCT24 D03, installed in a straight line with 800mm clearance behind the panel and 500mm clearance on both sides of the switchgear panel. Can the Contracting Authority state the total panel width, in metres, of the switchgear lineup offered by the recommended bidder?

[25] Can the Contracting Authority provide the number of panels offered by the recommended bidder and the width of each such panel?

[26] Can the Contracting Authority confirm or otherwise, that the lineup offered by the recommended bidder fits within the fixed room dimensions specified in drawing MDC OCT24 D03?

[27] Can the Contracting Authority confirm or otherwise, that the clearance of 800mm behind the panel is maintained by the offer of the recommended bidder?

[28] Can the Contracting Authority confirm or otherwise, that the clearance of 500mm on both sides of the switchgear panel is maintained by the offer of the recommended bidder?

[29] Can the Contracting Authority confirm or otherwise, that the switchgear offered by the recommended bidder is installed in a straight line as required?

[30] Can the Contracting Authority confirm or otherwise, whether the recommended bidder was at any stage requested to clarify or rectify its panel width, layout, plan view or compliance with the room dimensions, and if in the affirmative to provide the dates, the full text of the request and of the reply, and the outcome?

[31] Can the Contracting Authority confirm or otherwise, that the identical standard of dimensional compliance applied to the offer of Powerezi was applied to the offer of the recommended bidder?

Single-line diagram, functional requirements and type tests

[32] Can the Contracting Authority confirm or otherwise, that the single-line diagram submitted by the recommended bidder conforms in all respects with drawing ENE-DN-12.1?

[33] Can the Contracting Authority confirm or otherwise, whether the offer of the recommended bidder includes two Voltage Transformers within Unit 08, one on the left hand side and one on the right hand side, and identify the document evidencing the same?

[34] Can the Contracting Authority confirm the following characteristics of the switchgear offered by the recommended bidder, and identify the document evidencing each:

[34.1] rated voltage;

[34.2] busbar rated current;

[34.3] short circuit rating and duration;

[34.4] rated frequency;

[34.5] auxiliary supply;

[34.6] IP rating of the gas tank and of the enclosure?

[35] Can the Contracting Authority confirm or otherwise, that the switchgear offered complies with IEC 62271-200, and in respect of the type test certificates relied upon provide the certificate numbers, the issuing laboratory and its accreditation, the dates thereof, and confirmation that the said certificates relate to the exact model and configuration offered?

Equivalent standards, brands or labels

[36] Section 3 of the tender document provides that where a standard, brand or label is quoted, equivalents will be accepted, but that tenderers are to submit enough documentation together with the technical literature to prove equivalence. Can the Contracting Authority confirm or otherwise, whether the recommended bidder relied upon any equivalent standard, brand or label, and if in the affirmative to identify each such instance, the documentation submitted to prove equivalence, and the manner in which and by whom equivalence was assessed?

Clarifications, rectifications and post-submission changes

[37] Can the Contracting Authority confirm or otherwise, whether the recommended bidder was requested to clarify, rectify, supplement, complete or replace any of the following after the closing date:

[37.1] technical literature;

[37.2] type test certificates;

[37.3] the single-line diagram;

[37.4] the plan view or any layout or outline drawing;

[37.5] technical data sheets;

[37.6] protection schemes;

[37.7] bay controller or protective relay documentation;

[37.8] the reference lists of control systems and of protective systems;

[37.9] the list of recommended strategic and programmed maintenance spares;

[37.10] the Technical Offer Form;

[37.11] the ESPD or any selection criteria evidence, including the list of principal supplies;

[37.12] ISO 9001 or ISO 14001 certificates;

[37.13] the Financial Bid Form or the financial offer;

[37.14] any other document whatsoever?

[38] In respect of each such request, can the Contracting Authority provide:

[38.1] the date and the full text of the request;

[38.2] the date and the full text of the reply;

[38.3] the document or item concerned;

[38.4] whether the matter was treated as a clarification, a rectification, or an arithmetical correction, and under which of the Notes to Clause 5;

[38.5] confirmation that the reply did not alter, complete or improve a non-compliant offer after the closing date?

