

Public Contracts Review Board
Notre Dame Ditch,
Floriania



Ref: CT2057/2026

Jamesco Trading Co Limited (C 17196)

vs.

1. Director General Department of Contracts
2. Office of the Deputy Prime Minister and Ministry for Health

Objection of Appellant company Jamesco Trading Co Limited (C 17196)

Respectfully submits:

Facts of the Case

1. The Department of Contracts published on behalf of the Office of the Deputy Prime Minister and Ministry for Health' ("the Contracting Authority") the Tender for the Supply of Deep Brain Neuro Stimulator System for the Neurosciences Departments (Neurosurgery) at Mater Dei Hospital to run on a pay per use basis for a total period of three (3) Years CT2057/2026 ("the Tender"), attached as **Document A**;
2. The Department of Contracts by a letter dated 4 September 2026 ("the Decision") attached herewith as **Document B**, informed Jamesco Trading Limited ("the Appellant") that the Tender offer submitted was not the '*cheapest priced offer satisfying the administrative and technical criteria*', and awarded the Tender to Technoline Limited ("the Preferred Bidder");
3. The Appellant's bid has been rejected for not being the cheapest priced offer which satisfies the administrative and technical criteria;
4. The Appellant contends that the Decision is unfounded both in fact and at law;
5. That in terms of Regulation 275 of S.L. 174.04, the award process shall be completely suspended if an appeal is eventually submitted.

Objection

6. Now therefore, the Appellant is availing itself of the right granted to it in terms of the law and is filing this Objection given that it feels aggrieved by this Decision, and its grievances, which are clear and manifest, consist of the following:

A. TECHNICAL COMPLIANCE

7. The Appellant submits that the fact that the Preferred Bidder submitted the cheapest offer is not determinative. While its bid was the lowest, it failed to fulfil the administrative and technical requirements stipulated by the Contracting Authority and, as a result, was ineligible for the award of the Tender.

I. *The Mandatory Dual Cable Extension*

8. The Appellant contends that section “3 – *Specifications/Terms of Reference*” of the Tender stipulates that for an economic operator to be considered eligible for the award of the contract, the economic operator must provide “*Qty 1 Implantable Dual Cable Extensions*”, in terms of both specifications 1.2.1.4 as well as 1.3.1.4;
9. The Appellant submits that its offer satisfies all the requirements set out in the specification, as demonstrated by the Boston Scientific description of the Vercise™ 2-IN-1 DBS Extension, a copy of which is attached hereto as **Document E**;
10. The Appellant asserts that both requirements are expressly designated as mandatory and thus, must be satisfied in the precise configuration in the Tender specifications;
11. The Appellant respectfully submits that the Preferred Bidder does not offer a comparable dual-cable extension and therefore does not satisfy the mandatory administrative and technical requirements;

II. *The Patient-Specific Anatomy and Lead Visualisation*

12. The Appellant asserts that the Preferred Bidder's offer does not fully comply with the requirement stipulated in Specification 3.1.4.11 within section “3 – *Specifications/Terms of Reference*”, which states that, “*All configurations and sequences in which these are to be administered to the patient shall be determined wholly by the Neurologist and/or Neurosurgeon implanting the device into the patient, supported by visualization of patient-specific segmented anatomy and lead model*”;
13. The Appellant respectfully brings forth the fact that the Preferred Bidder's offer does not fully comply with this mandatory requirement, as its DBS Clinician Programmer does not provide visualisation of the patient-specific segmented anatomy and lead model while the neurologist and/or neurosurgeon determines the configurations and sequences to be administered to the patient;
14. Contrastingly, the Appellant's proposed Vercise DBS system fully satisfies and exceeds this mandatory requirement. The patient-specific anatomical segmentation can be performed through the Boston Scientific Clinician Programmer, while the information generated through the Brainlab platform and the Boston Scientific programming software is interconnected and displayed on the same device, providing the physician with an integrated, real-time programming environment in which the patient-specific segmented anatomy, implanted lead position and volume of tissue activated can be visualised while the stimulation configurations and sequences are selected and adjusted, as displayed in Boston Scientific Leaflet on the VN5 – Vercise™ Neural Navigator 5 Brochure, herein attached as **Document F**;

