



8 ta' Awissu 2026

Segretarju tal-Bord,
Bord ta' Revizjoni dwar il-Kuntratti Pubblici,
Notre Dame Ditch,
Floriana.

**Ittra ta' Oggezzjoni ta' Vaults Co. Ltd: CFT: SPD5/2025/033 – Sustainable Restoration Works
Marsa Tram Station Phase 1 Asbestos Removal, Temporary Roof, Bridge and West Elevation,
Eco-Friendly Steel Restoration**

Bil-prezenti, Vaults Co. Ltd qed tilmenta ai termini tal-ligi mid-decizjoni tal-Awtorita' Kontraenti tal-31 ta' Lulju 2026 li permezz taghha l-Awtorita' qieset l-offerta tal-esponenti bhala *economically not feasible*, konsegwentement qisitha bhala "non-compliant" u ghaddiet biex ikkancellat l-istess sejha.

Fid-decizjoni taghha, l-Awtorita' tghid hekk:

Thank you for participating in the above-mentioned procurement procedure. However, this Department regrets to inform you that the procurement proposal submitted by your company was Financially non-Compliant.

The main reason why your procurement proposal was non-compliant is as follows:

Financial Offer (Note 3)

The financial offer was checked for arithmetic errors. No arithmetic errors were found. However, the offer exceeded the departmental budget by 16.02% and hence the EC found the offer to be economically not feasible.

In view that there was only one offer for this tender and it exceeds the estimate by 16.02%, the tender is not being considered financially worthwhile and is thus being recommended for cancellation as per Article 18.3 (a) of the General Rules Governing Tenders V4.10 where cancellation may also occur where the tender procedure has been unsuccessful,

namely where no qualitatively or financially worthwhile tender has been received or there has been no response at all.

L-Ewwel Raguni

Qabel xejn, l-esponenti jidhrilha li r-raguni moghtija mill-Awtorita' Kontraenti fejn qieset li l-esponenti kienet "*financially non-compliant*" hija wahda zbaljata.

Il-*compliance* o meno ta' oblatur mill-aspett finanzjarju hija regolata espressament fit-*tender document* u, korrettement, l-Awtorita' Kontraenti saħqet li ma kien hemm ebda zbalji aritmetici fl-offerta ta' Vaults, u li għalhekk kollox kien in regola.

Il-fatt li l-offerta ta' Vaults qabzet l-estimated procurement value, ma jfissirx li b'hekk l-offerta tagħha hija *financially non-compliant*. Jista' jagħti l-kaz li tkun ta' prezz tant għoli li tiskatta mbagħad id-diskrezzjoni tal-Awtorita' Kontraenti li titlob il-kancellament, izda certament mhux in-nuqqas ta' *compliance* ta' l-oblatur mat-test tad-dokument tas-sejha.

La darba ma hemm raguni valida u skond id-dokument tas-sejha sabiex l-esponenti tigi meqjusa non-compliant, l-esponenti għandha, mil-lat procedurali, titqies li għadha fis-sejha, lil hinn mill-konsiderazzjonijiet relatati mal-kancellament.

It-Tieni Raguni

Id-diskrezzjoni ta' l-Awtorita' li tqis li offerta hija "*economically not feasible*" u li konsegwentement tikkancella s-sejha, fil-fehema tal-esponenti, ma gietx ezercitata korrettement.

Hawnhekk jinsab il-pern ta' din l-oggezzjoni.

L-esponenti tagħraf li r-regola 18 tal-General Rules tagħti element ta' diskrezzjoni lill-Awtorita' Kontraenti li tizen x'inhu "*economically feasible*" u x'mhuwiex. Tifhem ukoll li l-istess General Rules imbagħad jagħtu diskrezzjoni wkoll jekk l-Awtorita' tkunx trid tikkancella s-sejha shiha proprju minhabba dan il-fatt.

Fil-fatt, l-Awtorita' f'dan il-kaz qieset in-nuqqas ta' economic feasibility skond ir-regola 18.1, u wara għaddiet biex ikkancellat it-Tender ai termini tar-regola 18.3 (a) tal-istess General Rules.

Li dawn ir-regoli jimportaw element ta' diskrezzjoni huwa fatt. Li qed jigi kontestat huwa l-fatt li d-diskrezzjoni ma tistax tigi ezercitata mingħajr ebda parametri u in vacuum. Allahares kien hekk, għax kieku jkun ifisser li jekk oblatur jitfa prezz imqar fit tal-Euro 'l fuq mill-estimated procurement value, ikun ifisser li l-mekanizzmu ta' diskrezzjoni tal-Awtorita' ikun jista' jiskatta, u tkun tista' tikkancella s-sejha fit-totalita' tagħha.

