

The Secretary,
Public Contracts Review Board,
Notre Dame Ditch,
Floriana,
Malta



Friday, 11th September, 2026

LETTER OF OBJECTION OF PAUL BORG

Re: SPD3/2026/026 - Tender for the Provision of Accessible and Low-Emission Passenger Transport Services with Drivers for Wheelchair Users and other clients of Santa Marta Day Centre within the Ministry for Gozo

Dear Sir,

By virtue of this Letter of Objection, Paul Borg of Flat 1, Bells Court, Triq l-Arc. Pietru Pace, Rabat, Gozo, holder of Identity Card Number 52060(G) bearing Tender I.D. 246064, makes reference to the above mentioned call for tenders and is hereby submitting a formal objection in relation to the same tender.

Facts of the Case

- The Department of Contracts issued a Call for Tenders for the Provision of Accessible and Low-Emission Passenger Transport Services with Drivers for Wheelchair Users and other clients of Santa Marta Day Centre within the Ministry for Gozo;
- That by virtue of a communication dated 4th September, 2026, the objector was informed that the offer submitted was not technically compliant;
- The main reason given was since the technical offer form was not fully completed since the technical offer form is non-rectifiable, the offer was not considered as technically non-compliant;
- That notwithstanding such reason, the offer submitted by the appellant contained all the information including log-books and documentation relative to vehicles to be used to render these services;
- That consequently by virtue of the same letter of the 4th September, 2026, the procurement was recommended for award to 246058 - Speedway Garage for the amount of €143,875 excluding VAT;
- The objector felt aggrieved by the mentioned decision of the Contracting Authority and therefore is availing himself of the right granting to him in terms of Law and is filing an objection regarding the aforementioned decision within the established

time-frame as communicated in the same letter and together with the required deposit of six hundred and seventy-three Euro (€673) as per Document 'A';

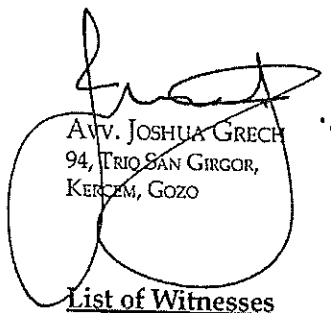
The Objection

- The required information regarding the vehicle make and model was never missing from the technical offer; rather, it was submitted as an integral part of the tender dossier and was easily identifiable within the accompanying documentation.
- The bidder explicitly provided the vehicle log books with the original submission, ensuring the technical data existed within the offer the moment the call for tenders closed.
- This scenario is completely distinct from situations where a bidder entirely fails to submit mandatory documentation, because the relevant vehicle details were readily available to the Evaluation Committee during the evaluation stage. In fact a copy of the whole dossier submitted with the tender is being herewith attached as Doc. A for ease of reference;
- The omission of data from the specific Technical Offer Form is strictly a matter of presentation and document placement, not a substantive flaw, as the specific vehicles proposed for the contract execution were already fully and transparently disclosed.
- The objector makes reference to the judgement of the Court of Appel in the names Europharma Limited vs Central Procurement and Supplies United fi hdan il-Ministeru ghas-Sahha u l-Anzjanita' Attiva et (Rik. Nru. 445/2025) decided on the 29th January, 2026. In the said judgement the Court observed as follows:
 - *"Fil-fehma tal-Qorti, ma jkunx qiegħed jithaddem il-principju tal-proporzjonalita' jekk offerta vantagguza tigi mwarra għas-sempliċi fatt li l-informazzjoni rikjesta kienet ingħatat f'parti oħra tal-offerta u hux fil-parti fejn kellha tigi nserita. Is-sitwazzjoni kienet tkun ferm differenti li kieku din l-informazzjoni ma kienitx tirrizulta minn imkien fl-offerta magħmula, liema sitwazzjoni ma tirrispekkjax il-fatti li għandha quddienha din il-Qorti."*
- In fact as mentioned before the information was already existant in a submitted offer;
- Because the make and model could be extracted directly from the log books, asking the bidder to indicate the location of this data constitutes a simple clarification, not an full rectification.
- The decisive legal threshold is whether accepting the information requires introducing new data or amending the bid's substance; since the log books were already present, no new vehicle, make, model, or specification would be introduced;

- The principle of equal treatment and proportionality remains entirely uncompromised because the bidder stands to gain no competitive advantage.
- The vehicle details documented in the log books were permanently fixed upon submission and could not be altered through any subsequent clarification process.
- The principle of proportionality strictly requires authorities to distinguish between a substantive failure of compliance and a purely formal defect.
- The Court in the judgement mentioned above has reaffirmed that disqualification is highly disproportionate when the necessary information is provided in another part of the bid, especially when the omission neither affects competition, prejudices other bidders, nor alters the offer's fundamental substance.
- The bidder acted transparently and in utmost good faith, deliberately including the log books as documentary evidence to ensure no material information was concealed or withheld for a later stage.
- It was entirely reasonable for the bidder to assume the Evaluation Committee would examine the tender dossier in its entirety, particularly since the supporting documents expressly contained the required technical data.
- Public procurement processes must not be reduced to a purely formalistic exercise that ignores the foundational objectives of transparency and fairness.
- Evaluation practices must align with established jurisprudence prioritizing substance over form, ensuring that the assessment focuses on the substantive content of the offer rather than rigidly penalizing the exact placement of data within specific forms.
- It is being further submitted that the offer submitted by the objector was in the amount of €123,988 being the cheapest bid, whilst the next bid is of €143,875. To this end there is a discrepancy between the two offers of twenty thousand Euro equivalent to 16% over such bid;
- In the same above-mentioned judgement, the Court also re-iterated that:
 - *“Fil-felhma ta’ din il-Qorti, l-iskwalifika tal-offerta tas-socjeta’ appellanta fuq raguni bhal din, hija mizura sproporzjonata meta wiehed iqis li jekk din tigi attwata, din tista’ twassal biex jintilef l-ghan ewlieni tas-sejha li l-kuntratt jinghata lil min ghamel l-orhos offerta”;*

In view of the above, and for any further reasons which may be brought forward during the hearing of this appeal, whilst reserving the right to make further submissions and present further evidence, the appellant humbly requests that this Honourable Board revokes the

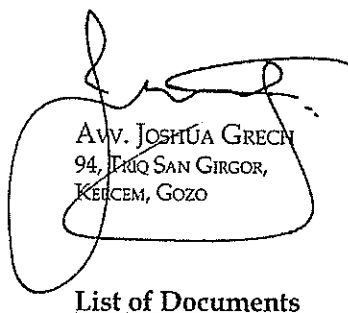
decision of the Contracting Authority of the 4th September, 2026 whereby the offer has been considered not technically compliant and awards the tender to the objector Paul Borg, whilst giving any such orders and directives as may be necessary in relation to the procurement process relative to the tender in question.



AVV. JOSHUA GRECH
94, TRIQ SAN GIORG, KERCEN, GOZO

List of Witnesses

1. All members of the Evaluation Committee (to Testify on this Call for Tenders procedure during all stages, including but not limited to the pre-drafting stage, drafting stage, pre-publication of the Tenders stage, and adjudication stage);
2. The objector;
3. Representative of the Malta Business Registry
4. Representatives of the Department of Contracts;
5. All the witnesses indicated by the other parties to these proceedings which the appellant makes his for all intents and purposes;
6. Other witnesses which the appellant is not aware of, therefore they are being reserved; and
7. Other witnesses permissible by Law are being reserved.



AVV. JOSHUA GRECH
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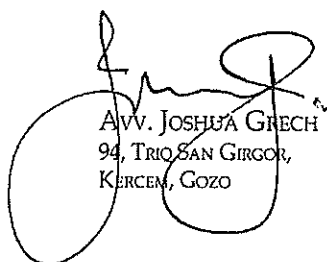
List of Documents

Dok. A

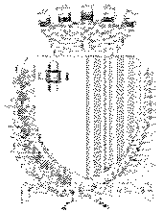
Copy of Dossier submitted by objector

Dok. B

Copy of Judgement by Court of Appeal in the names Europharma Limited vs Central Procurement and Supplies Unit fi hdan il-Ministeru ghas-Sahha u l-Anzjanita' Attiva et



AVV. JOSHUA GRECH
94, TRIQ SAN GIORG, KERCEN, GOZO



QORTI TAL-APPELL

IMĦALLFIN

**S.T.O. PRIM IMĦALLEF MARK CHETCUTI
ONOR. IMĦALLEF ROBERT G. MANGION
ONOR. IMĦALLEF SIMONE GRECH**

Seduta ta' nhar il-Ħamis, 29 ta' Jannar 2026

Numru: 10

Rikors numru: 445/2025/1

Europharma Limited (C1822)

v.

- (i) Central Procurement and Supplies Unit fi hdan
il-Ministeru għas-Saħħa u l-Anzjanità Attiva**
 - (ii) Dipartiment tal-Kuntratti**
 - (iii) Associated Equipment Limited (C9340)**
- għal kull interess li jista' jkollha**

Il-Qorti:

1. Din hija sentenza dwar appell imressaq minn Europharma Limited kontra deċiżjoni mogħtija mill-Bord ta' Reviżjoni dwar Kuntratti Pubbliċi fl-14 ta' Ottubru 2025, li permezz tagħha l-Bord ma laqax l-oġġezzjoni

tagħha filwaqt li kkonferma d-deċiżjoni u l-*award notice* tal-Awtorità Kontraenti tat-22 t'Awwissu 2025 li tirrakkomanda lill-Associated Equipment Limited (C9340) għall-għoti tas-sejha bir-riferenza CT2271/2024 CPSU1815-2024 intitolata '*Tender for the Supply, Installation and Commissioning of Qty 2, Mobile Therapeutic Machines with Reduced Environmental Impact*'.

Daħla

2. Fil-5 ta' Diċembru 2024, *Central Procurement and Supplies Unit* fi ħdan il-Ministeru għas-Saħħa u l-Anzjanità Attiva ħarġet sejha pubblika (CT2271/2024 CPSU1815-2024) msejha, «*Tender for the Supply, Installation and Commissioning of Qty 2, Mobile Therapeutic Machines with Reduced Environmental Impact*».

