



CONTRACTING AUTHORITY'S REPLY

Tender Reference: SPD8/2025/154

Tender Title: Framework Contract for the Supply, Delivery, and Installation of Sixty (60) Leased Energy-Efficient Printers and Multifunction Devices with Pull-Printing Capabilities, Including a Full Service and Maintenance Agreement (FSMA), for the Ministry for Agriculture, Fisheries and Animal Rights (MAFA)

Appellant: Office Group Ltd

Subject: Reply to the Objection lodged before the Public Contracts Review Board

1. Preliminary background

An evaluation was carried out and published, and the present appellant filed an objection contesting the technical reasons for rejection of his submission.

Following the response submitted by the contracting authority in response to the appellants' objection, it was decided that the contracting authority re-evaluates the tender. The Board was duly informed of such decision and consequently the objection was not further considered by the Board.

Following the new evaluation, the Technical Evaluation Committee found the Appellant's tender technically non-compliant because the Training Proposal Form was submitted without substantive content and the decision with the reasons was duly communicated.

The Appellant has submitted a new objection to the decision of the contracting authority and the following is the reply to the objection filed by the appellant.

2. The ePPS expressly required a filled-in Training Proposal Form

The ePPS Tender Response Format contained the following mandatory technical submission requirement:

"Please upload the filled in Training Proposal Form as per Article 5(c)(iii) of the Tender Dossier."

The requirement was configured in ePPS as mandatory and included in the evaluation. The Appellant could not proceed with the submission of its tender unless a document was uploaded in that field.

The requirement did not, however, end with the mechanical attachment of a document. It expressly required the upload of a **filled in** Training Proposal Form. The ePPS wording required both the attachment of the prescribed form and its completion with information on the tenderer's proposed training.

The Appellant attached the prescribed template, thereby enabling submission of its tender, but the submitted document has no contents. An incomplete template could not satisfy the express ePPS requirement to upload a filled-in Training Proposal Form.

3. The Appellant did not seek clarification during the tendering stage

Section 1, Clause 2 of the Tender Dossier set 18th March 2026 at 09:30hrs as the deadline for requests for additional information from the Contracting Authority. It provided that clarifications by registered users were to be submitted online through eTenders.

The Appellant did not submit a clarification request concerning the ePPS instruction, the purpose of the Training Proposal Form, or the information to be included in it.

Accordingly, if the Appellant had considered any aspect of the ePPS requirement unclear, it had an equal opportunity during the tendering stage to seek clarification before submitting its bid. It did not do so. The requirement was already expressly stated in ePPS; the absence of any contemporaneous request confirms that the alleged uncertainty was only raised after the evaluation outcome.

4. The Training Proposal Form was a distinct tender-stage technical submission

Section 1, Clause 5 of the Tender Dossier, headed "Selection and Award Requirements", provides:

"In order to be considered eligible for the award of the contract, economic operators must provide evidence that they meet or exceed certain minimum criteria described hereunder."

Under Section 1, Clause 5(C), concerning Specifications, the Tender Dossier separately identifies the Tenderer's Technical Offer, the Literature List, the Training Proposal Form under Note 3, and the Full-Service Maintenance Agreement under Note 3.

Note 3 is explained in the same Section 1, Clause 5. It provides:

"No rectification shall be allowed. Only clarifications on the submitted information may be requested."

The reference to Note 3 alongside the Training Proposal Form therefore means that the form was to be submitted as part of the original tender, with the required information already included. After the tender deadline, the Contracting Authority could seek clarification only of information actually submitted; it could not allow the Appellant to add the missing content of the Training Proposal Form.

Accordingly, the absence of substantive information in the Training Proposal Form could not be remedied after the tender deadline. A request for the Appellant to provide that content would not have clarified information already submitted; it would have allowed completion of a blank Note 3 submission. This was not permitted under the Tender Dossier and would have been inconsistent with equal treatment and transparency.

The Tender Dossier thus identified the Training Proposal Form as a distinct Note 3 technical submission required for eligibility for award. Separately, ePPS expressly required that form to be uploaded in filled-in form.

The Appellant's incomplete form did not satisfy the ePPS requirement and did not provide information capable of demonstrating compliance with the published training requirements.

5. The applicable training requirements were published

Section 3, Clause 2.1 expressly required:

“Specialised On-Site Training for Printer Operation and Pull Printing Software.”

Section 3, Clause 2.6.1(xiv) further required comprehensive on-site training on the setup, use, maintenance and support of the installed solution, including all related software, for Contracting Authority officials and ICT staff prior to provisional acceptance. It also required comprehensive user manuals for end users and system administrators.

These provisions established the subject matter to which the training proposal had to relate. The ePPS requirement to upload a filled-in Training Proposal Form required the Appellant to provide information from which its proposal to meet those published requirements could be assessed.

The Appellant's tender was found technically non-compliant since the Training Proposal Form contained no information whatsoever on the training proposed. The Technical Evaluation Committee was therefore unable to assess whether the Appellant's tender addressed the published training requirements.

6. The Financial Bid Form did not replace the Training Proposal Form

The Appellant's Financial Bid Form states that the rate per copy includes the Training Proposal. That statement confirms that the related cost was included in the tendered rates. It does not provide information concerning the training which the Appellant proposed to deliver.

This distinction is expressly reflected in the Training Proposal Form itself, which states:

“No information of a financial nature is to be submitted with this Form. Such information is to be included in the Financial Offer.”

The Financial Offer and the Training Proposal Form consequently served distinct purposes. The Financial Offer addressed price; the Training Proposal Form was the separate technical

submission through which the tenderer was required, by ePPS, to provide its proposed training information.

The inclusion of training costs in the Financial Bid Form could not adjust, replace or supply the technical information absent from the Training Proposal Form.

7. No post-award provision deferred the Training Proposal requirement

The Tender Dossier does not state that the Training Proposal, its content, or the training schedule would be agreed, formulated or supplied after award.

Where the Tender Dossier intended a matter to be agreed after award, it said so expressly. Section 2, Article 19.8(d), provides that, while the first ten printers are being delivered, the Contractor and the Contracting Authority shall hold a meeting to establish an agreed delivery and commissioning plan for the remaining printers. No equivalent provision exists in relation to the Training Proposal or its content.

Section 2, Article 18 concerns the commencement order, namely the first delivery instruction issued by the Contracting Authority under Article 13. It is not a mechanism through which a tenderer may subsequently submit or complete a Note 3 technical submission required for tender evaluation.

Neither the Tender Dossier nor ePPS indicated that the Training Proposal, its contents or the training schedule would be agreed following award. On the contrary, ePPS expressly required tenderers, during the bidding stage, to upload the “**filled in Training Proposal Form**”. It therefore had to be submitted in completed form with the tender for evaluation.

8. Conclusion

Following the above, the Contracting Authority respectfully requests that the Public Contracts Review Board reject the objection and confirm the contested decision.

Respectfully submitted,



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