



Dr Jason Grima LL.D

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Illum 23 ta' Settembru 2026

Chairperson
Public Contracts Review Board
Notre Dame Ravelin
FLORIANA
FRN 1600



re: Tender QLC/CMPG/16/95
Offer Id: 246397

Appeal - Provision of Service for the Cleaning and Maintenance of Parks, Gardens and Soft Areas in the Locality of Hal Qormi using Environmentally Friendly Products and Practices

Dear Chairperson,

I am writing on the instructions of **Anthony Scerri**, holder of identity card number 343572(M) and who resides at 53, Solitaire, Triq ix-Xitwa, Hal Qormi.

That Appellant, respectfully refers to the letter issued by the Qormi Local Council dated 15th September 2026, by virtue of which the Appellant was informed that his tender submission for the "Provision of Service for the Cleaning and Maintenance of Parks, Gardens and Soft Areas in the Locality of Hal Qormi using Environmentally Friendly Products and Practices" was unsuccessful.

A copy of the said notification is being annexed hereto and marked **Document A**.

The Appellant was informed that **Blooming Garden Limited** had been selected as the successful tenderer on the basis that its offer was the cheapest offer satisfying the administrative and technical criteria, at a tendered price of **€68,400**.

The Appellant feels aggrieved by the said decision and is hereby formally lodging an appeal against the award decision.

GROUNDS OF APPEAL

1. The award criterion

The tender document expressly provides under Rule 6:

"The sole award criterion will be the price. The Contract will be awarded to the tenderer submitting the cheapest priced offer satisfying the administrative and technical criteria."

It follows from the above provision that the lowest price is not, by itself, sufficient to secure the award of the contract.

The lowest-priced offer must also satisfy all the applicable administrative and technical requirements contained in the tender documentation.

The Appellant's concern in the present appeal is therefore not merely that the successful tenderer submitted a lower price. Rather, the Appellant respectfully submits that there are serious grounds to question whether the successful tenderer was capable of satisfying the mandatory technical, personnel, labour, equipment and service requirements stipulated in the tender documents at the price submitted.

2. Mandatory labour requirement

Of particular relevance is Clause 6.1.1 of the Terms of Reference, entitled **"Personnel and Key Experts"**, which requires the Contractor to appoint the necessary key experts, including a **Gardener/Horticulturist and/or Nursery Grower**, and expressly provides for a minimum total labour input equivalent to **120 hours per week** for the execution of the contract.

The tender documentation further provides that the requirement may be met through any appropriate staffing structure, but expressly requires the Contractor to ensure that **sufficient and competent personnel are always deployed**.

The requirement for the minimum labour input of 120 hours per week is therefore not merely indicative or discretionary. It forms part of the requirements which the successful contractor is required to satisfy in the execution of the contract.

The Appellant respectfully submits that the successful tenderer's financial offer raises a legitimate and material question as to whether the mandatory labour requirement, together with all the other contractual obligations, can realistically and lawfully be fulfilled for the price tendered.

3. Scope and extent of the services

The scope of the contract is extensive and includes, amongst other matters:

- a. litter collection and sweeping;
- b. grass cutting;
- c. tree and shrub pruning;
- d. horticultural maintenance;
- e. maintenance of seasonal flower beds and horticultural features;
- f. soil works;
- g. watering and replanting;
- h. collection and disposal of green waste and other waste;
- i. maintenance of parks, gardens and soft areas; and
- j. other horticultural and non-horticultural works specified in the Terms of Reference.

Furthermore, the services are required to be performed from **Monday to Saturday**, during the working periods specified in the tender documentation. The Contractor is therefore required to organise its personnel, equipment and resources in such a manner as to ensure that the required services are continuously provided to the standard stipulated in the tender documents.

Consequently, the Appellant respectfully submits that the financial offer of the successful tenderer ought to have been assessed against the **entire scope of mandatory contractual obligations**, including the minimum labour requirement.

4. Labour and employment costs

The tender expressly requires a minimum total labour input equivalent to **120 hours per week**.

The Appellant has prepared and annexed a financial analysis, together with a report concerning the employment costs of, at minimum, a gardener and an assistant, which demonstrates the actual costs associated with employing personnel necessary for the proper execution of the contract.