3. Europharma Limited u Associated Equipment Limited kienu ż-żewġ oblaturi li pparteċipaw fis-sejha bl-offerta ta' Europharma Limited tkun €141,034.27c orħos minn dik ta' Associated Equipment Limited. *Nonostante* li l-offerta ta' Europharma Limited kienet l-orħos offerta, l-offerta tagħha giet skwalifikata għaliex l-istess Europharma Limited naqset milli tindika l-manifattur tal-prodott offrut u l-*model number* tal-prodott fit-*Technical Offer Form*. Fit-22 ta' Awwissu 2025, id-Dipartiment tal-Kuntratti spjega lil Europharma Limited li l-offerta magħmula minnha

kienet *technically non-compliant*:

“In the Technical Form, the tenderer failed to indicate the manufacturer and model number of the machine that is being offered. The technical form falls under Note 3 and is therefore not rectifiable. Offer not compliant.”

4. FI-1 ta' Settembru 2025, Europharma Limited daħlet oġġezzjoni mal-Bord ta' Revizjoni dwar Kuntratti Pubbliċi, għal-liema oġġezzjoni rrispondew kemm is-*Central Procurement and Supplies Unit* u kemm id-Dipartiment tal-Kuntratti fejn entrambi insistew li d-deċiżjoni tal-iskwalifika ta' Europharma Limited kienet korretta.

5. B'deċiżjoni mogħtija fl-14 ta' Otturbru 2025, il-Bord ta' Revizjoni dwar Kuntratti Pubbliċi ma laqax l-oġġezzjoni ta' Europharma Limited u kkonferma d-deċiżjoni ta' *Central Procurement and Supplies Unit* u tad-Dipartiment tal-Kuntratti. Il-Bord għamel is-segweni konsiderazzjonijiet filwaqt li wasal għas-segweni konklużjoni:

“4.1 On the Primacy of the Technical Offer Form

The Board notes that the Technical Offer Form is a core instrument of tender evaluation, designed to standardize submissions and allow a fair and transparent comparison among competing offers. The General Rules and Instructions to Tenderers explicitly require completion of this form to satisfy technical compliance. Information scattered in ancillary documents cannot substitute a mandatory entry in a designated evaluation form.

4.2 On Note 3 and Non-Rectifiable

The Board reiterates that the Technical Offer Form is a Note 3 document. Both the Tender documents and jurisprudence (Signal 8 Security Services) make clear that non-compliance in such a form is incapable of rectification, even if the required information exists elsewhere. Any other approach would undermine the procedural certainty and uniformity required in public procurement.

4.3 On the Principle of Proportionality

While the Board acknowledges the Appellant's argument invoking proportionality and substance-over-form, it emphasizes that proportionality cannot override mandatory procedural requirements, particularly where the omission is complete. As noted in Servizzi Malta, the exceptions to the strict application of procedural rules are rare and narrowly construed.

4.4 On Literature as Corroboration only

The Board agrees with the Contracting Authority's position that literature is intended solely to corroborate the Technical Offer Form. Where the form is left blank, there is nothing to corroborate, and the TEC's assessment is therefore justified. Allowing otherwise would breach equal treatment by effectively allowing one bidder to submit an incomplete form while others fully comply.

4.5 On Financial Consequences

The Board recognizes the Appellant's point that the Contracting Authority pays more by rejecting its bid. However, procurement law prioritises compliance and equal treatment over cost and cannot countenance the acceptance of incomplete offers simply to achieve lower expenditure.

3. Conclusions

Having carefully considered the facts and submissions put forward by the Applicant, together with the Reasoned Letter of Reply and oral arguments presented by the Contracting Authority, the Tender documentation and the applicable General Rules, and the relevant jurisprudence,, including the judgements in Signal 8 Security Services and Servizzi Malta, the Board finds that the Appellant's omission to complete the Technical Offer Form amounts to a material non-compliance with a Note 3 requirement, which, by virtue of its classification, is expressly non-rectifiable.

Accordingly, the appeal is unfounded in both law and facts, and the decision of the Contracting Authority to reject the appellant's tender was entirely justified. The principle of proportionality and the substance-over-form argument cannot apply in circumstances where no substantive information was provided in the mandatory form. The Board therefore confirms the Contracting Authority's decision dated 22nd August 2025, with the administrative deposit paid by the Appellant to be forfeited in accordance with the applicable regulations."

6. Europharma Limited appellat minn din is-sentenza fit-30 ta' Ottubru 2025 u talbet biex din il-Qorti tordna t-tfassir u r-revoka tad-deċiżjoni tal-Bord ta' Revizjoni dwar Kuntratti Pubbliċi tal-14 ta' Ottubru 2025; tilqa'

dan l-appell u l-oġġezzjoni ntavolata minn Europharma Limited fl-1 ta' Settembru 2025 kif ukoll tordna t-tħassir u r-revoka tad-deċiżjoni tad-Dipartiment tal-Kuntratti tat-22 ta' Awwissu 2025 li tirrakkomanda lill-Associated Equipment Limited għall-għoti tal-kuntratt tas-sejha bir-referenza numru CT2271/2024 CPSU1815-2024, tordna r-reintegrazzjoni tal-offerta tal-Europharma Limited fil-proċess tas-sejha u tordna li ssir ri-evalwazzjoni tal-offerti mit-*Tender Evaluation Committee*.

7. L-aggravju mressaq huwa msejjes fuq il-fatt li l-identità tal-manifattur u l-*model number* ġew sottomessi minn Europharma Limited mal-offerta originali tagħha.

8. Is-*Central Procurement and Supplies Unit* u d-Dipartiment tal-Kuntratti wieġbu għal dan l-appell fl-10 ta' Novembru 2025 u fil-25 ta' Novembru 2025 rispettivament, fejn ENTRAMBI nsistew li l-appell għandu jiġi miċħud u li s-sentenza appellata għandha tiġi kkonfermata.

9. Instemgħet it-trattazzjoni waqt seduta miżmuma u minn hemmhekk il-kawża tħalliet biex tingħata s-sentenza llum.

Konsiderazzjonijiet:

10. Fl-aggravju mressaq minnha, Europharma Limited spjegat li l-

informazzjoni dwar l-identità tal-manifattur u l-*model number* ingħatat fl-offerta originali tagħha, speċifikatament fid-*Declaration of Conformity Amendment*. Konsegwentement, skont l-appellanta, din l-informazzjoni kienet teżisti fil-mument li għalaq l-istadju għas-sottomissjonijiet tal-offerti u kien disponibbli għat-*Tender Evaluation Committee* fl-istadju tal-evalwazzjoni.

11. Skont l-appellanta, il-fatt li din l-informazzjoni ngħatat fid-*Declaration of Conformity Amendment* u mhux fit-*Technical Offer Form* tikkonsisti f'*obvious clerical error* li ma jaffettwax is-sustanza tal-offerta ta' Europharma Limited. L-appellanta saħqet li lanqas ma jagħti xi vantaġġ lilha fuq Associated Equipment Limited jew kellu xi impatt fuq l-Awtorità kontraenti.

12. L-appellanta insistiet li dan il-kunċett ta' *obvious clerical error* jagħti dritt lill-awtoritajiet kontraenti biex jagħmlu kuntatt mal-oblatur biex jitrangaw żbalji klerikali ovvji mingħajr ma jinbidel xejn mit-termini tal-offerta. Fil-każ odjern, interpretazzjoni stretta tal-kundizzjonijiet tas-sejha wasslu għal ċaħda ta' offerta vantaġġuża minhabba żball klerikali li huwa ovvju u insinifikanti.

13. L-appellanta sostniet li t-*Tender Evaluation Committee* kellha tevalwa kull dokument sottomess mal-offerta tagħha. Saħqet li f'każ bħal

dan ta' *obvious clerical error* hija ċertament miżura sproporzjonata li offerta tagħha giet skartata u li tali deċiżjoni twassal biex jintilef l-għan tas-sejha u ċjoè li l-kuntratt jingħata lill-oblatur li jissottometti l-irhas offerta.

14. F'dan l-aggravju, gie wkoll sottomess li t-*Tender Evaluation Committee* seta' talab għal kjarifika dwar fejn tinsab l-informazzjoni in kwistjoni fl-offerta originali tagħha. L-appellanta ssottolinejat li fil-każ odjern, ma kienx hemm bżonn ta' rettifika biex tingħata l-informazzjoni meħtieġa u dan għaliex Europharma Limited ma kinitx ser tagħti tagħrif ġdid għax l-informazzjoni ga kienet hemm indikata fl-offerta.

15. Is-*Central Procurement and Supplies Unit* irrispondiet għal dan l-aggravju billi sostniet fl-ewwel lok, li l-kunċett ta' *obvious clerical error* kien jissemma fir-regolamenti tal-Kummissjoni Ewropea Nru 2342/2002 iżda dawn ir-regolamenti m'għadhomx fis-seħh u fid-direttivi li jirregolaw l-akkwist pubbliku fl-unjoni Ewropea 2004/18/KE u dik li ħaditilha postha 2014/24/EU, dan il-kunċett ma giex irreplikat.

16. Skont is-*Central Procurement and Supplies Unit*, fil-każ odjern tħalla barra l-aktar element essenzjali tal-offerta u ċjoè l-prodott offrut. Intqal li l-kumitat tal-evalwazzjoni ma setax jikkonsidra l-offerta ġaladarba t-*technical offer* ma kinitx kompleta. Intqal ukoll li l-letteratura qiegħda

hemm biex tikkorrabora mal-offerta teknika u mhux *vice-versa*.

17. Intqal ukoll li r-regoli jgħidu li l-formola għandha timtela kollha u anke hemm speċifikat li jekk din ma timteliex kollha, din ma tkunx tista' tiġi kkunsidrata. Skont is-*Central Procurement and Supplies Limited*, l-unika mod kif setgħet tiġi salvata l-offerta tas-soċjetà appellanta kienet permezz ta' rettifika, iżda f'dokument '*note 3*' dan mhux possibbli. Gie wkoll sottomess li l-iżball li sar ma kienx wieħed minuri u għalhekk in osservanza tar-regoli u r-regolamenti dwar l-akkwist pubbliku, u l-prinċipji ta' *self limitation* u t-trattament ugwali, kien ġustifikat il-kumitat tal-evalwazzjoni li jwarrab l-offerta tas-soċjetà appellanta.

