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12 October 2026

Public Contracts Review Board
Notre Dame Ditch
Floriana FRN1601
Malta

Dear Sirs,

Re: Tender for the Supply of Teicoplanin 200mg Vials/Ampoules – Reference CT2169/2025 (the "Tender")

1. We have been instructed by Europharma Ltd (TID 232102) (the **Appellant**) to lodge an application in terms of Regulation 270 of the Public Procurement Regulations (**PPR**) in connection with the above-captioned Tender.

2. The Appellant is aggrieved by the decision of the Department of Contracts, acting on behalf of the Central Procurement and Supplies Unit (the **Contracting Authority**), of 2 October 2026 to reject the Appellant's bid and to recommend the award of the Tender to Pharma.MT Ltd (TID 232089) (the **Recommended Tenderer**). The Appellant was never notified of that decision.

A. FACTS

3. The Tender was published on 25 July 2025, with an estimated contract value of €590,700 and price as the sole award criterion. Seven tenders were submitted by the closing date of 2 September 2025. The Appellant submitted the cheapest bid, at €456,000. The Recommended Tenderer's bid, at €523,500, was the third cheapest. The recommendation to award the Tender to the Recommended Tenderer was uploaded on the e-tendering platform on 2 October 2026, unbeknownst to the Appellant.

4. On Sunday, 11 October 2026, the Appellant received a notice reminding it that the appeal period lapses on 12 October 2026. That notice is the only communication the Appellant has received. It never received a letter of rejection, any notice of the proposed award, or any reasons for the rejection of its bid.

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B. GROUND OF APPEAL: THE APPELLANT WAS NEVER NOTIFIED OF THE DECISION OR THE REASONS FOR IT

5. The PPR oblige the Contracting Authority to inform each tenderer of the decision reached on the award of the contract and, in the case of an unsuccessful tenderer, of the reasons for the rejection of its tender.[1] The appeal mechanism under Regulation 270 presupposes that notice: the time for filing an objection runs from it, and the tenderer can only formulate its grievances once it knows what was decided and why.

6. Furthermore, the Appellant was not even notified of its right of appeal or the running of the standstill period. Consequently, the standstill period has not yet started to lapse given that this information was not communicated to the Appellant.

7. In fact, Regulation 272 requires:

> *The communication to each tenderer or candidate concerned of the proposed award or of the cancellation of the call for tenders shall be accompanied by a summary of the relevant reasons relating to the rejection of the tender as set out in regulation 242 [...], and by a precise statement of the exact standstill period.*

8. This is the minimum required by the right to an effective remedy under the Remedies Directive 89/665[2] and Article 47 of the Charter of Fundamental Rights of the European Union. A tenderer that does not know that its bid has been rejected, or why, cannot challenge that decision in any meaningful way.

9. Here, the Contracting Authority notified neither the award nor the rejection, and gave no reasons. A reminder of the appeal deadline, received less than a day before it lapses, cannot cure that failure. It neither informs the Appellant of the decision nor explains why, in a tender awarded on price alone, the cheapest bid was set aside in favour of a bid €67,500 more expensive.

10. The Appellant has therefore been deprived of its right to an effective remedy against both the rejection of its bid and the award of the Tender to the Recommended Tenderer. The decision is vitiated for this reason alone and should be quashed.

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[1] PPR, Regulation 242, transposing Article 55 of Directive 2014/24/EU.

[2] Remedies Directive (89/665/EEC), Article 2a.

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C. RESERVATION OF RIGHTS

11. As the Appellant does not know the reasons for its rejection, it reserves the right to supplement this objection, or file a fresh one, once those reasons are disclosed. Similarly, at this stage, the Appellant reserves all rights to challenge the bid submitted by the Recommended Tenderer.

THEREFORE, in view of the above and for any other reasons that may be brought in due course at law, the Appellant requests that this Public Contracts Review Board:

a. declare that the Contracting Authority's decision of 2 October 2026 is wrong and/or unlawful and, consequently, quash and/or revoke it; and

b. order the refund of the deposit paid by the Appellant.

Yours sincerely,

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HSBC

Priority Payment

You have authorised this payment
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Pay from	EUROPHARMA LTD
	MT MTHBMTCA043-016815-001 EUR
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Amount	EUR 2,954.00
Instruction reference number	28957K900C54
Transaction type	Priority Payment
Expected value date	Mon 12 Oct 2026 This is the date we expect to debit your account. Please ensure that the debit account has enough funds to cover the payment.
Your reference	CT2169/2025
Beneficiary bank location	Malta
Beneficiary bank identifier	SWIFT-BIC MALTMTMT
Beneficiary bank	CENTRAL BANK OF MALTA
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