A copy of the said financial analysis and report is annexed hereto and marked **Document B**.

The Appellant respectfully submits that the financial analysis demonstrates that the cost of complying with the mandatory labour requirements represents a substantial component of the overall cost of performing the contract.

The successful tenderer's substantially lower tender price consequently raises a material question as to whether the tender price is sufficient to cover, inter alia:

- the minimum 120 hours of labour per week;
- the necessary competent personnel;
- applicable wages and employment-related costs;
- statutory contributions and other employment costs;
- the required horticultural expertise;
- machinery and equipment;
- vehicles and transportation;
- watering resources;
- waste collection and disposal;
- insurance;
- occupational health and safety obligations; and
- all other costs necessary for the proper execution of the contract.

The Appellant emphasises that he is not challenging the successful tender merely because it is cheaper.

The issue raised is whether the successful tender, having been selected under a criterion which expressly requires the cheapest offer **satisfying the administrative and technical criteria**, actually provides for the resources and costs necessary to comply fully with those mandatory requirements.

5. Required equipment, machinery and watering resources

The tender documentation further requires the Contractor to provide the necessary equipment, machinery, vehicles and other resources required for the execution of the contract.

In particular, the tender documentation requires the provision of the necessary watering resources, including access to a **small 1,000-litre bowser and a large 30,000-litre bowser**, together with the associated labour, equipment, transport and water costs.

These requirements necessarily involve additional operational expenditure which must be capable of being accommodated within the successful tenderer's tendered price.

The Appellant therefore respectfully submits that the evaluation of the successful tender ought to have taken into consideration whether the tenderer had demonstrated its ability to fulfil **all** such requirements for the duration of the contract.

6. Compliance with the tender documentation

The Appellant respectfully submits that the Contracting Authority was required to evaluate the successful tender against the requirements actually established in the tender documents.

The fact that the successful tenderer submitted the lowest price cannot, in itself, establish compliance where the tender documents expressly qualify the price criterion by requiring the tenderer to satisfy the administrative and technical criteria.

Accordingly, the Appellant requests that the Board examines whether the successful tenderer's offer, as submitted and evaluated, demonstrates compliance with the mandatory requirements concerning:

1. the minimum 120 hours of labour per week;
2. the deployment of sufficient and competent personnel;
3. the required key expertise;
4. the complete scope of services;
5. the required machinery, vehicles and equipment;
6. the required watering resources;
7. employment and statutory obligations;
8. occupational health and safety requirements;
9. insurance requirements; and
10. all other mandatory obligations contained in the tender documentation.

Should it transpire that the successful tender was accepted notwithstanding that it did not satisfy one or more of the mandatory requirements of the tender, the Appellant respectfully submits that such non-compliance would constitute a material issue concerning the validity of the award decision.

7. Difference in tender prices

The successful tenderer's price is substantially lower than the Appellant's tender price, by approximately 20%.

The Appellant does not contend that the mere fact of a lower price constitutes non-compliance.

However, given the mandatory requirement of **120 hours of labour per week**, the extensive scope of services, the requirement for competent

personnel, machinery, vehicles, watering resources and other operational resources, the substantial difference in tender prices gives rise to a legitimate issue as to whether the successful tender was properly assessed against the full requirements of the tender documentation.

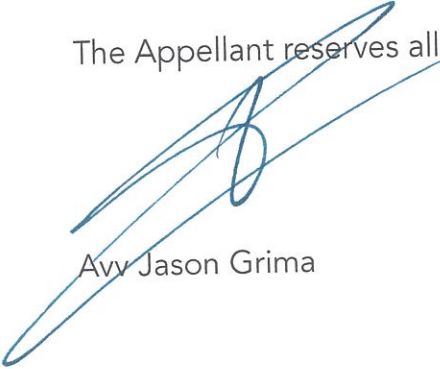
The Appellant therefore respectfully requests that the evaluation carried out by the Contracting Authority be reviewed and that it be established whether the successful tenderer's offer, as submitted, provides for full compliance with all mandatory requirements.