18. Id-Dipartiment tal-Kuntratti wkoll irrisponda għal dan l-aggravju billi rrileva li sezzjoni 3 imsemmija *Specifications* fit-*Technical Offer Form* kienet tirrikjedi informazzjoni fuq il-*brand*, *model number* u *catalogue reference*, liema informazzjoni ma kinitx kollha tinsab fid-*Declaration of Conformity Amendment*. Id-Dipartiment appellat insista li s-soċjetà appellanta ma pprovdietx l-informazzjoni rikjesta fit-*Technical Specifications* u li l-kumitat tal-għażla m'għandux joqgħod jistħarreg jew jistħajjel x'seta' kellu f'moħħu l-offerent meta mela l-offerta.

19. Id-Dipartiment appellat kompli jispjega li sezzjoni 3 hija l-offerta teknika u hija mmarkata bħala *note 3* bil-konsegwenza li ma jistgħux isiru

rettifiki. Sar enfazi li r-regoli tas-sejħa qegħdin hemm biex jiġu mħarsa u mhux biex jiġu mwarra. *In oltre*, l-awtoritajiet kontraenti kellhom jiżguraw li t-termini tas-sejħa jiġu segwiti b'mod l-istess għal kulħadd. Id-dipartiment appellat issottolineja li l-evalwazzjoni li saret mill-kumitat tal-għażla kienet waħda raġonevoli u ma kien hemm l-ebda raġuni gravi li għandha twassal lil din il-Qorti tiddisturba d-diskrezzjoni tal-kumitat tal-għażla.

20. Id-Dipartiment appellat spjega wkoll li t-tielet talba tas-soċjetà appellanta hija mproponibbli peress li mhuwiex l-irwol ta' din il-Qorti li taġġudika l-kuntratti.

21. Associated Equipment Limited irrispondiet għal dan l-appell billi fl-ewwel lok, għamlet referenza għal dak li tipprovdi t-*Technical Offer Form* li tindika b'mod ċar li tali formula kellha tinkludi l-informazzjoni mitluba u li f'każ li tali informazzjoni ma tkunx inkluża fil-formula, l-offerent mhux se jkun ikkunsidrat. Għe sostnut li t-*technical offer form* sottomessa mis-soċjetà appellanta ma kinitx kompleta u għalhekk is-soċjetà appellanta rriżultat *non-compliant*.

22. Intqal li hu rrilevanti li l-informazzjoni mitluba fit-*Technical Offer Form* tista' tinstab band'oħra fl-offerta magħmula mis-soċjetà appellanta għaliex kienet proprju din il-formula li kellha tinkludi dik l-informazzjoni.

Kompliet ukoll tispjega li lanqas ma jreġi l-argument tas-soċjetà appellanta fis-sens li ma saritilha l-ebda talba għal kjarifika rigward informazzjoni li kienet nieqsa mill-istess formula. Dan peress li kjarifika tista' tintalab biss fejn l-informazzjoni tkun ġa giet sottomessa mal-offerta, filwaqt rettifika hi azzjoni li tippermetti lill-Awtorità kontraenti titlob korrezzjoni ta' żball jew omissjoni. Is-soċjetà appellata kompliet tispjega li f'dan il-każ, il-kjarifika ma setgħetx tintalab in kwantu l-informazzjoni ma kinitx giet indikata fit-*Technical Offer Form* kif mitlub fis-sejha. *Semmai* dak li kellu jintalab kien rettifika tat-*Technical Offer Form* izda dan mhux permissibbli.

23. Wara li din il-Qorti ħadet konjizzjoni tar-risposti kollha u anke tas-sottomissjonijiet orali li saru waqt it-trattazzjoni magħmula, hija ser tibda billi tagħmel referenza għal uħud mill-prinċipji riaffermati minn din il-Qorti hekk kif diversament ippreseduta fis-sentenza tad-29 ta' Awwissu 2023 fl-ismijiet **Polaris Marine Services Co Ltd vs. Direttur Ġenerali tal-Kuntratti, Direttur Ġenerali - Dipartiment tas-Sajd u Akkwakultura u United Equipment Company (UNEC) Ltd**, liema prinċipji huma rilevanti għal fatti tal-każ odjern:

*"29.Daqskemm awtorità kontraenti ma tistax twarrab offerta fuq raġunijiet li ma jkunux previsti fid-dokument tas-sejha (ara **Labo-Pharm Ltd v. Il-Kummissarju tal-Pulizija nomine et** deċiża mill-Qorti tal-Appell fid-29 ta' Marzu, 2019), daqstant ieħor ma tistax min-naħa l-oħra taċċetta offerta li ma tkunx toqgħod ma' dak mitlub fis-sejha (ara **Projekte Global Limited v. Ministru Għal Għawdex et** deċiża mill-Qorti tal-Appell fis-16 ta' Lulju, 2018).*

30. Jaqa' fuq l-offerent stess li joqgħod ma' dak mitlub fis-sejha, b'dana li huwa ma jistax joqgħod jippretendi li l-awtorità kontraenti għandha toqgħod issalvalu l-offerta jekk din tkun irregolari (ara **J & J Gauci Granite Limited v. Grand Harbour Regeneration Corporation plc** deċiża mill-Qorti tal-Appell fl-20 ta' Marzu, 2023 u **Steelshape Limited v. Direttur tal-Kuntratti** et deċiża mill-Qorti tal-Appell fis-7 ta' Awwissu, 2013).

31. Minkejja dan kollu però, jekk waqt l-għarbiel tal-offerti, l-awtorità kontraenti jirriżultalha xi żball ovvju f'xi offerta li jidher ex facie u li x'aktarx ikun biss ta' formalità, hija mhijiex imxekkla milli ssewwi dak l-iżball jew li teħtiegħ kjarifika dwaru mingħand l-offerent. Basta però, li dik it-tiswija jew kjarifika ma tkunx fir-realtà opportunità biex l-offerent jithalla jdaħħal offerta ġdida (ara **Servizi Malta Limited v. Direttur tal-Kuntratti** et deċiża mill-Qorti tal-Appell fil-15 ta' Lulju, 2019).

32. Din il-possibilità ta' tiswija hija permessibbli biss, fuq is-saħħa tal-prinċipju tal-proporzjonalità, meta l-irregolarità fl-offerta tkun waħda minuri, manifesta, klerikali u bla ħsara għall-kompetizzjoni ġusta (ara **Is-soċjetà ċivili KPMG v. Il-Ministru għall-Iżvilupp Sostenibbli** et deċiża mill-Qorti tal-Appell fis-27 ta' Frar, 2017)."

24. Issa, din il-Qorti qieset il-kontenut tat-*Technical Offer Form* li fit-tender document huwa ndikat bħala *note 3*, kuntrarjament għal-literature, li hija mmarkata bħala *note 2*. F'*Section 1, Clause 5 (C)* tat-tender document CT2271/2024, jingħadd:

"(C) *Specifications*

(i) *Tenderer's Technical Offer in response to specifications to be submitted online through the prescribed Tender Response Format and by using the Tender Preparation Tool provided. (Note 3)*

(ii) *Literature as per Form marked 'Literature List' to be submitted with the Technical Offer at tendering stage. The scope of the literature is to corroborate a fully compliant technical offer. (Note 2).*"

25. Din il-Qorti ħadet ukoll nota ta' dak li jstipula *Section 1 Clause 5(D)(ii)* f'pagna 6 tat-Tender Document intitolat '*Notes to Clause 5*' fejn hemm imfisser li fejn hemm '*Note 3*':

"3. No rectification shall be allowed. Only clarifications on the submitted information may be requested. Tenderers will be requested to clarify the submitted information within five (5) working days from notification".

26. Fil-bidu inizjali ta' din it-*Technical Offer Form*, hemm stipulat is-segwenti:

"Bidders are to state the brand and the model of the supplies being offered in response to the specifications required under Section 3 – Technical Specifications.

Tenderers that fail to complete and upload the requested information will be deemed as non-compliant and will not be considered further for final adjudication. This information/technical specifications provided in the below table shall not be subject to rectifications."

27. Issir referenza wkoll għal dak li tistipula klawwola 5.1.6 (fol 51) li fiha kien hemm imniżżel espressament li:

"All tenderes are requested to submit the manufacturer and model of the equipment offered; failing this, the submissions/quotations will be ignored and refused irrevocably."

28. F'dan l-isfond, din il-Qorti tagħmel referenza għal dak deċiż minn din il-Qorti hekk kif diversament ippreseduta fis-sentenza fl-ismijiet **'Krypton Chemists Limited (C-8933) v. Central Procurement and Supplies Unit et'** fit-13 ta' Novembru 2025 fejn giet spjegata d-distinzjoni bejn kjarifika u rettifika:

"27. Ma hemmx għalfejn ngħidu, il-prinċipju tal-proporzjonalità għandu jiġi applikat b'mod li jħares l-għanijiet tal-proċess tal-akkwist pubbliku, jiġifieri, li l-kuntratt jingħata lil min jagħmel l-orħos u l-aħjar offerta, mingħajr ma jinkisru l-prinċipji ta' trattament ugwali u trasparenza. Tali prinċipju però m'għandux jintuża bħala pretest biex offerta irregolari tiġi salvata, jekk dan iwassal għal vantaġġ kompetittiv li mhux xieraq.

28. Hija rilevanti ħafna wkoll f'dan il-qasam tal-ligi d-distinzjoni li teżisti bejn kjarifika u rettifika.

29. Kjarifika hija l-azzjoni li permezz tagħha l-awtorità kontraenti tista' titlob spjegazzjoni jew interpretazzjoni fuq informazzjoni li tkun diġà giet sottomessa mal-offerta. Naturalment il-proċedura tal-kjarifika ma tistax tintuża biex dak li jkun idanġhal informazzjoni ġdida jew biex ibiddel is-sustanza tal-offerta. Il-Qorti tal-Appell fis-sentenza *Rockcut Limited v. Direttur Ġenerali tad-Dipartiment tal-Kuntratti* deciza fil-25 ta' Ġunju, 2018 stabbiliet li ma tistax tingħata kjarifika ta' tagħrif li ma jkunx ingħata għaliex il-kjarifika sservi biss biex tagħmel aktar ċar tagħrif li jkun diġà mogħti iżda li ma huwiex ċar biżżejjed. Kif ingħad fis-sentenza *Steelshape Ltd v. Direttur tal-Kuntratti* deciza fis-7 ta' Awwissu, 2013, dak li offerent għandu jgħid, għandu jgħidu mal-offerta u mhux jippretendi li jkun mistoqsi d-dettalji tal-modus operandi tiegħu. Kjarifika, għalhekk hija limitata għal spjegazzjoni ta' elementi diġà preżenti fl-offerta, mingħajr ma tinbidel il-kompożizzjoni tagħha.