15. As confirmed by the Vercise Neural Navigator 5 Software Programming Manual, Brainlab Elements may be installed on the Boston Scientific Clinician Programmer and Vercise Neural Navigator may be launched from within Brainlab Elements. Patient-specific anatomy, lead location and lead orientation generated through Brainlab Elements may then be imported into Vercise Neural Navigator and displayed together with the Stimulation Field Model on the Clinician Programmer. The Stimulation Field Model provides a visual representation of the estimated volume of neuronal tissue activated and changes as programming parameters are adjusted and stimulation is steered along the lead. The Vercise Neural Navigator 5 Software Programming Manual (IFU) is attached as **Document G**
16. Hence the Boston Scientific solution provides an integrated programming workflow on the Clinician Programmer, incorporating three-dimensional visualisation of patient-specific anatomy, lead position and the estimated stimulation field while the clinician selects and adjusts the stimulation parameters.
17. The practical clinical relevance of image-guided programming is supported by published clinical evidence. Lange et al. reported symptom control comparable to conventional monopolar review, together with a 56% reduction in programming time. A copy of the study is attached as **Document H**.
18. Rolland et al. highlight the fact that image-guided programming saves time and assists clinical refinement, with the potential to improve the standard of care and DBS outcomes. Torres et al. reported significant improvements in disease-specific quality-of-life measures and in the DBS Impairment Scale among patients with suboptimal outcomes following conventional programming. Copies of both studies are attached together as **Document I** and **Document K**.
19. Others, such as Aldred et al., subsequently reported that image-guided initial programming facilitated efficient programming, provided stable settings and resulted in sustained motor improvements for up to one year. A copy of the study is attached as **Document J**.
20. Furthermore, the Appellant submits that its offer not only complies with, but exceeds, the minimum functionality requirements prescribed in regard to this specification. Although the Tender does not mandate functionality beyond the minimum technical requirements, compliance with those requirements remains obligatory. The Appellant maintains that the Preferred Bidder's offer fails to fully satisfy the mandatory technical specifications and is therefore non-compliant.
21. Disqualifying a device that exceeds minimum operational standards contradicts the broader objectives of the Tender and compromises patient-centred care.

III. The Planning and Navigation System

22. The DBS planning and navigation platform, namely the Brainlab system currently installed at Mater Dei Hospital, forms an essential part of the Contracting Authority's established clinical and surgical workflow for DBS procedures. The system is used to support patient-specific DBS planning through the integration of the patient's medical imaging data, the identification of the intended treatment target, the planning of the surgical trajectory and lead placement, and the verification of the final position of the implanted stimulation leads.

The functions and components of the Brainlab DBS workflow are further described in the Brainlab Advanced DBS Solutions material attached as **Document L**.

23. The Brainlab system is presently being provided to Mater Dei Hospital on loan, free of charge, by the Appellant under tender CT2252/2022 (CPSU 843/22), which was awarded in 2023. Upon the expiry of Jamesco's obligations under the existing contracts, the Appellant shall be collecting the loaned equipment and discontinue the associated service and support.
24. Hence, to continue performing the DBS procedures, the Contracting Authority would need to procure an equivalent planning and navigation solution, together with all necessary equipment, software applications, licences, installation, integration, validation, training, maintenance and ongoing technical support.
25. The estimated cost of procuring an equivalent system is approximately €150,000. The planning and navigation system is an essential and integral component of DBS procedures and cannot be regarded as optional, since the procedures cannot be carried out without this system.
26. Notwithstanding the foregoing, the Tender and the Financial Bid Form did not include a planning and navigation system. As a result, the award price of €730,023 for CT2057/2026 fails to account for all costs necessary to provide and maintain a complete and fully operational Deep Brain Neurostimulator System, thereby understating the Contracting Authority's actual expenditure.

IV. Battery Replacements

27. Patients implanted with Boston Scientific non-rechargeable DBS systems under the aforementioned tender will eventually require replacement when the batteries reach the end of their service life, expected to be after approximately five (5) years from date of procedure.
28. The Appellant asserts that the Preferred Bidder's system is not compatible with the Boston Scientific System. Hence, the Contracting Authority would still need to purchase Boston Scientific replacement batteries from the Appellant outside the CT 2057/2026 tender budget;
29. Conversely, the Appellant can accommodate eligible patients implanted with specified compatible third-party leads and extensions through the Boston Scientific Vercise M8 Adapter. The manufacturer's documentation identifies the M8 Adapter as a 1 x 8 in-line connector designed to connect specified third-party lead extensions to a Boston Scientific Vercise Genus IPG and lists the compatible third-party leads and extensions. The relevant manufacturer documentation is attached as **Document M**.
30. The appellant company has already supplied Vercise M8 Adapters to Mater Dei Hospital to accommodate existing patients with compatible Medtronic leads and extensions. Accordingly, when an eligible patient's existing Medtronic IPG requires replacement, the implanted leads and extensions may be retained and connected through the Vercise M8 Adapter to either a Vercise Genus P16 non-rechargeable IPG or a Vercise Genus R16 rechargeable IPG. Such a replacement may therefore satisfy the Tender's 'box change only' requirement without replacing the existing intracranial leads or extensions.

31. The Appellant's solution is therefore capable of supporting both the existing Boston Scientific patient population and eligible patients implanted with specified compatible third-party DBS systems. This difference is material to the technical and financial evaluation because the Appellant's offer can meet a broader proportion of the Contracting Authority's present and future IPG-replacement requirements within the same contract.
32. Accordingly, when due consideration is given to the cost of the planning and navigation system and the cost of battery replacements, which are indispensable components of the Deep Brain Neuro Stimulator clinical and surgical workflow at Mater Dei Hospital, it becomes evident that the Appellant's bid represents the lowest-priced offer that fully complies with the administrative and technical requirements of the Tender;
33. The Appellant respectfully submits that due weight was not accorded to this matter during the evaluation of the Tender. Had the matter been properly assessed, the Appellant's Tender would have been determined to be the most appropriate offer and the one best aligned with the Contracting Authority's stated requirements;
34. The Appellant's submission fully complies with the broader objectives and functional specifications of the tender. Therefore, the Appellant's product not only meets but exceeds the intent of the tender's specifications, as can be confirmed in the Appellant's technical offer, herein attached as **Document C**.