REQUEST TO THE BOARD

In view of the foregoing, the Appellant respectfully requests that the Public Contracts Review Board:

1. uphold this appeal;
2. **annul and/or quash the decision of the Qormi Local Council awarding the contract to Blooming Garden Limited**, should the Board establish that the successful tender did not satisfy the mandatory requirements of the tender documentation;
3. declare, where applicable, that a tender which does not satisfy the mandatory administrative and/or technical requirements cannot be selected merely on the basis that it submitted the lowest price; and
4. grant such other remedy or further direction as the Board may deem appropriate in the circumstances and in accordance with law.

The Appellant reserves all rights and remedies available to him at law.



Avv Jason Grima



Don A

Anthony Scerri

Tuesday 15th September 2026

Services Tender for the Cleaning and Maintenance of Parks, Gardens and Soft Areas in the Locality of Hal Qormi using Environmentally Friendly Products and Practices - QLC/CMPG/16/95

To whom it may concern,

We regret to inform you that your offer QLC/CMPG/16/95 has not been accepted by the Hal Qormi Local Council.

- i. The sole criterion for award was the price. The contract was awarded to the tenderer who submitted the cheapest priced offer, satisfying the administrative and technical criteria;
- ii. The successful bidder is Blooming Garden Limited;
- iii. The price of the successful bidder is €68,400.00;
- iv. The deadline for filing a notice of objection (appeal) is ten (10) calendar days from the date of this letter;
- v. An appeal can be lodged against a deposit of €400.00.

Kind Regards

Robert Mizzi
Executive Secretary

Qam B



FINANCE 24
CORPORATE MANAGEMENT LTD.
 Advisory, Management,
 Accounting, Audit & Tax

18 ta' Settembru 2026

Membri tal Eżekutiv FI-Appell
 Tender: QLC / CMPG / 16/95
 Offer ID: 246397

Appell fuq L-Offerta Ghat-Tender ta Tindif u Manutenzjoni tal-Parks, Gonna u zoni minuri fil-lokalita ta Hal Qormi u b'uzu ta Prodotti u Prattici favur l-ambient.

Ghaziz/a,

Referenza qed issir ghal l-offerti minn Blooming Garden Ltd u Palace Landscaping Ltd, fejn l-offerta offruta ma hijiex skond termini legali ta l-obbligi ta l-impjieg u s-sostenibbiltà tax-xoghol, Regolament 2026 tal notifika legali numru 172 tas sena 2026.

Mill l-ezamini tal-pagi ghax-xoghol reqwizit il minimu dovut lil impjegati hu ta iktar mil lofferti mitfuwa. B hekk dan ikun qed jikser il kodici tal ligi imhares mid DIER, D-Dipartiment li jassigura u jhares il-kundizzjonijiet u pagi tal-haddiema.

Il minimu stabbilit bil-ligi hu rrimarkat hawn anness.

Rapport Bla Pregudizju ghal l-ispiza tal Impjigi
 Gardinar bl Esperjenza

Assistant Gardinara - 2 FT u wiehed PT

L - Ewwel Sena

L - Ewwel Sena

	Hrs	Euro		Hrs	Euro
Paga Gross	40	367.52	Paga Gross	40	340.40
Spizza Tal Bolla Mil Entita	40	36.75	Spizza Tal Bolla Mil Entita	40	34.04
Spizza tal Maternita	40	1.10	Spizza tal Maternita	40	1.02
Spizza tal Leave, proporzjon fil Gimgha		38.17	Spizza tal Leave, proporzjon fil Gimgha		35.35
Porzjon Tal Bonus fil Gimgha		9.86	Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	7.07	Stima ta Sick	40 hrs p.a	6.55
Public Holidays	88 hrs p.a	4.24	Public Holidays	24 hrs p.a	2.92
Performance Bonus		-	Performance Bonus		-
Spizza tal impjieg fil gimgha		464.70	Spizza tal impjieg fil gimgha		430.14
Numru ta Impjegati		1	Numru ta Impjegati		2.50
Spiza Annwali		24,165	Spiza Annwali		55,918

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 Company Reg No.: C-100819



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Rapport Bla Pregudizju ghal l ispliza tal Impjigi
Gardinar bl Esperjenza