30. Rettifika, min-naħa l-oħra, hija l-azzjoni li tippermetti lill-awtorità kontraenti titlob korrezzjoni ta' żbalji jew ommissjonijiet. Tali rettifika hija permessa li ssir sakemm din ma tkunx giet esplicitament eskluża fid-dokument tas-sejha. Ifisser dan, li jekk skont id-dokument tas-sejha ma tistax issir rettifika mela allura l-awtorità kontraenti tkun miżmuma milli titlob rettifika għaliex l-awtorità kontraenti hija marbuta mal-kundizzjonijiet tas-sejha, b'dana li jekk hija ma tħarishomx hija tkun qiegħda tivvantaġġa offerent fuq ieħor (ara *Projekte Global Ltd v. Kunsill Lokali Marsaskala* deciza mill-Qorti tal-Appell fis-7 ta' Ottubru, 2014 fejn offerta li ma kinitx akkumpanjata minn garanzija xierqa ma setgħetx tiġi rettifikata għaliex tali rettifika kienet projbita mill-kundizzjonijiet tas-sejha). Minbarra dan, ir-rettifika tista' ssir biss jekk l-ommissjoni jew żball ikunu manifesti, klerikali jew formali, u dawn la jaffettwaw il-kompetizzjoni u lanqas ma jbiddu s-sustanza tal-offerta bħal bdil fil-prezz, fl-ispeċifikazzjonijiet tekniċi, jew fl-elementi essenzjali, Hekk pereżempju fis-sentenza *AIB Insurance Brokers Ltd v. Awtorità dwar it-Trasport ta' Malta* deciza fis-27 ta' Ottubru, 2021, il-Qorti tal-Appell aċċettat rettifika ta' dokument nieqes li ma kienx essenzjali u ma biddilx l-offerta.

31. Imħaddem dan kollu għall-każ tal-lum, din il-Qorti tqis li n-nuqqas fl-istampa tat-tikketta provdut minn Krypton ma taha l-ebda vantaġġ u ma ħoloq ebda preġudizzju għall-oblaturi l-oħra. Il-problema fl-istampa kienet biss li din ma kinitx ċara biżżejjed u għalhekk ma setgħetx tinqara faċilment. Nuqqas bħal dan seta' faċilment jiġi msewwi permezz ta' kjarifika għaliex kif rajna aktar kmieni, il-proċedura tal-kjarifika hija aċċettabbli li tintuża meta t-tagħrif mogħti mill-offerent ma jkunx ċar biżżejjed."

29. Issa fil-każ odjern, it-*Technical Offer Form* ma kellhiex inserita l-informazzjoni meħtieġa u ċjoè ma kien hemm imniżżel xejn fit-tabella

ntitolata '*Brand*', '*Model Number*' u '*Catalogue Reference*'. Dawn il-partijiet mill-formula tħallew kompletament vojta mis-soċjetà appellanta. Madankollu, fil-każ odjern ma jistax jiġi injorat il-fatt li l-informazzjoni li kienet nieqsa fit-*Technical Offer Form* kienet tinsab preżenti fl-offerta magħmula, peress li kienet tinsab fid-*Declaration of Conformity Amendment*. Għalhekk, fil-każ odjern, ma kienx hemm sitwazzjoni fejn li kieku ntalbet kjarifika, kienet ser tkun qed tintalab informazzjoni ġdida. L-informazzjoni ġa kienet hemm preżenti iżda kienet inserita f'parti oħra tal-offerta u mhux fit-*Technical Offer Form*. Għalkemm huwa rekwizit mandatorju li tali informazzjoni tingħata proprju fit-*Technical Offer Form* (u din ma ngħatatx f'dik il-formula), il-proċedura tal-kjarifika setgħet f'dan il-każ tiġi utilizzata, għaliex fir-realtà ma kienet ser tiżdied l-ebda informazzjoni ġdida f'din l-offerta, sempliċiment kien ser jiġi oċarat fejn l-informazzjoni rikjesta kienet tinsab.

30. *In parentesi, nonostante* li mhuwiex kompitu ta' din il-Qorti li teżamina l-offerta ta' Associated Equipment Limited, huwa interessanti jiġi nnotat ukoll li fl-offerta ta' Associated Equipment Limited (fol 86 *et seq*), lanqas kien hemm imniżżel il-*brand*, iżda, tali offerta ma ġietx ikkunsidrata bħala *technically non-compliant*.

31. Din il-Qorti ħadet konjizzjoni tas-sentenzi kkwotati mill-appellati, iżda fil-fehma tagħha, iċ-ċirkostanzi f'tali każijiet ma jirrispekkjawx il-

fattispecie ta' dan il-każ. Pereżempju, fil-kawża kkwotata estensivament minn Associated Equipment Limited fir-risposta tagħha u ċjoè dik fl-ismijiet **Trackwell FIMS noe vs Direttur Ġenerali tal-Kuntratti** et deciza fit-13 ta' Marzu 2025 minn din il-Qorti hekk kif diversament ippreseduta, kienet titratta sitwazzjoni fejn il-kontijiet finanzjarji għas-sena 2021 ma ġewx ippreżentati *nonostante* li kien mitlub li dawn jiġu esebiti u li fin-nuqqas, l-offerta kienet ser tkun skwalifikata. Anke fid-deċiżjoni fl-ismijiet **Signal 8 Security Services Malta Limited vs Environment and Resources Authority** deciza minn din il-Qorti hekk kif diversament ippreseduta fit-3 ta' Settembru 2024, ma kienx ġie sottomess ritratt jew xbieha tas-*security clip* fuq l-ingravajjet kif mitlub fid-dokumenti tal-akkwist. Kienu ġew sottomessi ritratti tal-uniformijiet izda mhux ritratt speċifiku tas-*security clip* fuq l-ingravajjet. Għalhekk iċ-ċirkostanzi f'dawn il-każijiet ma kinux jikkombacjaw ma' dawk li għandha quddiemha din il-Qorti, fejn kif ġa ġie ampjament spjegat l-informazzjoni rikjesta kienet ippreżentata izda mhux fit-*Technical Offer Form*.

32. Dwar imbagħad l-argument imressaq mis-soċjetà appellanta fis-sens li skwalifika tal-offerta tagħha minħabba din ir-raġuni hija sproporzjonata u iebsa wisq meta jitqies li l-offerta tagħha hija ferm orħos minn dik li ġiet rakkomandata, din il-Qorti tagħmel referenza għal dak li qalet din il-Qorti hekk kif diversament ippreseduta fis-sentenza **Fire-tech Limited v. Dipartiment tal-Kuntratti** deciza fit-30 ta' Ottubru, 2015, li:

«Għalkemm huwa minnu illi, biex titthares it-trasparenza u ma jkunx hemm diskriminazzjoni, ir-regoli għandhom jitharsu b'mod uniformi u prevedibbli, u s-soġġettività u d-diskrezzjonalità jitnaqqsu kemm jista' jkun, madankollu l-prinċipju ta' proporzjonalità jrid illi mhux kull nuqqas ikollu l-istess konsegwenza, iżda din għandha tiddependi mill-gravità tan-nuqqas (ara **Ballut Blocks Services Ltd v. Ministru għar-Riżorsi u l-Affarijiet Rurali et** (app. 440/2012), Qorti tal-Appell, 31 ta' Mejju 2013) u mill-konsegwenzi tiegħu, partikolarment jekk jagħtix vantaġġ lil min jonqos jew joħloqx preġudizzju lil oblaturi oħra.»

33. Issir referenza wkoll għal dak li ntqal minn din il-Qorti hekk kif diversament ippreseduta fl-ismijiet **Bonnici Bros Projects Limited et vs Onorevoli Ministru għas-Saħħa noe et** deċiża fit-30 ta' Lulju 2018:

“27. Għalhekk, dan ma kienx każ fejn, kif iġħid SP BB, oblatur “intalab ripetutament jagħti informazzjoni sakemm jilhaq ir-rekwiżiti tas-sejha għall-offerti”; li gara hu li kien hemm dokumenti nieqsa, l-oblatur intalab jipprovdidi dawk id-dokumenti, id-dokumenti ipprezentahom iżda lill-kumitat tal-għażla deherlu li kien fihom tagħrif nieqes waqt illi lillBord ta' Revizjoni deherlu li t-tagħrif ingħata għalkemm mhux preċiżament fil-forma mitluba. Ladarba iżda t-tagħrif effettivament ingħata, u b'mod li ma ta ebda vantaġġ kompetitiv lill-oblatur, tkun sanzjoni sproporzjonata li titwarrab offerta għax it-tagħrif ingħata f'pagna 5 flok f'pagna 4, aktar u aktar meta tqis illi l-għan aħħari fl-għażla ta' offerti għal kuntratti pubbliċi huwa li tingħażel l-aħjar offerta bla ma jingħata vantaġġ kompetittiv lil ebda oblatur, u għalhekk ma għandhomx jitwarrbu offerti validi għal raġunijiet insuffiċjenti.”

