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PUBLIC CONTRACTS
REVIEW BOARD

The Public Contracts Review Board (info.pcrb@gov.mt)
Notre Dame Ditch
Floriana

26th October 2026

Objection 716

Tender: CPSU5887/26 – Tender for the Supply of Instrument Protectors Medium

Reply of Drugsales Limited (C-1780) to the objection lodged by Medina Healthcare Limited

On the 15 October 2026, Medina Healthcare Limited filed an objection regarding this tender and in particular regarding the recommended award to Drugsales Limited.

Drugsales Limited humbly submits the following:

1. That Drugsales Limited had the cheapest compliant offer on this tender, with an offer of EUR 53,010, with a product manufactured by Blue Medical with code BM33002585

2. That Medina Healthcare Limited were the 5th cheapest offer on the tender, with an offer of EUR 139,500.

Regarding the First Grievance raised by the Objector

3. In the first grievance, the objector contends that although the product offered by Drugsales Limited bears a CE marking in conformity with the Medical Devices Regulation, it should not have been classified under the MDR and should not have applied for and obtained CE marking.

4. This grievance is completely unfounded.

5. It is amply clear and it is not contested that the product offered by Drugsales Limited bears a valid CE mark

6. Drugsales Limited offered its product, which bears a CE mark, and provided all the required documentation as required by the tender for offered products that are classified as medical devices, in regard to this product and as required by the tender when the product being offered bears a CE mark.

7. The offer by Drugsales Limited was completely in conformity with the tender.

8. The contracting authority duly evaluated the offer and it is evident from the tender submission, that the offer by Drugsales Limited is fully in conformity with the tender, and therefore proceeded to recommend award to Drugsales Limited.

9. By means of its grievance, the objector argues that the product offered by Drugsales Limited should have been classified in another manner when being registered with the competent authorities, and should have used another (less onerous) registration and mark, than the CE mark that it actually bears. The objector seems to argue that the contracting authority should have simply disregarded the valid CE mark issued in favour of the product being offered.

10. This argument by the objector is completely unfounded.

11. The classification of this products as a Class I Medical Device (Accessory) under MDR (EU) 2017/745 and the confirmation of a CE mark in favour of the product offered by Drugsales, were completely in line with the law.

12. In their formal reply of the Contracting Authority to this objection, they confirmed that they also ensured that the classification is correct, as verified with its experts and stakeholders, that instrument protectors do fall within the parameters of the Regulation (EU) 2017/745 of the European Parliament and Of the Council of 5 April 2017 on medical devices.

13. The competent authority asked bidders to submit proof of CE mark (if the product bears a CE mark) or proof of other registrations (if the product is subject to other registration). The product offered by Drugsales Limited bears a valid CE mark and submitted all relative documentation in this regards.

14. It is manifest and not contested that the product offered by Drugsales Limited bears a valid and legally issued CE mark.

15. Therefore, the grievance raised by the objector is completely unfounded.

Regarding the Second Grievance raised by the Objector

16. The second grievance is effectively a continuation of the first grievance, whereby the objector again argues that the product offered by Drugsales Limited should not have been classified as falling under the MDR and should not have fallen under the CE mark procedure. The objector takes the further absurd position that therefore the product offered by Drugsales Limited was not compliant with the tender document and could never be compliant with the tender document.

17. This second argument is also completely unfounded, given that as already stated, the product offered by Drugsales Limited bears a CE mark. Drugsales Limited duly submitted all documents required of a product bearing a CE mark, as part of its tender submission.

18. Drugsales Limited further notes that the objector quotes Clause 3.1.2 of the tender which requires that medical devices must meet those standards established by European and/or Maltese legislation. It is amply evident that the product offered by Drugsales Limited meets such standards, given that it bears a CE mark.

19. It is also to be noted that on the 11 September 2026, another tender was awarded by the same products (but in 'small' size) reference CPSU 5863/26. This tender was awarded to Drugsales Limited with the same product as this tender, but in the small size, and which likewise bears a CE mark. Medina Healthcare Limited also participated in that tender, and no objection was raised. The tender was duly awarded to Drugsales Limited.

20. That therefore the second grievance is also unfounded.

Regarding the Third Grievance raised by the Objector

21. In its third grievance, the objector claims breach of Clause 3.2.1 of Section 3 and the principle of self-limitation.

22. Drugsales Limited fails to understand the argument being raised by the objector here, since it is amply clear that the Competent Authority had no issue with the classification as presented in the tender. Should this have been the case, clarification would have been sought during the process of evaluation.

23. In this present case, the contracting authority accepted and relied on a valid CE mark..

24. The contracting authority therefore was correct in recommending the award to Drugsales Limited, also in light of the arguments raised by the objector itself in this third grievance.

25. This third grievance should therefore also be rejected.

Therefore the tender process and the contracting authority's decision to recommend the tender to Drugsales Limited was according to law, according to procurement regulations and according to the conditions of the tender.

Therefore Drugsales Limited humbly submit that the objection by Medina Healthcare Limited should be rejected, with costs.

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