

Public Contracts Review Board  
Notre Dame Ditch  
Floriana FRN1601  
Malta



10 September 2026

Dear Sirs,

**Re: WSM 203/2026 – Concession for the Provision of Vending Machines for WasteServ Malta Ltd in Malta and Gozo Sites in Two (2) Lots – Lot 1: Malta (the “Tender”)**

1. I have been instructed by Multivend Services Ltd, ID No. 247648 (the “Appellant”) to lodge this application in terms of Regulation 270 of the Public Procurement Regulations (the “PPR”) in connection with the above-captioned Tender (the “Appeal”).
2. The Appellant is aggrieved by the decision of the Contracting Authority, WasteServ Malta Ltd (the “Contracting Authority”), communicated by means of a Letter of Regret dated 31 August 2026, whereby the Appellant was informed that its offer for Lot 1 had ranked second and that the Evaluation Committee had recommended the award of Lot 1 to Vertex Vending Services Ltd, ID No. 247483 (the “Recommended Bidder”), for the value of €64,691.76 excluding VAT.
3. The Appellant is aggrieved by the Contracting Authority’s decision for the following reasons:
  - a. **FIRST GROUND OF APPEAL: THE AWARD DECISION IS INCONSISTENT WITH THE PUBLISHED FINANCIAL OFFERS AND THE EXPRESS “HIGHEST CONCESSION FEE” AWARD CRITERION.**
  - b. **SECOND GROUND OF APPEAL: THE RECOMMENDED BIDDER’S PUBLISHED FINANCIAL OFFER AND THE VALUE STATED IN THE NOTICE OF AWARD ARE INCONSISTENT AND REQUIRE VERIFICATION ON A LIKE-FOR-LIKE BASIS.**
  - c. **THIRD GROUND OF APPEAL: THE CONTRACTING AUTHORITY FAILED TO DEMONSTRATE THAT THE MINIMUM ANNUAL CONCESSION FEE REQUIREMENT WAS CORRECTLY AND CONSISTENTLY APPLIED.**
4. Before delving into the grounds of objection, the Appellant sets out the events leading up to the Contracting Authority’s decision and this present objection.

## **A. FACTS**

5. The Contracting Authority issued Tender WSM 203/2026 for the concession for the provision of vending machines for WasteServ Malta Ltd sites in Malta and Gozo in two (2) lots. This Appeal concerns exclusively Lot 1 – Malta, namely the provision of hot beverage, cold beverage and snack vending machines for WasteServ Malta Ltd sites in Malta.
6. The Financial Bid documentation for Lot 1 provides for a concession period of three (3) years. It further stipulates that the minimum value of the concession fee for Lot 1 – Malta shall not be less than €13,000 per year excluding VAT.
7. Critically, Note 1 to the Financial Bid expressly provides that: “The Contract will be awarded to the highest concession fee offered, satisfying the administrative and technical criteria.”
8. Following opening of the financial offers, the published opening information recorded the following financial values for Lot 1: (i) Vertex Vending Services Ltd – €21,563.92; and (ii) Multivend Services Ltd – €52,059.00.
9. By Letter of Regret dated 31 August 2026, the Contracting Authority informed the Appellant that its offer had ranked second and that the highest compliant offer was that submitted by the Recommended Bidder for €64,691.76 excluding VAT.
10. The Notice of Award likewise identifies Vertex Vending Services Ltd as the Recommended Tenderer for Lot 1 and states the price excluding VAT as €64,691.76.
11. The Appellant is unable to reconcile the published opening figures with the award recommendation and, in particular, with the express award criterion requiring the award to be made to the highest concession fee offered by a compliant tenderer.
12. It is on this basis that the Appellant brings the present Appeal.

## **B. FIRST GROUND OF APPEAL: THE AWARD DECISION IS INCONSISTENT WITH THE PUBLISHED FINANCIAL OFFERS AND THE EXPRESS “HIGHEST CONCESSION FEE” AWARD CRITERION**

13. The Appellant submits that, on the face of the financial information published by the Contracting Authority, the award recommendation is inconsistent with the express financial award criterion contained in the Tender.
14. The published opening information attributes a financial value of €52,059.00 to the Appellant and €21,563.92 to the Recommended Bidder.
15. The Appellant’s published financial value is therefore substantially higher than the published financial value attributed to the Recommended Bidder.