34. Pertinenti wkoll li ssir referenza għad-deċiżjoni ta' din il-Qorti hekk kif diversament ippreseduta mogħtija fil-15 ta' Lulju 2019 fl-ismijiet **Servizzi Malta vs Direttur tal-Kuntratti et**, liema sentenza wkoll saret referenza għalija fid-deċiżjoni tal-*Public Contracts Review Board*, fejn gie spjegat li:

“Il-prinċipju ta' proporzjonalità jitlob illi offerta ma titwarrabx minħabba kull irregolarità, tkun xi tkun, meta hemm soluzzjonijiet anqas drastici li, iżda, ma jmorrux kontra prinċipji oħra bħal ma huma dak ta' trattament

indaqs u trasparenza. Dan wara kollox ma huwiex ħlief applikazzjoni tal-prinċipju ut res magis valeat quam pereat, li ma sirniex nafu bih biss meta dhalna fl-Unjoni Ewropea. Naturalment, għandu jithares ukoll il-prinċipju li l-oblaturi kollha jkunu trattati bl-istess mod u hadd ma jingħata vantaġġ kompetitiv, u huwa għalhekk li jingħad illi ċ-ċirkostanzi fejn il-prinċipju ta' proporzjonalità ma jhallix li offerta titwarrb minħabba irregolarità huma "limitati" u "eċċezzjonali". Fil-każijiet kollha fejn ġie applikat il-prinċipju ta' proporzjonalità ittiehded qies li dan ma jservix biex jingħata vantaġġ lil oblator billi effettivament jithalla jvarja l-offerta tiegħu."

35. Din il-Qorti tqies li l-għan ewlieni wara s-sejha għall-offerti *de quo agitur* ma kinitx li l-Awtorità kontraenti toqgħod tfettaq u tfittex ix-xagħra fl-għagina sabiex telimina l-konkorrenza. L-iskop wara din il-proċedura kien sabiex l-awtorità kontraenti takkwista 2 *mobile therapeutic machines with reduced environmental impact* bl-orħos prezz. L-iskwalifika tas-soċjetà appellanta minħabba li l-isem tal-manifattur u l-model number ġew indikati fid-*Declaration of Conformity Amendment* u mhux ukoll fit-*Technical Offer Form* mhijiex meħtieġa biex titħares il-kompetizzjoni ġusta għaladarba tali informazzjoni ġa kienet ingħatat f'dik l-offerta. *In oltre*, il-fatt li l-informazzjoni kienet kontenuta fid-*Declaration of Conformity Amendment* minflok fit-*Technical Offer Form* ma kienx jaffetwa s-sustanza tal-offerta ta' Europharma Limited kif ukoll lanqas ma kien jagħti xi vantaġġ lil Europharma Limited fuq l-oblaturi l-oħra. Lanqas ma kellu impatt fuq l-awtorità kontraenti. Fil-fehma ta' din il-Qorti, l-iskwalifika tal-offerta tas-soċjetà appellanta fuq raġuni bħal din, hija miżura sproporzjonata meta wiehded iqis li jekk din tigi attwata, din tista' twassal biex jintilef l-għan ewlieni tas-sejha li l-kuntratt jingħata lil min għamel l-orħos offerta. Infatti, il-prezz offrut mis-soċjetà appellanta kien

ta' €243,287.44 mentri dak offrut minn Associated Equipment kien ta' €384,321.71.

36. Għalhekk fil-fehma tal-Qorti ma jkunx qiegħed jiġihaddem il-prinċipju tal-proporzjonalità jekk offerta vantaġġuża tiġi mwarrba għas-sempliċi fatt li l-informazzjoni rikjesta kienet ingħatat f'parti oħra tal-offerta u mhux fil-parti fejn kellha tiġi nserita. Is-sitwazzjoni kienet tkun ferm differenti li kieku din l-informazzjoni ma kinitx tirriżulta minn imkien fl-offerta magħmula, liema sitwazzjoni ma tirrispekkjax il-fatti li għandha quddiemha din il-Qorti.

Deċiżjoni

Għaldaqstant għal dawn ir-raġunijiet, il-Qorti qiegħda **tilqa'** l-appell billi (i) tordna t-tħassir u r-revoka tad-deċiżjoni tal-Bord ta' Reviżjoni dwar Kuntratti Pubbliċi f'każ 2164 tal-14 ta' Ottubru 2025; (ii) tilqa' l-oġġezzjoni ntavolata minn Europharma Limited fl-1 ta' Settembru 2025; (iii) tordna t-tħassir tal-iskwalifika ta' Europharma Limited u l-għoti tal-kuntratt lill-Associated Equipment Limited, kif imfissra mid-Dipartiment tal-Kuntratti bid-deċiżjoni tat-22 ta' Awwissu 2025. Minflok il-Qorti qiegħda tordna li l-atti għandhom imorru lura għand id-Dipartiment tal-Kuntratti sabiex dan jerga' joħroġ aġġudikazzjoni ġdida, wara li jerga' jdaħħal lura l-offerta ta' Europharma Limited.

Tordna wkoll illi d-depożitu mħallas minn Europharma Limited biex setgħet tressaq l-oġġezzjoni tagħha quddiem il-Bord ta' Reviżjoni dwar Kuntratti Pubbliċi jintradd lura lilha.

Fl-aħħarnett tordna li l-ispejjeż ta' dan l-appell għandhom jitħallsu mid-Dipartiment tal-Kuntratti u mis-*Central Procurement and Supplies Unit* fi ħdan il-Ministeru għas-Saħħa u l-Anzjanità Attiva flimkien bejniethom.

Mark Chetcuti
Prim Imħallef

Robert G. Mangion
Imħallef

Simone Grech
Imħallef

Deputat Reġistratur
ss

A	Numru ta' Registrazzjoni Registration Number		KPR067	
C	IS-SID REGISTRAT TAL-VEETTURA Registered Vehicle Owner			
C.1.1	REGINA GIOIELLI, TRID L-ANGHEDRA			
C.1.2	REGINA GIOIELLI, TRID L-ANGHEDRA			
C.1.3	MERCEZ G200			
2	DETTALJI TAL-VEETTURA Vehicle Details		PAUL ROSE 0052060G	
B	Data ta' Emissi Registrazzjoni Date of First Registration		21/12/2020	
[B.1]	Sena ta' Manifattura Year of Manufacture		2020	
D1	Għamla Make		FORD	
D2	Tip/Varijant/Versjon Type/Variant/Version		FBD / INHAZDX / LJMDDHAC0	
D3	Deskizzjoni Kurtożja/Isen ta' Vettura MINIBUS WITH TAIL LIFT Vehicle Commercial Description/Name			
E	Numru ta' Identifikazzjoni tal-Vettura Vehicle Identification Number			
F.1	L-Ogħla massa tekniċi/maġġorata ta' mgħobbla (eskluziv tal-massa ta' mgħobbla 600 kg) Max technically permissible laden mass (excluding motorcycles and mopeds)			
F.4	L-Ogħla massa permissibbli tal-veettura kollha meta mgħobbla Max permissible laden mass of the whole vehicle			
G	Massa tal-veettura f'servizz Mass of vehicle in service			
I	Data ta' Registrazzjoni u għallha jirreferi dan id-certifikat Date of Registration to which this certificate refers			
J	Kategorija tal-Vettura (EU) EU Vehicle Category		Kategorija Nazzjonali National Category	
K	Numru ta' Approvazzjoni tat-Tip Type Approval Number			
L	Numru ta' Fusien Number of Axes		Tip ta' Suspendin Suspension Type	
M	Widwara (mm) Wheelbase (mm)		Wisa' ta' fusien (mm) Axle width (mm)	

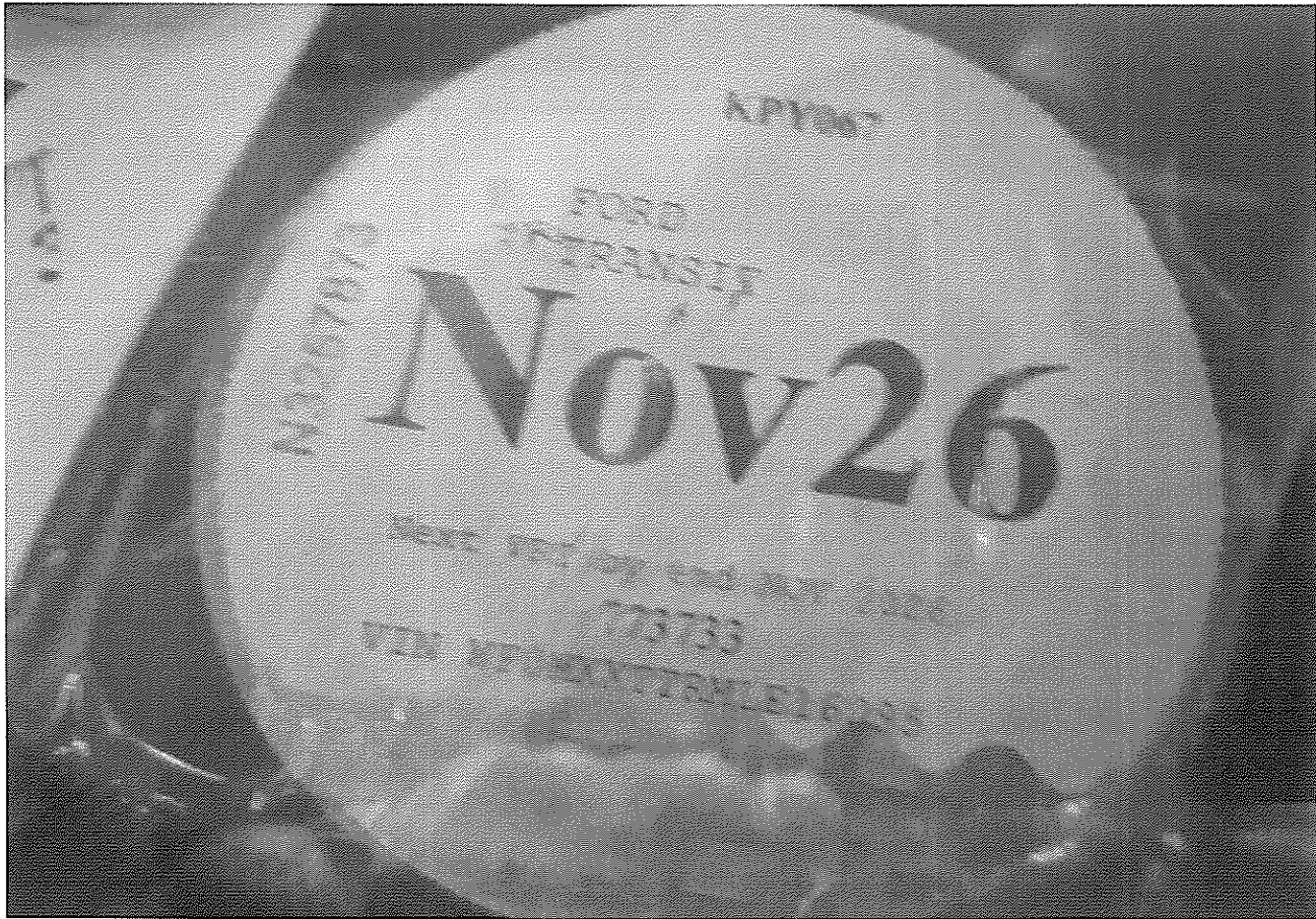
Il-persuna li leminha jidher l-id id-certifikat max billers hi id id-veettura, itda hi id id-persuna li għandha tikkonferma l-veettura hi registrata u l-licenzja ta' id id-veettura. The person whose name appears on this certificate is not necessarily the vehicle owner, but it is the person who shall ensure that the vehicle is properly registered and licenced.