[39] The Notes to Clause 5 provide that requests for clarifications and/or rectifications concerning a previous request dealing with the same shortcoming shall not be entertained. Can the Contracting Authority confirm or otherwise, that no more than one request was issued to the recommended bidder in respect of any one shortcoming?

Regulatory and environmental requirements binding upon the Tenderer

[40] Can the Contracting Authority identify the insulating medium or gas used in the switchgear offered by the recommended bidder, together with the charge per panel and the total charge?

[41] Article 46.2 of the Special Conditions provides that the Tenderer must submit the REACH registration number and details of the manufacturer established in the EU or the EU importer of the chemicals being purchased. Can the Contracting Authority confirm or otherwise, whether such information was submitted by the recommended bidder, and if not, the basis upon which its offer was found compliant?

[42] Article 46.3 of the Special Conditions provides that the Tenderer must submit the Safety Data Sheet with all the contact details of the supplier and the email address of the competent person responsible therefor. Can the Contracting Authority confirm or otherwise, whether such Safety Data Sheet was submitted by the recommended bidder, together with its date and revision?

[43] Can the Contracting Authority confirm or otherwise, how the offer of the recommended bidder satisfies the requirements of Article 47 of the Special Conditions concerning fluorinated greenhouse gases, including the type of gas, the guaranteed leakage rate, labelling, and confirmation that no equipment containing Ozone Depleting Substances is being offered?

[44] Article 49.6 of the Special Conditions provides that the tenderer must be either self-compliant or registered in the packaging waste recovery scheme. Can the Contracting Authority confirm or otherwise, the position of the recommended bidder in this regard and identify the evidence submitted?

[45] Article 49.7 of the Special Conditions provides that the tenderer must be either self-compliant or registered in the WEEE compliance scheme. Can the Contracting Authority confirm or otherwise, the position of the recommended bidder in this regard and identify the evidence submitted?

Spare parts, warranty and after-sales service

[46] Can the Contracting Authority provide the list of recommended strategic and programmed maintenance spares submitted by the recommended bidder?

[47] Can the Contracting Authority confirm or otherwise, that the recommended bidder guaranteed the availability of all spare parts for a period of not less than ten years, as required by Article 33.1 of the Special Conditions, and identify the document evidencing the same?

[48] Can the Contracting Authority confirm or otherwise, that the recommended bidder offered warranty obligations of not less than two years from provisional acceptance, as required by Article 32.6 of the Special Conditions?

The financial offer and the price

[49] The Estimated Procurement Value published at Clause 1.3 is €1,010,900.00 excluding VAT, stated to be based on comprehensive research including appropriate financial analysis. The recommended price is approximately 21.7% below that value. Can the Contracting Authority confirm or otherwise, whether the recommended bidder was asked to explain the price or costs proposed in its tender?

[50] If the recommended bidder was so asked, can the Contracting Authority provide the date and text of the request, the date of the reply, and, without disclosing confidential information, the substance of the explanation provided?

Validity of offers

[51] The closing date of the tender was 22nd December 2025 and the award recommendation was communicated on 17th July 2026. Can the Contracting Authority state the period of validity of offers stipulated for this tender and the date upon which the offers as originally submitted would have expired?

[52] Can the Contracting Authority confirm or otherwise, whether the recommended bidder was requested to extend the validity of its offer, and if in the affirmative:

[52.1] when the extension was requested and when it was provided;

[52.2] the manner in which the extension was requested and provided;

[52.3] whether the extension was given unconditionally and without reservation?

[53] Can the Contracting Authority confirm or otherwise, that every remaining tenderer was requested to extend the validity of its offer on identical terms and on the same dates, and identify any tenderer which was not so requested?

Multiple offers

[54] Can the Contracting Authority confirm or otherwise, whether the recommended bidder submitted more than one offer for this tender, and if in the affirmative provide all TID numbers and prices, confirm how the rules governing multiple offers were applied, and state which offers were considered and which were disqualified?

PART C - The conduct of the evaluation

[55] Can the Contracting Authority provide the composition of the Evaluation Committee, being the names and designations of its members?

