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Public Contracts Review Board

Notre Dame Ravelin, Floriana – FRN1600

Department of Contracts – Sectoral Procurement Directorate

Notre Dame Ravelin, Floriana – FRN 1600



Legal Aid Malta Agency,

189, Old Bakery str, Valletta

14th November 2026

Re: Framework contract for the provision of cleaning services with reduced of environmental impact for Legal Aid Malta Agency – SPD5/2026/022

Simply Clean Ltd (C101719) OF Ultimate Triq Dun Salv Ciappara, Zebbug (the Appellant) in relation to the captioned tender.

The criteria for award for the tender was the best price/quality ratio (BPQR)

The Appellant's offer for the tender reference SPD5/2026/022 was rejected by the Department of contracts in a letter sent by them On 9th November 2026. The reason given by the department for the rejection of the appellant's offer was that it failed to satisfy the criterion for award, being the offer with the best price quality ratio (BPQR).

The appellant's offer obtained an overall score of 98.74%, as against the score of 99.86% obtained by the recommended tenderer. This narrow difference is attributed entirely a single point lost under sub-criterion C.2 vii of the evaluation grid (Employment Conditions – Collective agreement), which forms the sole subject of this objection. On every other sub-criterion of the evaluation grid the appellant obtained full marks.

Instead, the department of contracts recommended the award of the tender to AGVHR Management for the amount of €34,862.64 excluding Vat, as the offer with the Best Price Quality Ratio (BPQR).

The appellant feels aggrieved by such a decision of the contract authority and is availing itself of the right granted to it in terms of the law and is filling an objection in regard to decision, together with the required deposit of €400.00.

Objections

The objection being raised by the appellant refers to the following criterion:

1 Criterion C2 (v ii) Employment conditions – a collective agreement – pertaining to the subject of the tender/lot. Kindly see procurement document for full details.

The appellant obtained 65% out of the possible score of 100% under this sub criterion, which the justification given by the evaluation committee being that "an identical copy of an expired (i.e. Validity period exceed the demarcated 90 day period as above definition) Collective agreement duly signed by the involved parties and submitted by the Economic Operator to DIER was provided. By contrast, the recommended tenderer, AGVHR Management, was awarded the full 100% points on the basis that it provided the information in line with the section C2 v ii.

The procurement document (pages 11 to 12 sets out, at sub criterion C2 (v ii) five alternative limbs by reference to which points are allotted, the three limbs reading as follows:

vii) Collective Agreement (Add-On) – pertaining to the subject of the tender/Lot.

Regulation 2(1) of the EIRA Act (or/and any amendment thereto) defines a collective agreement as 'an agreement entered between an employer, or one or more organisations of employers, and one or more organisations of employees regrading conditions of employment in accordance with the provisions of any law in force in Malta'.

In accordance with Article 5 of the EIRA Act (or/and any amendment thereto), if the Conditions of Employment are prescribed in a Collective Agreement, the Economic

Operator (registered in Malta) being a party thereto shall, within 15 days of the signing of such a Valid Collective Agreement, send it to the Director General responsible for Employment and Industrial Relations a copy thereof duly authenticated.

In respect to the above, additional points shall be allocated to bidders who put a tangible effort in pursuing good conditions of employment.

The points indicated below are mutual exclusive and not incremental whereby such points shall be allotted respective to the submissions being referred to under each of points (i) to (v) below.

Wherever there is a reference to 'valid' in the wording below, it shall be construed as follows: Validity of the Collective Agreement is deemed as having an expiry date that shall at least be for 90 days from the Submission Deadline of the Procurement Call.

Bidders should submit any one of the following as part of their submission:

i. A Conditions of Employment Description whereby the Economic Operator shall submit a Write-up Report in the form of a Conditions of Employment Report of approximately 300 words making sure to meet the minimum requirements as per Terms of Reference Article indicated above. This shall briefly outline the principles and criteria of Employment Law Conditions as set by the Employment and Industrial Act (CAP 452) as well as any applicable Subsidiary Legislations and/or any amendment thereto. Specific reference shall also be made to how these Conditions of Employment relate to the Personnel employed on this Contract = 2 points

OR

ii. A signed Declaration by a Union Representative stating that negotiations have

started with the Economic Operator in order to enact a Collective Agreement =

3 points

OR

iii. An identical copy of an expired (i.e. Validity Period exceed the demarcated 90

day period as per above definition) Collective Agreement duly signed by the

involved parties and submitted by the Economic Operator to DIER = 4 points

OR

iv. An identical copy of a valid Collective Agreement duly signed by the involved

parties and submitted by the Economic Operator to DIER = 5 points

The procurement document further provides that " validity of the collective agreement is deemed as having an expiry date that shall at least be for 90 days from submission deadline of the procurement call".