PROTEZZJONI TAL-INFORMAZZJONI - L-informazzjoni personali hi protetta u tnuza skont id id-dispozizzjonijiet ta' id id-veettura u l-privatizza tad Data (GDPR 449). INFORMATION PROTECTED - Personal information is protected and used in accordance with the provisions of the Data Protection Act (CAP 449).

[IV]	Perjodu ta' Valid Period of Validity		[VI]	Numru ta' Sistema System Number	
		UNLIMITED		713733	
NOT (Notes): TRANSFER TO BE AUTHORIZED BY TRANSPORT MAIN HERE REQUEST b240008					
Longitudinal: 6/0/4mm Particulate Matter: 0.001g/km					
3.	DETTALJI TAL-MAGNA Engine Details				
P.1	Qawwa ta' Magna Engine Capacity		1995		
P.2	L-Ogħla Qawwa Netta (kW) Max Net Power (kW)		125		
P.3	Tip ta' Fjuvil Type of Fuel or Power Source		DIESEL		
P.5	Numru ta' Identifikazzjoni tal-Magna Engine Identification Number		J216095		
[P.6]	Kodiċi tal-Magna Engine Code		FORD		
Q	Proporzjoni ta' Qawwa/Piż (mmut bis) (kW/kg) Power/Weight ratio (kW/kg)		N/A		
4.	DETTALJI OĦRA Other Details				
R.	Kulur Colour				
S.1	Numru ta' Passiġġieri bl-igħja, ix-kulur u dawk li jżaw id id-siġġijiet bi-rotli 18 Number of sitting passengers, driver and wheelchair users				
S.2	Numru ta' Passiġġieri bl-igħja (tejn xieraq) Number of standing places (where appropriate)				
[X.1]	Data ta' tashar b'da ta' id id-sid Date of last change of owner				
[X.2]	Numru ta' sidentia qabel Number of former owners				
[Y.1]	Numru ta' pjanċi manruġa Number of plates issued		2		
[Z1]	Tip ta' Għodda Gearbox Type		MANUAL		

Il-persuna li leminha jidher l-id id-certifikat max billers hi id id-veettura, itda hi id id-persuna li għandha tikkonferma l-veettura hi registrata u l-licenzja ta' id id-veettura. The person whose name appears on this certificate is not necessarily the vehicle owner, but it is the person who shall ensure that the vehicle is properly registered and licenced.

PROTEZZJONI TAL-INFORMAZZJONI - L-informazzjoni personali hi protetta u tnuza skont id id-dispozizzjonijiet ta' id id-veettura u l-privatizza tad Data (GDPR 449). INFORMATION PROTECTED - Personal information is protected and used in accordance with the provisions of the Data Protection Act (CAP 449).



IL-KOMUNITÀ EWROPEA

MT

tm

tm

Transport Malta

port M
0010-0

Nru tal-licenza: PAC-000010-05

Brian Farrugia

Data: 28/10/2025

MT

tm

Transport Malta

Community Licence No: PAC-000010-05

Vehicle Registration No: KPY067

Is authorized to engage in Community and National Carriage of passengers by road for hire or reward.

Date of issue: 04/05/2025


TM Office
Licence Unit
Land Transport Directorate

Die għandha tkompli fuq in-naħa tax-xellug tal-windscreen
To be affixed on the left hand side of the windscreen

Legittimazzjoni għall-impjegħ
għall-Transportazzjoni tal-Passadżieri

Δ 111023

(14)	Projekat iz Vrednosti	(15)	Numro van Sistemata	(16)	751922
(17)	Projekat iz Vrednosti	(18)	Numro van Sistemata	(19)	751922
(20)	Projekat iz Vrednosti <td>(21)</td> <td>Numro van Sistemata <td>(22)</td> <td>751922 </td></td>	(21)	Numro van Sistemata <td>(22)</td> <td>751922 </td>	(22)	751922
(23)	Projekat iz Vrednosti <td>(24)</td> <td>Numro van Sistemata <td>(25)</td> <td>751922 </td></td>	(24)	Numro van Sistemata <td>(25)</td> <td>751922 </td>	(25)	751922
(26)	Projekat iz Vrednosti <td>(27)</td> <td>Numro van Sistemata <td>(28)</td> <td>751922 </td></td>	(27)	Numro van Sistemata <td>(28)</td> <td>751922 </td>	(28)	751922
(29)	Projekat iz Vrednosti <td>(30)</td> <td>Numro van Sistemata <td>(31)</td> <td>751922 </td></td>	(30)	Numro van Sistemata <td>(31)</td> <td>751922 </td>	(31)	751922
(32)	Projekat iz Vrednosti <td>(33)</td> <td>Numro van Sistemata <td>(34)</td> <td>751922 </td></td>	(33)	Numro van Sistemata <td>(34)</td> <td>751922 </td>	(34)	751922
(35)	Projekat iz Vrednosti <td>(36)</td> <td>Numro van Sistemata <td>(37)</td> <td>751922 </td></td>	(36)	Numro van Sistemata <td>(37)</td> <td>751922 </td>	(37)	751922
(38)	Projekat iz Vrednosti <td>(39)</td> <td>Numro van Sistemata <td>(40)</td> <td>751922 </td></td>	(39)	Numro van Sistemata <td>(40)</td> <td>751922 </td>	(40)	751922
(41)	Projekat iz Vrednosti <td>(42)</td> <td>Numro van Sistemata <td>(43)</td> <td>751922 </td></td>	(42)	Numro van Sistemata <td>(43)</td> <td>751922 </td>	(43)	751922
(44)	Projekat iz Vrednosti <td>(45)</td> <td>Numro van Sistemata <td>(46)</td> <td>751922 </td></td>	(45)	Numro van Sistemata <td>(46)</td> <td>751922 </td>	(46)	751922
(47)	Projekat iz Vrednosti <td>(48)</td> <td>Numro van Sistemata <td>(49)</td> <td>751922 </td></td>	(48)	Numro van Sistemata <td>(49)</td> <td>751922 </td>	(49)	751922
(50)	Projekat iz Vrednosti <td>(51)</td> <td>Numro van Sistemata <td>(52)</td> <td>751922 </td></td>	(51)	Numro van Sistemata <td>(52)</td> <td>751922 </td>	(52)	751922
(53)	Projekat iz Vrednosti <td>(54)</td> <td>Numro van Sistemata <td>(55)</td> <td>751922 </td></td>	(54)	Numro van Sistemata <td>(55)</td> <td>751922 </td>	(55)	751922
(56)	Projekat iz Vrednosti <td>(57)</td> <td>Numro van Sistemata <td>(58)</td> <td>751922 </td></td>	(57)	Numro van Sistemata <td>(58)</td> <td>751922 </td>	(58)	751922
(59)	Projekat iz Vrednosti <td>(60)</td> <td>Numro van Sistemata <td>(61)</td> <td>751922 </td></td>	(60)	Numro van Sistemata <td>(61)</td> <td>751922 </td>	(61)	751922
(62)	Projekat iz Vrednosti <td>(63)</td> <td>Numro van Sistemata <td>(64)</td> <td>751922 </td></td>	(63)	Numro van Sistemata <td>(64)</td> <td>751922 </td>	(64)	751922
(65)	Projekat iz Vrednosti <td>(66)</td> <td>Numro van Sistemata <td>(67)</td> <td>751922 </td></td>	(66)	Numro van Sistemata <td>(67)</td> <td>751922 </td>	(67)	751922
(68)	Projekat iz Vrednosti <td>(69)</td> <td>Numro van Sistemata <td>(70)</td> <td>751922 </td></td>	(69)	Numro van Sistemata <td>(70)</td> <td>751922 </td>	(70)	751922
(71)	Projekat iz Vrednosti <td>(72)</td> <td>Numro van Sistemata <td>(73)</td> <td>751922 </td></td>	(72)	Numro van Sistemata <td>(73)</td> <td>751922 </td>	(73)	751922
(74)	Projekat iz Vrednosti <td>(75)</td> <td>Numro van Sistemata <td>(76)</td> <td>751922 </td></td>	(75)	Numro van Sistemata <td>(76)</td> <td>751922 </td>	(76)	751922
(77)	Projekat iz Vrednosti <td>(78)</td> <td>Numro van Sistemata <td>(79)</td> <td>751922 </td></td>	(78)	Numro van Sistemata <td>(79)</td> <td>751922 </td>	(79)	751922
(80)	Projekat iz Vrednosti <td>(81)</td> <td>Numro van Sistemata <td>(82)</td> <td>751922 </td></td>	(81)	Numro van Sistemata <td>(82)</td> <td>751922 </td>	(82)	751922
(83)	Projekat iz Vrednosti <td>(84)</td> <td>Numro van Sistemata <td>(85)</td> <td>751922 </td></td>	(84)	Numro van Sistemata <td>(85)</td> <td>751922 </td>	(85)	751922
(86)	Projekat iz Vrednosti <td>(87)</td> <td>Numro van Sistemata <td>(88)</td> <td>751922 </td></td>	(87)	Numro van Sistemata <td>(88)</td> <td>751922 </td>	(88)	751922
(89)	Projekat iz Vrednosti <td>(90)</td> <td>Numro van Sistemata <td>(91)</td> <td>751922 </td></td>	(90)	Numro van Sistemata <td>(91)</td> <td>751922 </td>	(91)	751922
(92)	Projekat iz Vrednosti <td>(93)</td> <td>Numro van Sistemata <td>(94)</td> <td>751922 </td></td>	(93)	Numro van Sistemata <td>(94)</td> <td>751922 </td>	(94)	751922
(95)	Projekat iz Vrednosti <td>(96)</td> <td>Numro van Sistemata <td>(97)</td> <td>751922 </td></td>	(96)	Numro van Sistemata <td>(97)</td> <td>751922 </td>	(97)	751922
(98)	Projekat iz Vrednosti <td>(99)</td> <td>Numro van Sistemata <td>(100)</td> <td>751922 </td></td>	(99)	Numro van Sistemata <td>(100)</td> <td>751922 </td>	(100)	751922