Assistant Gardinara - 2 FT u wiehed PT

T - Tieni Sena

Paga Gross	40	373.25
Spizza Tal Bolla Mil Entita	40	37.33
Spizza tal Maternita	40	1.12
Spizza tal Leave, proporzjon fil Gimgha		35.89
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	7.18
Public Holidays	112 hrs p.a	4.31
Performance Bonus		-

Spizza tal impjeg fil gimgha	468.92
Numru ta Impjegati	1
Spiza Annwali	24,384

T - Tieni Sena

Paga Gross	40	345.46
Spizza Tal Bolla Mil Entita	40	34.55
Spizza tal Maternita	40	1.04
Spizza tal Leave, proporzjon fil Gimgha		33.22
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	6.64
Public Holidays	24 hrs p.a	2.92
Cola		4.00

Spizza tal impjeg fil gimgha	437.68
Numru ta Impjegati	2.50
Spiza Annwali	56,898

T - Tjelet Sena

	Hrs	Euro
Paga Gross	40	378.98
Spizza Tal Bolla Mil Entita	40	37.90
Spizza tal Maternita	40	1.14
Spizza tal Leave, proporzjon fil Gimgha		36.44
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	7.29
Public Holidays	104 hrs p.a	4.37
Performance Bonus		13.46

Spizza tal impjeg fil gimgha	489.43
Numru ta Impjegati	1
Spiza Annwali	25,451

T - Tjelet Sena

	Hrs	Euro
Paga Gross	40	350.52
Spizza Tal Bolla Mil Entita	40	35.05
Spizza tal Maternita	40	1.05
Spizza tal Leave, proporzjon fil Gimgha		33.70
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	6.74
Public Holidays	24 hrs p.a	2.92
Cola		4.00

Spizza tal impjeg fil gimgha	443.84
Numru ta Impjegati	2.50
Spiza Annwali	57,699



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Rapport Bla Pregudizju ghal l ispiża tal Impjigi
Gardinar bl Esperjenza

Assistant Gardinara - 2 FT u wieċed PT

R - Raba Sena

	Hrs	Euro
Paga Gross	40	384.71
Spizza Tal Bolla Mil Entita	40	38.47
Spizza tal Maternita	40	1.15
Spizza tal Leave, proporzjon fil Gimgha		35.51
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	7.40
Public Holidays	112 hrs p.a	7.40
Performance Bonus		13.46
Spizza tal impjieg fil gimgha		497.96
Numru ta Impjegati		1
Spiza Annwali		25,894

R - Raba Sena

	Hrs	Euro
Paga Gross	40	355.58
Spizza Tal Bolla Mil Entita	40	35.56
Spizza tal Maternita	40	1.07
Spizza tal Leave, proporzjon fil Gimgha		32.82
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	6.84
Public Holidays	24 hrs p.a	2.92
Cola		4.00
Spizza tal impjieg fil gimgha		448.64
Numru ta Impjegati		2.50
Spiza Annwali		58,323

L - Hames Sena

	Hrs	Euro
Paga Gross	40	390.44
Spizza Tal Bolla Mil Entita	40	39.04
Spizza tal Maternita	40	1.17
Spizza tal Leave, proporzjon fil Gimgha		42.05
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	7.51
Public Holidays	80 hrs p.a	2.92
Performance Bonus		13.46
Spizza tal impjieg fil gimgha		506.45
Numru ta Impjegati		1
Spiza Annwali		26,335

L - Hames Sena

	Hrs	Euro
Paga Gross	40	360.63
Spizza Tal Bolla Mil Entita	40	36.06
Spizza tal Maternita	40	1.08
Spizza tal Leave, proporzjon fil Gimgha		38.84
Porzjon Tal Bonus fil Gimgha		9.86
Stima ta Sick	40 hrs p.a	6.94
Public Holidays	24 hrs p.a	2.92
Cola		4.00
Spizza tal impjieg fil gimgha		460.33
Numru ta Impjegati		2.50
Spiza Annwali		59,843



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Rendikont annwali ta L-ispiza diretta ta' L-Impjegati

	Gardinar bl Esperjenza Euro	Assistant Gardinara - 2 FT u wiehed PT Euro	Stima ta Spejjes ta Impjegati Annwali Euro
L - Ewvel Sena	24,165	55,918	80,082
T - Tieni Sena	24,384	56,898	81,282
T - Tjelet Sena	25,451	56,898	82,349
R - Raba Sena	25,894	58,323	84,217
L - Hames Sena	26,335	59,843	86,178