Lanqas huwa minnu li l-*estimated procurement value* johloq xi *ceiling* li wiehed ma jistax jaqbez – proprju għalhekk huwa indikat bħala 'valur **stmat**'.

L-esponenti ghalhekk tqis li kwalunkwe diskrezzjoni – hekk kif inhi dik ezercitabbli taht ir-regoli 18 tal-General Rules, ghandu jkollha kunsiderazzjonijiet relevanti, ragonevolezza, proporzjonalita', ugwaljanza u imparzjalita', u nuqqas ta' diskriminazzjoni bejn kaz u ichor.

Fil-fehema tal-esponenti, imqar uhud min dawn l-elementi gew miksura f'dan il-kaz.

Meta Awtorita' tippubblika sejha b'valur stmat specifiku, hija tkun qeghda tidhol ghar-riskju li l-orhos oblatur li jikkwalifika jkun ikkwota prezz ghola minn dak il-valur stmat. Id-domanda issa hija, sa kemm huwa prezz 'ghola', 'accettabbli'? Hemm xi persentagg li wiehed ma jistax jaqbez meta joffri prezz ghola mill-EPV? Huwa aktar accettabbli li Awtorita' tikkancella sejha meta d-differenza f'persentagg, ghalkemm mhux kbir, tissarraf f'somma konsiderevoli?

Donnu dawn id-domandi kollha mhumieq imwiegba mkien – u lanqas wiehed jippretendi li jsib xi twegiba cara u tonda – izda zgur li hemm bzonn li jkun hemm xi tip ta' linji gwida dwar dan kollu. Il-fatt li Awtorita' Kontraenti, wara s-sejha tkun konkluzi, wara li l-evalwazzjoni tkun saret proceduralment sew, tqis li l-avarija bejn il-prezz u l-EPV hija determinanti, u li ghalhekk hemm bzonn li tigi cancellata, tehtieg li tigi regolata.

Ibda biex, l-esponenti konxja li hemm diversi sejhiet – inkluz tal-istess Awtorita' kontraenti mertu ta' din l-oggezzjoni – li gew moghtija lil oblaturi kemm b'persentagg akbar ta' avarija bejn il-prezz u l-EPV, kif ukoll b'differenza ta' valur ferm akbar minn dik mertu ta' din l-oggezzjoni. L-esponenti qed tirrizerva minn issa li tipprezenta dokumentazzjoni (konsistenti biss f'tender documents u award notices) biex tissostanzja din is-sottomissjoni taghha.

Fi ftit kliem, l-esponenti 'qabzet' l-EPV b'16%. Hija konxja minn diversi ghotjiet li qabzu dan il-persentagg. Inoltre, hija 'qabzet' l-EPV b'madwar €44,000. Hija konxja wkoll minn diversi ghotjiet li l-'eccess' mill-EPV kien ferm akbar minn hekk. Allura d-domanda tigi naturali: ghalfejn f'wahda iva, u f'din le? Ghalfejn b'eccess akbar iva, u f'din le?

Is-sitwazzjoni kienet tkun differenti kieku l-Awtorita' Kontraenti zammet uniformita' u linearita' bejn decizjoni ta' cancellament u ohra – u zammet konsistenza bejn cancellament u ichor biex tkun tista' tiggustifika l-ezercizzjoni tad-diskrezzjoni taghha f'dan il-kaz.

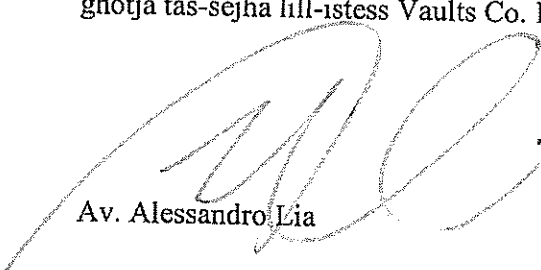
Konsegwentement, anke l-ghazla ghall-kancellament tas-sejha ghandha tigi revokata.

Talba

Ghaldaqstant, ghar-ragunijiet premissi u ai termini tal-ligi, Vaults Co. Ltd, filwaqt li tirrizerva li tipproduci dokumentazzjoni kif hawn fuq spjegat, titlob bir-rispett li dan il-Bord joghgbu:

- (i) jiehu mizuri temporanji sabiex jipprevejeni milli ssir aktar hsara partikolarment, fost ohrajn billi jordna s-sospensjoni tad-decizjoni tal-Awtorita' Kontraenti tal-31 ta' Lulju 2026;
- (ii) jordna li tigi mwarra d-decizjoni li biha l-Awtorita' skwalifikat lill-esponenti mill-istess sejha u kkancellat l-istess sejha.