Nº 709768

Certificate of Motor Insurance



Certificate Number: 698236	Policy Number: GHT/537/22/100460	Date of Issue: 30/12/25
Date of Commencement of Insurance: 01/01/26 at 00:00:00	Date of Expiry: 31/12/26	
The Insured Berg Gudrey Pagina Cell Thig L-Ghadira Ta-Kercem		
ID or Passport No: 0002884G	Place of Issue: Malta	
Motor Vehicle Registration No: LPY 086 Engine Number: 65195533902576 Chassis Number: WDB9066552P358159 Make/Model: Mercedes-Benz 503 Amg Type of Body: Minibus Engine Capacity: 2143 Year of Manufacture: 2017 Seating Capacity: 21 Colour: White		
Limitations as to Use [1]	GARAGE HIRE	
Authorized Drivers [2]	BERG GUDREY, MICHAEL ATYUSO DANIEL, CHASE KOPPEL, JOSEPH VELLA JOSEPH, JESSE	
AS PER ENDORSEMENT We hereby certify that a Policy of Insurance covering the liabilities required to be insured by the Motor Vehicles Insurance (Third Party Risk) Ordinance Cap. 104 has been issued as stated above. [1] Limitations rendered inoperative by Section 12 of the said Ordinance and not to be included under this heading. [2] Names or aliases of all named drivers. [3] Driver added after date of commencement of insurance.		



CITADEL INSURANCE PLC. • CASA BORGIO • 26 MARKET STREET • FLORIANA FRN 1092 • MALTA • TEL: +356 2557 9000 • E-MAIL: info@citadelplc.com • www.citadelplc.com
 Citadel Insurance PLC is a company authorised under the Insurance Business Act, Cap 403, to carry on general and long term business of insurance and is regulated by the Malta Financial Services Authority.

ENDORSEMENTS APPLICABLE TO THIS POLICY

INSURER'S ESTIMATE OF MOTOR VEHICLE VALUE, INCLUDING ACCESSORIES AND SPARE PARTS

As advised
Not Applicable

BASE RATE

BASE PREMIUM	€
RATA PREMIUM	700.00
PRIMUM DUTY PAID	700.00
RY FEE	77.00
	6.00
	763.00

REASON FOR ISSUE
CLIENT ACCOUNT NUMBER
INTERMEDIARY CODE
DATE OF ISSUE
REN
BOR212455
JSP00001M
30th December, 2025

WHERE THE ISSUE OF THIS SCHEDULE IS NOT IN RESPECT OF A NEW POLICY, THE TERMS, EXCEPTIONS, CONDITIONS AND ENDORSEMENTS ALREADY EXISTING AT THE TIME OF THE ISSUE OF THIS SCHEDULE SHALL REMAIN EFFECTIVE UNLESS OTHERWISE EXPRESSLY MODIFIED



Angela Tabbone - Managing Director / CEO

CITADEL INSURANCE PLC. • CASA BORGIO • 26 MARKET STREET • FLORIANA FRN 1092 • MALTA • TEL: +356 2557 9000 • E-MAIL: info@citadelplc.com • www.citadelplc.com
 Citadel Insurance PLC is a company authorised to carry on general and long term business of insurance and is regulated by the Malta Financial Services Authority.

LPY086

MERCEDES BENZ
SPRINTER 516

N3363359

Dec26

Next VRT by end DEC 2026
751922

VIN WDB9066552P358123

IL-KOMUNITÀ EWROPEA



KOPJA CERTIFIKATA AWTENTIKATA Nru - PAC-000008-19-LPY086

Għat-trasport internazzjonali tal-passiġġieri bil-kowc jew bix-xarabank b'kera jew b'kumpens.

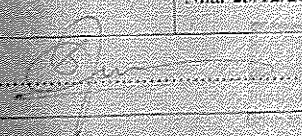
Id-dententur ta' din il-licenzja: **Godfrey Borg**

Sweet Lord

Triq Guzeppa Lebre

Victoria, Gozo

huwa awtorizzat biex jopera transport bit-triq internazzjonali tal-passiġġieri bil-kowc jew bix-xarabank b'kera jew b'kumpens fit-territorju tal-Komunità skont il-kondizzjonijiet stabbiliti mir-Regolament (KE) Nru 1073/2009 tal-Parlament Ewropew u tal-Kunsill tal-21 ta' Ottubru 2009 dwar regoli komuni għall-access għas-suq internazzjonali tas-servizzi tal-kowc u x-xarabank u b'konformità mad-dispożizzjonijiet generali ta' din il-licenzja.

Kumment:	
Din il-licenzja hija valida minn 14/11/2024	Sa 13/11/2029
Mahruga fi Paola, Malta	Nhar 23/12/2024
	

IL-KOMUNITÀ EWROPEA

MT

tm

KOPJA CERTIFIKATTA AWTENTIKATA Nru: TAL-000610-05

Għat-trasport internazzjonali tal-passaggieri bil-kowċ jew bil-van abhawn kienet jew kienet kumpens.

Id-dentur ta' din il-licenzja: **Paul Bort**

Sweet Lord

Triq San Giezzp Labre

Victoria, Gozo

Il-komunità ewropea tal-transport bil-kowċ internazzjonali tal-passaggieri bil-kowċ jew bil-van abhawn kienet jew kienet kumpens. Il-komunità ewropea tal-transport bil-kowċ internazzjonali tal-passaggieri bil-kowċ jew bil-van abhawn kienet jew kienet kumpens. Il-komunità ewropea tal-transport bil-kowċ internazzjonali tal-passaggieri bil-kowċ jew bil-van abhawn kienet jew kienet kumpens.

Komment

Din il-licenzja hija valida minn **04/07/2025**

Sa **03/05/2030**

Mobilità li Passi, Malta

Nhar **28/11/2025**

[Signature]
Boris Vukobratovic, Director

NOTI (Notes)		TRANSPORT TO BE AUTHORIZED BY TECHNICAL UNIT		HERE DISCLOSE	
Lungimea: 5704mm		28715		Ecoregion: B1B1B1 N/A	
P1.1. Culoare: Albăstru		1995		V7. Putere (limita la 1000 rpm)	
P2.1. Culoare: Albăstru		121		WIDE N/A	
P3.1. Culoare: Albăstru		121		N/A	
P4.1. Culoare: Albăstru		121		N/A	
P5.1. Culoare: Albăstru		121		N/A	
P6.1. Culoare: Albăstru		121		N/A	
P7.1. Culoare: Albăstru		121		N/A	
P8.1. Culoare: Albăstru		121		N/A	
P9.1. Culoare: Albăstru		121		N/A	
P10.1. Culoare: Albăstru		121		N/A	
P11.1. Culoare: Albăstru		121		N/A	
P12.1. Culoare: Albăstru		121		N/A	
P13.1. Culoare: Albăstru		121		N/A	
P14.1. Culoare: Albăstru		121		N/A	
P15.1. Culoare: Albăstru		121		N/A	
P16.1. Culoare: Albăstru		121		N/A	
P17.1. Culoare: Albăstru		121		N/A	
P18.1. Culoare: Albăstru		121		N/A	
P19.1. Culoare: Albăstru		121		N/A	
P20.1. Culoare: Albăstru		121		N/A	
P21.1. Culoare: Albăstru		121		N/A	
P22.1. Culoare: Albăstru		121		N/A	
P23.1. Culoare: Albăstru		121		N/A	
P24.1. Culoare: Albăstru		121		N/A	
P25.1. Culoare: Albăstru		121		N/A	
P26.1. Culoare: Albăstru		121		N/A	
P27.1. Culoare: Albăstru		121		N/A	
P28.1. Culoare: Albăstru		121		N/A	
P29.1. Culoare: Albăstru		121		N/A	
P30.1. Culoare: Albăstru		121		N/A	
P31.1. Culoare: Albăstru		121		N/A	
P32.1. Culoare: Albăstru		121		N/A	
P33.1. Culoare: Albăstru		121		N/A	
P34.1. Culoare: Albăstru		121		N/A	
P35.1. Culoare: Albăstru		121		N/A	
P36.1. Culoare: Albăstru		121		N/A	
P37.1. Culoare: Albăstru		121		N/A	
P38.1. Culoare: Albăstru		121		N/A	
P39.1. Culoare: Albăstru		121		N/A	
P40.1. Culoare: Albăstru		121		N/A	
P41.1. Culoare: Albăstru		121		N/A	
P42.1. Culoare: Albăstru		121		N/A	
P43.1. Culoare: Albăstru		121		N/A	
P44.1. Culoare: Albăstru		121		N/A	
P45.1. Culoare: Albăstru		121		N/A	
P46.1. Culoare: Albăstru		121		N/A	
P47.1. Culoare: Albăstru		121		N/A	
P48.1. Culoare: Albăstru		121		N/A	
P49.1. Culoare: Albăstru		121		N/A	
P50.1. Culoare: Albăstru		121		N/A	
P51.1. Culoare: Albăstru		121		N/A	
P52.1. Culoare: Albăstru		121		N/A	
P53.1. Culoare: Albăstru		121		N/A	
P54.1. Culoare: Albăstru		121		N/A	
P55.1. Culoare: Albăstru		121		N/A	
P56.1. Culoare: Albăstru		121		N/A	
P57.1. Culoare: Albăstru		121		N/A	
P58.1. Culoare: Albăstru		121		N/A	
P59.1. Culoare: Albăstru		121		N/A	
P60.1. Culoare: Albăstru		121		N/A	
P61.1. Culoare: Albăstru		121		N/A	
P62.1. Culoare: Albăstru		121		N/A	
P63.1. Culoare: Albăstru		121		N/A	
P64.1. Culoare: Albăstru		121		N/A	
P65.1. Culoare: Albăstru		121		N/A	
P66.1. Culoare: Albăstru		121		N/A	
P67.1. Culoare: Albăstru		121		N/A	
P68.1. Culoare: Albăstru		121		N/A	
P69.1. Culoare: Albăstru		121		N/A	
P70.1. Culoare: Albăstru		121		N/A	
P71.1. Culoare: Albăstru		121		N/A	
P72.1. Culoare: Albăstru		121		N/A	
P73.1. Culoare: Albăstru		121		N/A	
P74.1. Culoare: Albăstru		121		N/A	
P75.1. Culoare: Albăstru		121			