Tender Requirements	Scale 15 + 16	Gross Cost
1 Garden Expert FT	19,111	19,111
2 Garden Helpers FT	17,701	35,402
0.50 Garden Helper PT	17,701	8,851
		Euro
Spiza Ta Impjeg	Stima annwali fuq kull sena	82,821.71
Spiza ta arborist, ar rikomandazjoni tal fjuri u sigar apropju tal post		5,000.00
Spiza ta fjuri, uzu ta kimici a favur l ambjent, uzu ta makinarju /		
Spejjes ta rimi, spejjes ta insurances u spejjes tas sigurta fuq l post tax xoghol		38,660.51
Spizi tal impriza biex topera inkluz spejjes tal oblihi ta Transport Malta a favur tal ligijiet il godda u supervizjoni		12,648.22
Total ta spejjes biex tifavorixi l offerta		139,130.44
Qligh progettati	15%	20,869.57
Total al offerta annwali eskluż il Vat		160,000.01

Analizi tal informazzjoni

Total dovut lil impjegati biss minghajr l ispejjes reqweziti tax xoghol hu **Euro 82,822**
 Offerta Maghzula **Euro 68,400**

Differenza ghal oblihi legali biss minghajr l oblihi tal kuntratt **Euro 14,422**

Dan ir-rapport sar ab bazi tar-ricerka anness mid dipartimenti tal-gvern, fuq haddiema ta skala hmistax u sittax. Dawn ghandhom progettati li ser ikollhom zieda annwali ta € 263 u € 268 rispettivament.

Dan ir-rapport ma sarx fuq bazi ta Audit imma fuq analizi ta progezzjoni bbazata fuq informazzjoni disponibbli online u mil l-applikant is Sur Anthony Scerri.



FINANCE 24
CORPORATE MANAGEMENT LTD.

Il-Klijent qiegħed jirrilaxxa kull tip ta' obligazzjoni jew responsabilità lill Kumpanija Finance 24 Corporate Management Ltd u min kull tip ta' talba ta' responsabilità jew kull tip ta' danni annessi. L-ebda responsabilità ma qiegħda tigi annessa fuq dan ir-rapport minhabba li din hija analizi progetta u mhux analizi skond il-kodici ta' rappurtat tal-kodici ta' l-awditjar.

Il-kalkoli ta' l-ispiza ta' l-impjieg hija skond il-ligi billi jithallsu il-festi pubblici li jigu fi tmiem il-gimgha, stima bazika ta' sick ta' hamest t'ijiem fis-sena. U dan billi x-xogħol isir ab bazi ta' l-esperjenza f'dan ix-xogħol ta' l-applikant.

Dan ir-rapport sar biss bhala gwida u mhux permissibli jintuza għal għanijiet ohra sakemm il-partijiet ma jaqblux fuq dan il-ghan.

Tislijiet,


Ryan Montebello
Certified Public Accountant

~~RYAN MONTEBELLO~~ **RYAN MONTEBELLO**
Certified Public Accountant
Warrant No: 11766

Public Contracts Review Board
Appeal
Temporary Receipt for Transcripts at ~~€4~~ per page

Date: 24/09/26

Received from: Mr Anthony Scerri

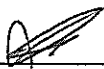
Bank Transfer

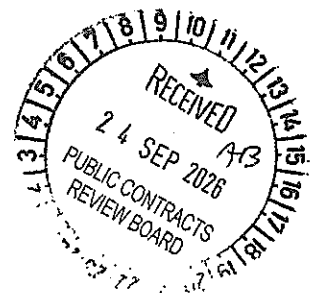
the sum of: €400 no of pages: 1

In respect of Tender: QLC/CMPG/16/95

Cash: ☐ /Cheque No:

Validity of receipt is subject to bank clearance, when payment is made by cheque.

Signature 



11:18

5G 56

← TRANSACTION DETAILS

Details of the selected transaction:

Account

500 1879 5580
SAVINGS
ACCOUNT

Transaction
Date

24/09/2026

Amount

EUR -400.00