

PUBLIC CONTRACTS REVIEW BOARD

Case 2268 – CT2345/2024 (CPSU0692-2022) – Supplies - Tender for the Purchase of Qty 2 High-Frequency Jet Ventilator Units for the Medical Imaging and ENT department at Mater Dei Hospital with a Reduced Environmental Impact

Objection by HospiMalta Limited to the recommendation for award following re-evaluation by a newly composed evaluation board.

DECISION

10th September 2026

THE BOARD,

Having seen the Letter of Objection filed by HospiMalta Limited (“the Appellant”) on the 19th of June 2026, objecting to the recommendation for award communicated by the Contracting Authority on the 9th of June 2026 in favour of Evolve Limited (“the Recommended Bidder”);

Having seen the reply filed by the Central Procurement and Supplies Unit and the Department of Contracts (“the Contracting Authority”) on the 30th of June 2026, and the reply filed by the Recommended Bidder on the 30th of June 2026;

Having considered the Appellant's requests for information dated the 24th of July 2026 and the 17th of August 2026, and the Board's decrees thereon of the 4th of August 2026 and the 2nd of September 2026 respectively;

Having noted that, by email dated the 2nd of September 2026, Dr Martina Rizzo of Ganado Advocates, on behalf of the Recommended Bidder, informed the Secretary to the Board that the Recommended Bidder would not be participating in the hearing scheduled for the 3rd of September 2026, and that it intended shortly to withdraw its bid, having concluded, following a financial assessment, that it was no longer commercially or financially viable for it to proceed with the tender at the price originally submitted;

Having convened a public hearing on the 3rd of September 2026 to consider the appeal, at which the Recommended Bidder did not appear, and at which the Board heard the submissions made on behalf of the Appellant and the Contracting Authority;

Having subsequently noted that, by email dated the 3rd of September 2026, Mr Christopher Busuttil Delbridge, Managing Director of Evolve Limited, formally and unconditionally withdrew the Recommended Bidder's bid (TID 222381) submitted in response to the said tender, stating that the validity period of the said bid had lapsed and had not been extended;

Considers that, the Recommended Bidder having withdrawn its bid, the recommendation for award communicated to the Appellant on the 9th of June 2026 in favour of the Recommended Bidder no longer has any object, and that the grounds of objection raised by the Appellant against that recommendation

accordingly no longer fall to be determined, the said recommendation having ceased to exist independently of any finding of this Board on the merits thereof;

Notes further that the withdrawal of the Recommended Bidder's bid leaves, of the bids originally submitted in response to the tender, only the Appellant's bid (TID 222471) capable of consideration, the Appellant's other bid (TID 222470) having been found technically non-compliant in both evaluation rounds, which finding was not appealed and has accordingly become final;

Minutes

Case 2268 – 682 –CT2345/2024 – CPSU0692-2022 – Tender for the Purchase of Qty 2 High-Frequency Jet Ventilator Units for the Medical Imaging Department at Mater Dei Hospital with a Reduced Environmental.

The Tender was issued on the 14th of January 2025, and the closing date was 18th February 2025.

The estimated value of the tender, excluding VAT, was €1,320,000

On the 19th of June 2026, HospiMalta Ltd. lodged an appeal against Central Procurement and Supplies Unit (CPSU) – the Contracting Authority.

On the 3rd of September 2026, the Public Contracts Review Board (PCRB), composed of Mr Kenneth Swain as Chairman, Mt Keith Victor Grech and Mr Lawrence Ancilleri as members, convened a public hearing to consider the appeal.

A deposit of €5,085.00 was paid.

There were Three bids.

The attendance for this public hearing was as follows:

Appellant – HospiMalta Ltd.

Dr Adriano Spiteri – Legal Representative/Director.

Dr Adrian Delia – Legal Representative.

Dr Christopher Mizzi – Legal Representative.

Contracting Authority – Central Procurement and Supplies Unit (CPSU).

Dr Leon Camilleri – Legal Representative.

Dr Alexia J Farrugia Zrinzo – Legal Representative.

Ms Karen Scicluna – TEC Secretary.

Mr Nandhu Sathyan– CPSU.

Department of Contracts.

Dr Audrey Marlene Buttigieg Vella – Legal Representative.

Opening Statements

The Chairman welcomed the parties present and formally opened Case Number 2268 in the records of the PCRB. The Chairman identified the Appellant as HospiMalta Limited, and the Contracting Authority as Central Procurement and Supplies Unit (CPSU).

Initial Submissions

The Chairman opened the session by stating that an email had been sent by the recommended bidder, Evolve Ltd., the previous evening. He read the email:

“Dear Mr. Camilleri,

We act on behalf of Evolve Limited and have been instructed to inform the Board that our client will not be participating in the hearing scheduled for tomorrow.