- (iii) iwarra b ir-raguni mogħtija mill-Awtorita' li biha Vaults Co. Ltd giet meqjusa *non-compliant* stante li hija infondata legalment u fattwalment .
- (iv) iwarra b id-decizjoni li biha l-Awtorita' kkancellat is-sejha mertu ta' din l-oggezzjoni;
- (v) konsegwentement jikkonferma lil Vaults Co. Ltd bhala l-ahjar offerent li jissoddisfa l-kriterji amministrattivi u teknici tal-istess sejha għall-offerti u jordna lill-Awtorita' tipprocedi bl-ghotja tas-sejha lill-istess Vaults Co. Ltd.



Av. Alessandro Lia



31st July 2026

TID: 240289: Vaults Co. Ltd.

Reference: SPD5/2025/033

Subject: Sustainable Restoration Works Marsa Tram Station Phase 1 Asbestos Removal, Temporary Roof, Bridge and West Elevation, Eco-Friendly Steel Restoration

Dear Sir,

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If you intend to object to this decision, the Public Procurement Regulations allow for an official objection which has to be lodged electronically with the Public Contracts Review Board by sending an email on: info.pcrb@gov.mt by noon (12.00 hrs) of 10th August 2026, against a deposit of €1,372.00.

Payments are to be made through bank transfer in terms of the following details:

Name of Account Holder	Cashier Malta Government
Name of Bank	Central Bank of Malta
Address of Bank	Castille Place, Valletta
Account Number	40001EUR-CMG5-001-H
BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100

The official 'recommendation for award' schedule can be accessed on the website: www.etenders.gov.mt.

Although this Department has not been able to make use of your services on this occasion, we trust that you will continue to take an active interest in its procurement opportunities.

Yours sincerely,

SPD1
Sectoral Procurement Directorate

DIPARTIMENT TAL-KUNTIRATTI
Notre Dame Ravelin
Floriana FRN 1600 - MALTA
Direttorat għall-Akkwiżizzjoni



DEPARTMENT OF CONTRACTS
Notre Dame Ravelin
Floriana FRN 1600 - MALTA
Sectoral Procurement Directorate
Telephone 2598 1500
Fax 2598 1600

Schedule of Cancelled Tender

In terms of Regulation 270, Part IX of Legal Notice 352 of 2016 of the Public Procurement Regulations 2016, you are hereby being notified that the Departmental Contracts Committee has agreed with the below recommendation.

Reference	Subject	Decision	Recommended Tenderer	Price (excl VAT)	Deposit
SPD5/2025/033	Sustainable Restoration Works Marsa Tram Station Phase 1 Asbestos Removal, Temporary Roof, Bridge and West Elevation, Eco-Friendly Steel Restoration	Cancelled	N/A	N/A	€1,372.00

Tenderers are informed that any appeals by means of an objection to the decision listed above must be lodged electronically with the Public Contracts Review Board by sending an email on info.pcrb@gov.mt by 12:00hrs (noon) of 10th August 2026. Objections shall contain in a very clear manner the reasons for the complaint. Payments are to be made to the amount indicated in the table above, calculated in terms of Regulation 273 of Legal Notice 352 of 2016, otherwise, they will not be considered.

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BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100

Tenderers are to note that this information does not imply any obligation on the part of Government to actually implement any of the decisions indicated.

o.b.o. SPD5 Assistant Director

31st July 2026

Date

Notre Dame Ravelin Floriana FRN 1600 Malta
email: spd.mfe@gov.mt | telephone: 2598 0000



Bank of Valletta

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. IVAN FARRUGIA

Printed on: 10/08/2026 - 08:33

Document ID: 29349825

Transaction details

Payer's name: VAULTS CO. LTD

Payee type: Corporate Payee

Company name: Cashier Malta Government

Relation: Administrative Services

Reason: Other

Payment details: Vaults Co Ltd objection re SPD5/2025/033

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) 4001360114 2

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

Amount: EUR 1,372.00

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 is very similar to our records: CASHIER MALTA GOVERNMENT CALL ACCOUNT - GENERAL. If you continue without correcting it, 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

Credit amount: EUR 1,372.00

Debited amount (excluding charges): EUR 1,372.00

Estimated amount to be withdrawn from account: EUR 1,376.00

Transaction charge: EUR 4.00

Transaction result

Status: Your instructions have been processed successfully.

Transaction ID: 183561087