[56] Can the Contracting Authority confirm or otherwise, whether each member of the Evaluation Committee signed and confirmed that they have no conflict of interest, and provide the dates upon which such declarations were signed?

[57] Can the Contracting Authority confirm or otherwise, whether the Evaluation Committee made use of, or relied upon, experts or other professionals throughout the evaluation, and if in the affirmative provide their names and their involvement in the evaluation?

[58] Can the Contracting Authority provide copies of the following documents forming part of the call for tenders:

[58.1] the Technical Specifications published under separate cover, being TD-T-3879-2024 (12735) Part 3 - Technical Specifications (251020);

[58.2] the Form marked 'Literature List';

[58.3] drawing ENE-DN-12.1;

[58.4] drawing MDC OCT24 D03;

[58.5] the Financial Bid Form;

[58.6] the Opening of Offers Schedule?

Powerenzi expressly reserves the right to rely upon any refusal, failure, delay or insufficiency in the information provided, in support of any objection or other remedy available at law.

From: Contracts at Enemalta
Sent: Wednesday, 22 July 2026 12:33
To: 'Zack Esmail'
Cc: Alex Tranter; Matthew Paris; Pio Vassallo; Procurement at Enemalta; Contracts at Enemalta; Stephen Camilleri
Subject: RE: [External] - TD/T/3879/2024 (12735) Request for Information- Powerezi Limited

Dear Dr. Zack Esmail,

We note at the outset that your request is neither made under nor does it purport to invoke the Freedom of Information Act (Cap. 496). It is expressed that the request is being made in terms of the applicable public procurement regulations. We confirm that we are treating it on that basis, and this reply is given without prejudice to, and without any admission as to, the applicability of any other statutory access regime.

You will concur that Enemalta cannot disclose information that would unfairly harm the recommended bidder's commercial interests, or that would undermine the fairness of the evaluation process. Neither can Enemalta disclose information which is deemed as confidential under the PPR.

It is being noted that a substantial number of the questions in Annex 1, however, go materially beyond what information can be disclosed. This includes, in particular, questions calling for: the reproduction of internal evaluation deliberations, notes or correspondence; the names and personal declarations of individual Evaluation Committee members; the recommended bidder's confidential technical, commercial and certification documentation in its entirety; and a line-by-line commentary on every document said to evidence the recommended bidder's compliance. Enemalta reserves its position on the disclosure of this category of material, having regard to the confidentiality owed to the recommended bidder and to the integrity of the procurement process.

Given the number and range of the questions raised (58 main headings in all, spanning both Powerezi's own evaluation and a detailed audit of the recommended bidder's compliance), a complete and accurate response requires proper verification against the tender file and cannot responsibly be given within the short period before noon on Monday 27th July 2026. Enemalta does not consider that the timing of Powerezi's own request should be treated as displacing or extending the time limit applicable to any objection Powerezi may wish to lodge with the PCRB, and nothing in this reply letter should be taken as a waiver of any time limit or procedural right available to either party.

We will revert with a substantive response to the questions for which a reply can be afforded as soon as reasonably possible.

Regards,

Dr. Christopher Mizzi

Manager (Procurement)

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Sent: Tuesday, July 21, 2026 11:01 AM
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Cc: Alex Tranter <ATranter@vassallogroupmalta.com>; Matthew Paris <matthew@dalliparis.com>; Pio Vassallo <pio@vassallogroupmalta.com>
Subject: [External] - TD/T/3879/2024 (12735) Request for Information- Powerezi Limited

Good morning

I trust this email finds you well. I write for and on behalf of Powerezi Limited and hereby make reference to tender TD/T/3879/2024 (12735) and letter of rejection dated 17th July 2026. We are hereby enclosing request for information. In view of the pending deadline for a possible objection, your kind but urgent attention to the matter is highly being solicited.

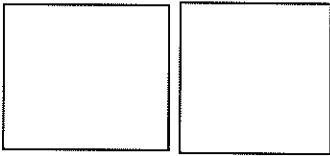
Thanks and regards



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