16. The Tender documentation is unequivocal that the contract is to be awarded to the highest concession fee offered, provided that the tenderer satisfies the administrative and technical criteria.

17. Nevertheless, the Contracting Authority ranked the Appellant second and recommended the award to Vertex Vending Services Ltd.

18. On the information made available to tenderers, it is not possible to ascertain how the Recommended Bidder could have ranked ahead of the Appellant under the stated financial criterion.

19. The discrepancy goes directly to the criterion determining the award and is therefore material. The Contracting Authority was bound to compare the financial offers on the same basis and to apply the criterion set out in the Tender consistently to all tenderers.

20. Accordingly, unless the Contracting Authority can establish from the original Financial Bid Forms and the contemporaneous evaluation record that the published figures do not represent comparable financial offers, the award recommendation is inconsistent with the Tender conditions.

21. In view of the foregoing, the Contracting Authority's decision to recommend Vertex Vending Services Ltd for Lot 1 was wrong and should be quashed.

**C. SECOND GROUND OF APPEAL: THE RECOMMENDED BIDDER'S PUBLISHED FINANCIAL OFFER AND THE VALUE STATED IN THE NOTICE OF AWARD ARE INCONSISTENT AND REQUIRE VERIFICATION ON A LIKE-FOR-LIKE BASIS**

22. Without prejudice to the first ground of appeal, the Appellant further submits that there is a material inconsistency between the Recommended Bidder's published financial value and the value stated in the Notice of Award.

23. Whereas the opening information records €21,563.92 for Vertex Vending Services Ltd, the Letter of Regret and Notice of Award state an award value of €64,691.76 excluding VAT.

24. The latter amount is exactly three times €21,563.92. This appears to indicate that the figure of €21,563.92 may have been treated as an annual concession fee and multiplied by the three-year concession period.

25. If that is the methodology adopted, the Contracting Authority was required to apply the same methodology to the Appellant's offer. The published information, however, does not disclose whether the Appellant's €52,059.00 figure represents an annual concession fee or a total three-year concession fee.

26. If €52,059.00 represents the Appellant's annual concession fee, its corresponding three-year value would be €156,177.00, which is considerably higher than €64,691.76.

27. Conversely, if the Appellant's €52,059.00 was treated as a three-year total while the Recommended Bidder's €21,563.92 was treated as an annual figure, the two offers would not have been evaluated on a like-for-like basis.

28. The original Financial Bid Forms are therefore central to determining whether the financial offers were recorded, interpreted and evaluated consistently in accordance with the Tender documentation.

29. The Appellant respectfully requests that the Board examine the original Financial Bid Forms and the financial evaluation documentation and verify the precise basis upon which the figures €21,563.92, €52,059.00 and €64,691.76 were calculated and compared.

30. In the absence of a proper and consistent basis for the comparison, the award decision cannot stand and should be quashed.

**D. THIRD GROUND OF APPEAL: THE CONTRACTING AUTHORITY FAILED TO DEMONSTRATE THAT THE MINIMUM ANNUAL CONCESSION FEE REQUIREMENT WAS CORRECTLY AND CONSISTENTLY APPLIED**

31. The Financial Bid documentation expressly stipulates that the minimum value of the concession fee for Lot 1 – Malta shall not be less than €13,000 per year excluding VAT.

32. The published figure of €21,563.92 attributed to the Recommended Bidder is ambiguous when read together with the three-year concession period and the award value of €64,691.76.

33. If €21,563.92 represents an annual concession fee, it would exceed the stipulated annual minimum. If, however, it represents the total offer for the three-year concession period, it would amount to approximately €7,187.97 per annum and would fall below the mandatory minimum.

34. The Appellant does not have access to the Recommended Bidder's original Financial Bid Form and is therefore unable to verify which interpretation is correct.

35. In these circumstances, the Board is respectfully requested to verify the Recommended Bidder's original Financial Bid Form and the evaluation record in order to determine whether the minimum annual concession fee requirement was satisfied and whether that requirement was applied consistently.