Nº 2097

Certificate of Motor Insurance



Certificate Number: 691731 Policy Number: GNT153722100527 Date of Issue: 28/10/25
Date of Commencement of Insurance: 01/11/25 at 00:00:00 Date of Expiry: 31/10/26

The Insured

Borg Godfrey
Regina, Cell Tia L. Quidia
T2 Version

ID or Passport No: 0002894G Place of Issue: Malta

Motor Vehicle

Registration No.	JPY 095	Make/Model	Ford Transit	Year of Manufacture	2022
Engine Number	NP12742	Type of Body	Minibus With Tailift	Seating Capacity	18
Chassis Number	WFOHX1TRMNP12742	Engine Capacity	1995	Colour	White

Limitations as to Use [?]

GARAGE HIRE

Authorised Driver [?]
AS PER ENDORSEMENT

Being complete vehicles
Halter primary and/or
Goods and/or
Specialty Licensed Vehicle

ATTACHED TO:
PORTAL CHASSIS, 2017/190
2017/190 CHASSIS, 2017/190
2017/190 CHASSIS, 2017/190

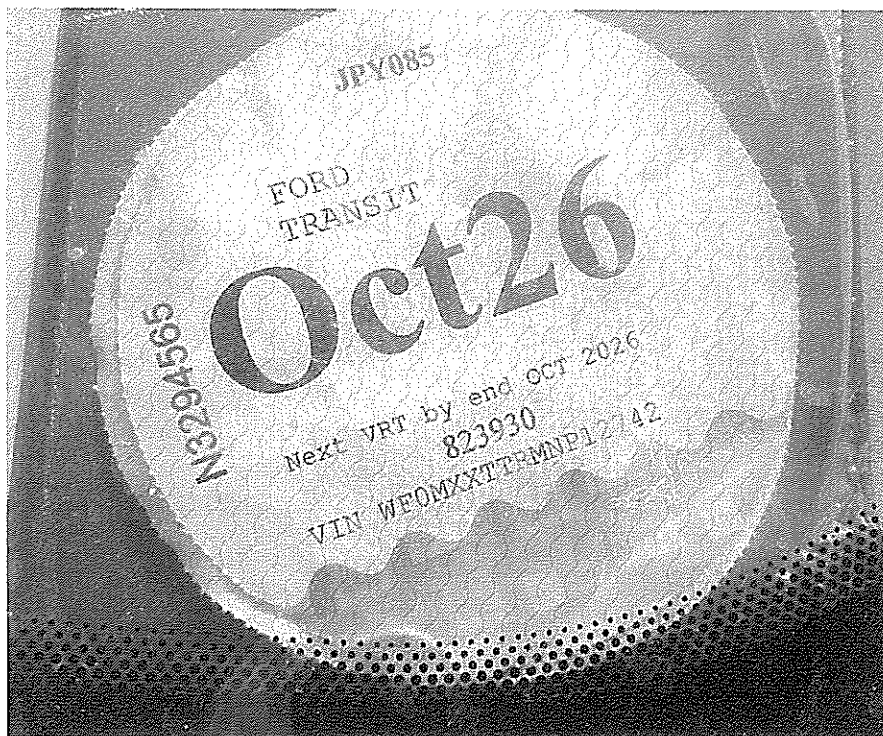
We hereby certify that a Policy of Insurance covering the liabilities required to be insured by the Motor Vehicles Insurance (Third Party Risk) Ordinance Cap. 104 has been issued as stated above.
[?] Limitations imposed by Section 125 of the said Ordinance and not to be included under the heading [?]
[?] Name of class of authorised driver.
[?] Driver added after date of commencement of insurance.



CITADEL INSURANCE P.L.C. • CASA RONDO • 25 MARKET STREET • ROBINIA HILL 1082 • MALTA • TEL: +356 2537 8000 • E-MAIL: info@citadelplc.com • www.citadelplc.com

Citadel Insurance P.L.C. is a company authorised under the Financial Services Act Cap. 400 to carry on general and long term business of insurance and is regulated by the Malta Financial Services Authority.

PAID BY: NO. DEFERRED ESTIMATE OF MOTOR VEHICLE VALUE, INCLUDING ACCESSORIES AND SPARE PARTS. Not Applicable.



Claims of failure to report

1001 / 1107 / 2024



Nru tal-licenza: PAC-000008-19

Brian Farrugia

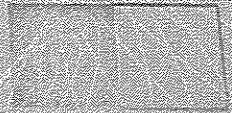
Date: 23/12/2024



Community Licence No: PAC-000008-19

Vehicle Registration No: JPY085

Is authorized to engage in Community and National Carriage of passengers by road for hire or reward.



Brian Farrugia

Date of issue: 14/11/2024

Legislative Regulatory Unit
Land Transport
TM Office

PC 777

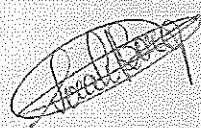
P

Data - 1/07/2026

Jien Godfrey Borg numru tal-karta tal-identita 2884G ill noqod Regina Coeli, triq l-Ghadira, Kercem, Ghawdex qed nghati il-vetturi tieghi bin-numru tal-pjanci JPY085 u LPY086 lil Paul Borg numru tal-karta tal-identita 52060G lil joqod Sweet Lord, Triq Giuseppe Lebre, Victoria, Ghawdex biex jahdem bijha ghal period indefinitiv.


Godfrey Borg
2884G


Paul Borg
52060G


Serah Borg
20082G (xhud)

IL-KOMUNITÀ EWROPEA

MT



Transport Malta

KOPJA CERTIFIKATA AWTENTIKATA Nru - PAC-000008-19

Għat-trasport internazzjonali tal-passiggieri bil-kowċ jew bix-xarabank b'kera jew b'kumpens.

Id-dententur ta' din il-licenzja: **Godfrey Borg**

Sweet Lord

Triq Guzeppa Lebre

Victoria, Gozo

huwa awtorizzat biex jopera trasport bil-triq internazzjonali tal-passiggieri bil-kowċ jew bix-xarabank b'kiri jew b'kumpens fit-territorju tal-Komunità skont il-kondizzjonijiet stabbiliti mir-Regolament (KE) Nru 1073/2009 tal-Parlament Ewropew u tal-Kunsill tal-21 ta' Ottubru 2009 dwar regoli komuni għall-access għas-suq internazzjonali tas-servizzi tal-kowċ u x-xarabank u b'konformita mad-dispożizzjonijiet generali ta' din il-licenzja.

Kumment :

Din il-licenzja hija valida minn 14/11/2024

Sa 13/11/2029

Mahruga fi Paola, Malta

Nhar 23/12/2024

Transport Malta
Kumment: 1
L-11-2024
L-11-2024
L-11-2024

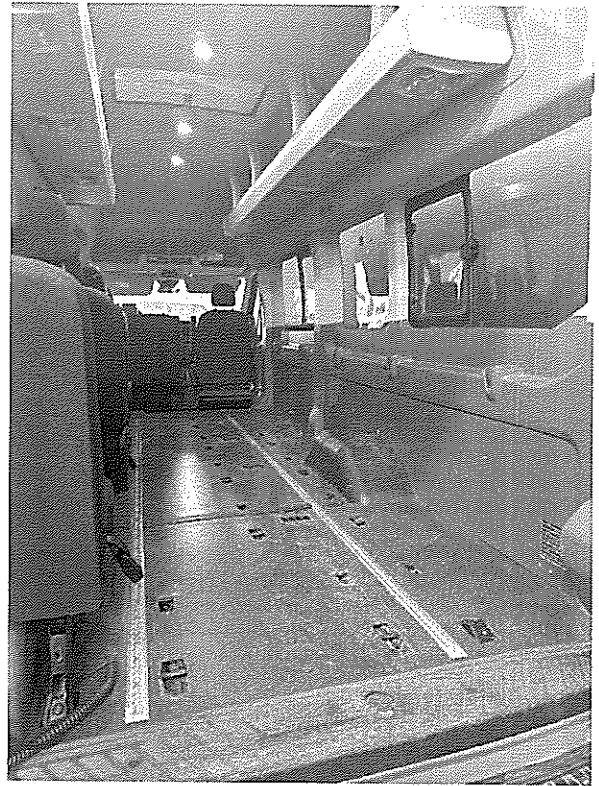
















Bank of Valletta p.l.c
 Registration Number: C 2833
 Registered Office: 58 Zachary Street, Valletta VLT 1130 - Malta

P.
 Pr

Transaction details

Payee type: Personal Payee

Is the payee a joint beneficiary: No

Payee name: Cashier Malta

Payee surname: Gov Call Ac Gener

Relation: Administrative Services

Reason: Other

Payment details: Objection to tender ref. SPD3/2026/026 by Paul Borg

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: Savings (EUR) 1242030201 7

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

Amount: EUR 673.00

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 GOVERN GENERAL. If you continue without correcting it, the payment may be sent to the v may not be possible as it could result in fraud. This Verification of Payee check wi but it is simply providing additional security. Please verify the payment details with proceeding.

Saved template: no

Additional information

Credit amount: EUR 673.00

Debited amount (excluding charges): EUR 673.00

Estimated amount to be withdrawn from account: EUR 674.00

Transaction charge: EUR 1.00

Transaction result

Status: Your instructions have been processed successfully.

Transaction ID: 185275672