It is significant that the evaluation committee did not score the appellant's submission under limb (iii), which applies to an expired collective agreement and carries only 65% point. It expressly proceeded under limb (iii) i.e. on the footing that the collective agreement is valid. The decisive question raised by this objection is therefore whether the submission met the further requirement of limb (v) to merit 6 points (100%) rather than 4 points. That question is addressed under the second ground below.

The appellant respectfully submits that the evaluation committee is mistaken on two grounds, in failing to award the appellant the full 6 points (100%) available under sub-criterion C2 (v ii).

First ground: the collective agreement is valid and in force

The appellant's collective agreement, entered between Simply Clean Ltd and the Hospitality & Food section of the General Workers Union on the 20th January 2023, provides at article 4 (duration) as follows:

This agreement shall be effective from 15th February 2023 and shall remain in force until 14th February 2026.

"At any time after 1st October 2025 either party may give notice in writing expressing its wish that this agreement remains in force for a definite period and/or its intention to negotiate a new one, in the latter case, both parties shall engage in discussions on the terms and conditions of a new agreement.

During negotiations, and until a new agreement is signed, the contents of this agreement shall remain in force.

In case that no notice for revision is made, the contents of this agreement shall remain in force for an indefinite period or until notice is finally given and a new agreement eventually signed."

It is submitted that the above clause is a standard survival clause, the effect of which is that the agreement does not lapse on the expiry of its initial three year term, but continues in full force and effect indefinitely, unless and until a new agreement is negotiated and signed. No new agreement has been negotiated or signed, and no notice terminating the agreement has been given by either party. The agreement therefore remains, at the date of the appellant's tender submission and at the date of this objection, fully valid and in force.

This clause, in fact mirrors the clause considered by this honourable board in case 1939 – SPD7/2023/028 (JF SERVICES Ltd v Ministry for the Economy, European Funds and Lands), decided on the 12th December 2023. In that case, the collective agreement submitted by the appellant had, on its face, expired several years earlier, and contained the identical wording that "during negotiations, and until a new agreement is signed, the contents of this agreement shall remain in force". The evaluation committee had, for that reason, allotted only 4 out of 6 marks, treating the agreement as a expired.

This board disagreed, and held as follows:

"This board opines that the collective agreement as presented by the appellant is still in force, although the 'time frame' .... came to an end .... an expired 'time frame' does not implicitly mean an expired collective agreement .... the collective agreement submitted by the appellant shows that the collective agreement remains in force until such time that a new collective agreement is in place."

The board accordingly upheld the appeal, cancelled the letter of rejection, and ordered the contract authority to re-evaluate the appellant's bid on the basis that the collective agreement was valid and in force.

Therefore, in this case also, the contract authority is bound by the terms of its own procurement document and cannot, in the assessment of what constitutes a "valid" collective agreement, disregard the effect of survival clause that the agreement itself, and the board in its decision, gives to it.

Second Ground: the appellant satisfied every element of limb (v), not merely limb (iii)

Independently of the above, and even taking the evaluation committee's own approach to validity at face value, the appellant's tender submission did not merely include "an identical copy of a valid collective agreement duly signed by the involved parties and submitted ... to DIER" limb (iii – iv). It also included the letter issued by the department of Industrial and Employment Relations (DIER), Dated 25th January 2023, which reads:

"This is an acknowledgement of the collective agreement entered into between simply Clean and the GWU covering period 15/02/23 – 12/02/26 has been received at DIER on the 25/01/2023 and registered in accordance"

This is precisely the "acknowledgement by DIER that the collective agreement has been submitted for registration at their end" which limb (v) requires in addition to the signed agreement. The appellant's submission accordingly included every document required by limb (v): (i) an identical copy of collective agreement, duly signed by both the company and the union, and (ii) Dier's written acknowledgement that the agreement had been received and registered. There was, on the documentation before the evaluation committee, no proper basis to score the submission under limb (iii) 4 points rather than limb (v) (6 points)

It is respectfully submitted that both the collective agreement and the DIER acknowledgement letter were before the evaluation committee at the time of the evaluation, and this objection concerns the correct application of the procurement document's own scoring criteria to documentation already submitted, an exercise that falls within this board's competence, as recognised in case 1939.

For these reasons, the appellant should have been awarded the full 6 points (100%) under sub-criterion C2 (v), which alone would have been sufficient to overturn the ranking of the tender in the appellant's favour.

In view of the above, and whilst reserving the right to make further submissions and to present additional evidence, the appellant respectfully requests this honourable board to revoke the decision taken by the contract authority on 9th November 26 to reject its offer for the tender reference SPD5/2026/022 - Framework contract for the provision of cleaning services with reduced of environmental impact for Legal Aid Malta Agency, to order the contracting authority to award the appellant the full 6 points (100%) under the sub criterion C2(v), to order the contracting authority to re-evaluate the ranking of the tender accordingly, and to order the refund of the deposit to the appellant. Alternatively, the appellant requests the board to issue such declarations, orders, or directives as it may deem appropriate in relation to the procurement process concerning the tender in question.

With reservation for the expenses incurred by the appellant in relation to the contract and tender in question.