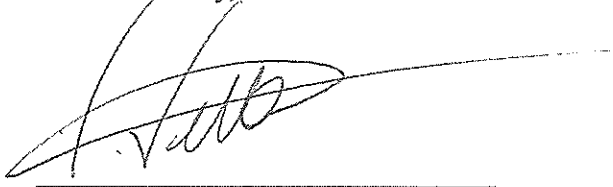
36. Should it result that the Recommended Bidder did not satisfy the mandatory minimum annual concession fee, its offer could not lawfully have been treated as compliant for the purposes of the financial award criterion.

37. In view of the foregoing, and in the absence of proof that the minimum requirement was correctly satisfied and evaluated, the award recommendation should be quashed.

**THEREFORE, the Appellant requests that the Public Contracts Review Board:**

- a. declares that the Contracting Authority's decision of 31 August 2026 recommending the award of Lot 1 of WSM 203/2026 to Vertex Vending Services Ltd is wrong and/or unlawful and, consequently, quashes and/or revokes that decision;
- b. declares that the Contracting Authority's decision of 31 August 2026 recommending the award of Lot 1 of WSM 203/2026 to Vertex Vending Services Ltd is wrong and/or unlawful and, consequently, quashes and/or revokes that decision and order the disclosure of the requested information;
- c. orders the Contracting Authority to reconsider and/or re-evaluate the financial offers for Lot 1 strictly in accordance with the Tender conditions, including the requirement that the contract be awarded to the highest concession fee offered by a tenderer satisfying the administrative and technical criteria;
- d. orders the refund to the Appellant of the deposit paid for the purposes of filing this Appeal; and
- e. issues such other declaration or order that it deems fit and opportune.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'V. Vella', is written over a horizontal line.

**Dr Vincienne Vella**  
167, Palm Street, Paola

31<sup>st</sup> August 2026

**Messrs. Multivend Services Ltd**  
**ID No. 247648**

**Letter of Regret**

**Advert No. WSM 203/2026**

**CONCESSION FOR THE PROVISION OF VENDING MACHINES FOR  
WASTESERV MALTA LTD in MALTA and GOZO SITES IN TWO (2) LOTS**

Dear Sir/Madame,

We would like to thank you for participating in the above-mentioned Concession procedure, in respect of **Lot 1: Provision of vending machines: hot, cold beverage and snack vending machines for WasteServ Malta Ltd in Malta sites**. We regret to inform you, however, that the Offer submitted by your Company has ranked the second (2<sup>nd</sup>).

Please be informed that the Evaluation Committee has recommended to award the highest compliant offer submitted by **Messrs. Vertex Vending Services Ltd with ID no. 247483, for the value of sixty four thousand six hundred ninety-one Euro 76 eurocents (€64,691.76) excluding VAT.**

*In terms of Legal Notice 352, Public Procurement Regulation 2016, Article 270-276, which establish that: Any tenderer or candidate concerned who is aggrieved by the award indicated by the contract authority may, within ten (10) calendar days from the date of notification, file a letter of objection, together with a deposit, with the Public Contracts Review Board, Notre Dame Ravelin, Floriana, clearly setting forth any reason for his complaint.*

In the case of an objection regarding this Letter of Regret, please note that this is to be filed with the Public Contracts Review Board by not later than **10<sup>th</sup> September 2026 at noon** and must be duly accompanied with a deposit of **four hundred euro (€400.00)**. Although we have not been able to make use of your services on this occasion, we trust that your Company will continue to take an active interest in our initiatives.

Procurement



## Eurozone-SEPA payment

### Debit account

Pay from MULTIVEND SERVICES LTD. D.  
MT MTHBMTCA058-115817-001 EUR

Debit currency EUR

### Payment details

Expected value date Thu 10 Sep 2026  
This is the date we expect to debit your account.  
Please ensure that the debit account has enough funds, otherwise the payment will be rejected.

Payment service SEPA Credit Transfer

Your payment reference PCRB Deposit

### Transactions

| Entry | Beneficiary                                                                                                                                                        | Transaction information | Amount (EUR) |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------|
| 1     | Beneficiary name:<br>Cashier Malta Government<br>IBAN:<br>MT55MALT011000040001EURCMG5001H<br>SWIFT-BIC: MALTMTMT<br>Reference: PCRB Deposit- Multivend<br>Services |                         | 400.00       |

### Batch Summary

Total entries 1

Batch amount EUR 400.00