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PUBLIC CONTRACTS
REVIEW BOARD

IN THE PUBLIC CONTRACTS REVIEW BOARD

4th November 2026

Re: Call for Remedies 722- ERU2710U Units26 Medicinals: Trametinib 2mg tablets, SCODE A921, 1,440 units

Reply of the **Central Procurement and Supplies Unit** (CPSU) on behalf of the Department of Health to the reasoned application lodged by **Pharma MT** (the applicant) in terms of regulation 262(1)(a) of the Public Procurement regulations (PPR) in relation to call in caption.

On the 27th of September 2026 CPSU issued a call for the supply Trametinib 2mg tablets in terms of the Emergency Procurement Regulation, SL 601.08.

The applicant filed an application in terms of regulation 262(1)(a) of the Public Procurement regulations based on a number of Grievances:

1. Contesting the use of the Emergency Procurement Regulations for procuring this product

2. Failure to implement the final 2024 Tender Decision

3. Unjustified Exclusionary Specifications

4. Undisclosed estimate and immediate return of excess deposit.

The applicant requested the cancellation of the call otherwise the change in specifications.

Preliminary Plea – Inadmissible Procedure

1. CPSU is hereby raising a preliminary procedural plea which should in its humble opinion be decided before any other matter.

2. The applicant filed an application in terms of regulation 262(1)(a) of the PPR on a call issued in terms of the Emergency Procurement Regulations, S.L. 601.08.

3. The PPR clearly states in regulation 7 that:

   7.(1) These regulations shall not apply to the following:

   (dd) all public procurement carried out in terms of the Emergency Procurement Regulations.

4. Since the application was filed in terms of regulation 262 of the PPR which clearly stated that these same regulations do not apply for all public procurement carried out in terms of the Emergency Procurement Regulations, this procedure is clearly inadmissible;

5. Moreover, this situation puts this honourable Board in a situation of not having the competence to determine any of the grievances raised;

6. The Emergency Procurement Regulations, do not provide for any appeal or contestation of any specifications before the Public Contracts Review Board of for any other similar procedure, thus the applicant could only challenge the contracting authority's administrative decisions by means of general remedies available at law and not by means of this special procedure which is not contemplated in the applicable legislation;

7. For this reason, since this Honourable Board is not competent to determine the applicant's grievances, CPSU feels that it should not be compelled to give its position before this Honourable Board on such grievances raised and for this reason, despite contesting all the grievances, is limiting its reply to this preliminary plea whilst reserving the right to request this honourable board to authorise an additional reply in the unlikelihood that this board does not uphold this preliminary plea.

For the above reasons and submissions which will be further explained and evidenced during the sitting, CPSU humbly requests that the application ought to be declared inadmissible and consequently rejected.

CPSU will not object to the refund of the deposit if the application is withdrawn before a hearing is appointed.

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