B. THE PRICE

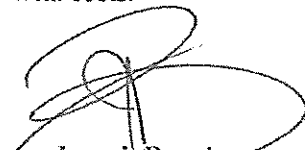
35. That Department of Contracts' call for tenders sole award criterion has been the price, namely the cheapest priced offer satisfying the administrative and technical criteria;
36. The Appellant submits that, when all relevant considerations are duly taken into account, its bid constitutes the lowest-priced compliant offer. The Appellant's financial bid amounts to €776,040.00 as per attached **Document D**
37. Although the Preferred Bidder submitted a price of €730,023.00 for the same quantity, that price fails to account for all costs and essential elements relevant to the Tender and, accordingly, does not provide an accurate basis for a like-for-like comparison;
38. The foregoing is further borne out when the battery replacements discussed in Section A(IV) above are taken into consideration, as these give rise to additional costs that must be factored into the overall assessment of value and compliance;
39. Without prejudice to the submissions made above regarding pricing, the Appellant reiterates that the present appeal is founded primarily on the failure of the Preferred Bidder's bid to comply fully with the mandatory administrative and technical requirements of the Tender. Consequently, even if the Preferred Bidder's quoted price were to be considered more advantageous, such consideration cannot remedy or override the bid's non-compliance with the Tender requirements. The Appellant therefore submits that the Preferred Bidder's bid ought not to have been considered for award in the first place;

40. Given that the Appellant submitted an administratively and technically compliant Tender, as will be proved during these proceedings, which Tender was cheaper in price than that put forth by the Preferred bidder had all due considerations been made, it ought to have been the Appellant who should have been awarded the Tender:

Therefore, in view of the above, and whilst reserving the right to make further submissions and present further evidence, the Appellant humbly requests this Respectable Board to:

- i) **Allow and Accede** to the Appellant's appeal;
- ii) **Declare** that the offer of the appellant for the Tender bid is administratively and technically compliant, and is the cheapest offer which meets the overall scope of the Tender;
- iii) **Rejects and Revokes** the Decision of the Department of Contracts dated 4 September 2026 thereby cancelling and revoking the said Decision;
- iv) Consequently, **Accedes** to the Appellant's Objection, given that the Appellant is fully compliant with all specifications, including the administrative technical specifications, and being the cheapest offer which meets the overall scope of the tender;
- v) **Order** the Department of Contracts to award the Tender to the Appellant;
- vi) **Order** the refund of the deposit of € 4,000.00 to the Appellant; and
- vii) That subordinately, in the event that the above requests are not acceded to, to cancel the tender, and give such orders and directives it may deem necessary in relation to the Tender.

With costs.


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Appellant: Jamesco Trading Co Limited - Sqaq Iz-Ziemel, New Street of Handaq, Handaq, Qormi, QRM4003.

Defendants: 1. Department of Contracts - Notre Dame Ravelin, Floriana, FRN 1600.
2. Office of the Deputy Prime Minister and Ministry for Health - Ministry for Health, 15, Palazzo Castellania, Merchants Street, Valletta, VLT 1171.

List of Witnesses

1. Appellant's directors, representatives and employees, to testify on the facts.
2. The defendant Department of Contracts - representatives/former representatives and employees/former employees.
3. The defendant Office of the Deputy Prime Minister and the Ministry for Health - representatives/former representatives and employees/former employees, to testify on the object of the tender.
4. All witnesses that may be indicated by the defendants.
5. Members of the Evaluation Committee.
6. Medical and scientific experts, including Bartosz Proniewski.
7. Other technical and engineering witnesses, including Dr. Ing. Carl Azzopardi, to testify on the technical matters raised in this appeal.
8. Other witnesses as permissible at law.



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: Miss Mariella Mizzi
Printed on: 13/09/2026 - 15:03
Document ID: 29714663

Transaction details

Payer's name: JAMESCO TRADING LIMITED

Payee type: Corporate Payee

Company name: Cashier Malta Government

Relation: Professional Service

Reason: Other

Payment details: Objection CT2057/2026 Jamesco Trading Co Ltd TID 246323

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: 5001807062 9 (EUR)

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

Amount: EUR 4,000.00

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: Cashier Malta Government

Additional information

Credit amount: EUR 4,000.00

Debited amount (excluding charges): EUR 4,000.00

Estimated amount to be withdrawn from account: EUR 4,004.00

Transaction charge: EUR 4.00

Transaction result

Status: Your instructions have been received and will be reviewed. Please do not re-submit this payment.

Transaction ID: 185351864