Furthermore, we are instructed to notify the Board that Evolve Limited will shortly be withdrawing its bid, having concluded that it is no longer commercially or financially viable for the company to proceed at the tendered value. This assessment has been necessitated by the considerable time that has elapsed since the issuance of the tender, as well as by the intervening proceedings during which market conditions have materially changed.

We apologise for the last-minute notification, however, following a financial assessment conducted over the past days, the Recommended Bidder has determined that it is to no longer in a position to proceed with the bid on the terms originally submitted.

Kind regards, Martina Rizzo, Advocate”.

Dr Adrian Delia, for HospiMalta Ltd., noted that his client requested cognisance of the rectification and asked for the decree to be implemented, as he still wanted to receive the information.

Dr Leon Camilleri, for CPSU, asked about the relevance of this, since Evolve had rejected the offer.

Dr Delia said that he could not act as if the process had ended.

The Chairman noted that he did not have the actual withdrawal from Evolve, but only an email stating, and he quotes:

“Will shortly be withdrawing”.

There seemed to be a commitment, but there was no withdrawal letter.

Dr Camilleri was informed by the Department of Contracts that, as there was an appeal occurring, a withdrawal letter could not be done on ePPS.

The Chairman stated that Evolve could have sent a formal signed letter with the letterhead of Evolve or Ganado, stating that they were withdrawing their offer. At this stage, he had to agree with the appellants and implement the decree that was issued the day before.

Dr Delia stated that after their appeal, Evolve answered for all the grievances. The recommended bidder said that they were to withdraw their bid and had no interest in the procedures.

The Chairman read from the three paragraphs of the email and quoted:

“Our client will not be participating in the hearing scheduled for tomorrow”.

Dr Delia said that this was a fact.

The Chairman quoted:

“However following the financial assessment conducting over the past days, the recommended bidder has determined that it is no longer in a position to proceed with the bid, on the terms originally submitted”.

Dr Delia stated that this appeal was about their shortcomings. Therefore, the grievances of HospiMalta Ltd. should be accepted. The Board could order the Evaluation Board, stating that the appellant’s appeal was to be granted.

Dr Leon Camilleri stated that an email had just arrived and read the said email.

“Dear Mr Dalli, Ms. Gili

I write to you on behalf of Evolve Ltd.

For reasons already explained by Evolve’s legal counsel to the Public Contract Review Board (PCRB) on 2 September 2026, Evolve is hereby withdrawing its bid TID 222381 submitted with respect to CT2345/2024 - TENDER FOR THE PURCHASE OF QTY 2 HIGH-FREQUENCY JET VENTILATOR UNITS FOR THE MEDICAL IMAGING AND THE ENT DEPARTMENTS AT MATER DEI HOSPITAL WITH A REDUCED ENVIRONMENTAL IMPACT.

Evolve notes that the validity period of this bid lapsed and Evolve never extended the validity of its bid. Therefore, Evolve is free to withdraw the above referenced bid.

All of Evolve’s rights remain reserved.

The secretary of the PCRB has been copied to this email.

*Kind Regards,
Chris*

Christopher Busuttil Delbridge | Managing Director

Evolve Ltd.”

Dr Delia said that now that they had formally withdrawn from the competition, the Evaluation Board had to withdraw the recommendation and give it to his clients within a recommended period of time. He also mentioned the refund of the deposit.

Dr Camilleri noted that, since they had received a formal withdrawal, would the disclosure of information would make any sense? There was no appeal since there was a withdrawal. The decree stated that the information was to be read during the hearing, but the bid was withdrawn

before the hearing. He had no objection either to the refund of the deposit or to HospiMalta Ltd. being recommended for the bid.

Conclusion of the Hearing

The Chairman, Mr Kenneth Swain, concluded the hearing by stating that, since a formal withdrawal was received during the proceedings, there was no relevance for the decree for the disclosure of information. He thanked all parties present and formally concluded the hearing. The Board would communicate its decision in due course.

End of Minutes

FOR THESE REASONS, the Board:

1. Takes note of the withdrawal of Evolve Limited's bid (TID 222381) submitted in relation to Tender CT2345/2024 (CPSU0692-2022);
2. Declares the present objection to have become devoid of object, and, consequently, makes no finding on the grounds of objection raised by the Appellant;
3. Revokes the recommendation for award communicated to the Appellant by letter dated the 9th of June 2026 in favour of Evolve Limited;
4. Directs that the Appellant's bid (TID 222471), being the only remaining bid capable of consideration, be referred back to the evaluation committee which conducted the second evaluation, in the same composition, for evaluation and the issuance of a fresh recommendation in accordance with the tender document and the applicable regulations;
5. Orders that the deposit of €5,085.00 paid by the Appellant be refunded in full.

This is the final decision of the Board on the present objection.

Mr Kenneth Swain
Chairman

Mr Keith Victor Grech
Member

Mr Lawrence Ancilleri
Member