Simply Clean

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Melchiore Dimech

Zarb Raymond at PCRB

From: Melchiore Dimech <mdimech@dimbros.com>
Sent: Monday, 16 November 2026 09:59
To: Zarb Raymond at PCRB
Cc: Borg Amy at PCRB; Vella Graziella at PCRB; Camilleri John at PCRB; Info at PCRB; D'Amato Ritianne at PCRB
Subject: Re: APPEAL FROM TENDER FROM 'SPD5/2026/022 – Framework Contract for the Provision of Cleaning Services with Reduced Environmental Impact for Legal Aid Malta Agency'

CAUTION: This email originated from OUTSIDE the Government Email Infrastructure. DO NOT CLICK LINKS or OPEN attachments unless you recognise the sender and know the content is safe.

SCT OUTWARDS
PCRB BOARD
EUR 400.00
Details
Relation: Financial Services
Reason: Other
APPEAL FROM SPD5/2026/022
REF : 2631804050060000-2836333315

On Mon, 16 Nov 2026 at 06:34, Zarb Raymond at PCRB <raymond.zarb@gov.mt> wrote:

> Good day Mr Dimech,
>
> Kindly send us the proof of payment for the subjoined email, objection will not be filed unless you pay the stipulated deposit
>
> and send us a copy of the payment,
>
> Awaiting your reply,
>
> Thank you and regards,

DIPARTIMENT TAL-KUNTRATTI
Notre Dame Ravelin
Floriana FRN 1601 - MALTA
Direttorat għall-Akkwist Settorali

DEPARTMENT OF CONTRACTS
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Tel: 23781502 email: spd5.mff@gov.mt

09th November 2026

TID: 243243: SIMPLY CLEAN LTD

Reference: SPD5/2026/022

Subject: Framework Contract for the Provision of Cleaning Services with Reduced Environmental Impact for Legal Aid Malta Agency

Dear Sir,

Thank you for participating in the above-mentioned procurement procedure. However, this Department regrets to inform you that the procurement proposal submitted by your company failed to satisfy the criterion for award, as per the below tables:

Tender ID	Name of Tenderer	Average Technical Score	Technical Score in proportion to offer with highest average technical score 60%	Financial Offer €	Financial Score in proportion to offer with lowest financial offer 40%	Overall Score (b) + (d)	Ranking
		a	b	c	d		
244087	AGVHR MANAGEMENT	100.00	60.00	€34,862.64	39.86	99.86	1st
243243	SIMPLY CLEAN LTD	100.00	58.74	€34,742.64	40.00	98.74	3rd

The procurement was recommended for award to **TID: 244087: AGVHR MANAGEMENT** for the amount of **€34,862.64** inclusive of taxes/charges, customs and import duties and any discounts but **excluding VAT**, this being the most advantageous offer.

If you intend to object to this decision, the Public Procurement Regulations allow for an official objection which has to be lodged electronically with the Public Contracts Review Board by sending an email on: info.pcrb@gov.mt by noon (12.00 hrs) of 19th November 2026, against a deposit of €400.00.

Payments are to be made through bank transfer in terms of the following details:

Name of Account Holder	Cashier Malta Government
Name of Bank	Central Bank of Malta
Address of Bank	Castille Place, Valletta
Account Number	40001EUR-CMG5-001-H
BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100

The official 'recommendation for award' schedule can be accessed on the website: www.etenders.gov.mt.

Although this Department has not been able to make use of your services on this occasion, we trust that you will continue to take an active interest in its procurement opportunities.

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Yours sincerely,

SPD5
Sectoral Procurement Directorate

CT / Departmental Reference: CfT: SPD5/2026/022	Tender Title: Framework Contract for the Provision of Cleaning Services with Reduced Environmental Impact for Legal Aid Malta Agency			
Tender ID	**Tenderer's name**	**Evaluation Criteria**	**Points Awarded**	**Justifications**
000243243	SIMPLY CLEAN LTD	A.1 i) - Declaration by the Economic Operator that basic cleaning training will be given to all employees to be employed on contract as per Article 4.2.2 of the Terms of Reference. This declaration is to be provided at tendering stage.	100%	
000243243	SIMPLY CLEAN LTD	A.1 ii) Declaration by the economic operator that all personnel to be employed on the contract performing the requested service have clean police conduct as per Article 4.2.1 of the Terms of Reference. This declaration is to be provided at tendering stage whereas the actual Police Conducts of all employees to be employed shall be presented during implementation stage.	100%	

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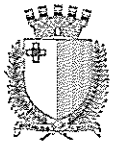

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Tender ID	**Tenderer's name**	**Evaluation Criteria**	**Points Awarded**	**Justifications**
000243243	SIMPLY CLEAN LTD	A.1 iii) Declaration by the economic operator that all personnel performing the requested service have the ability to communicate in Maltese and/or English as per Terms of Reference Article 4.2.2. This declaration is to be provided at tendering stage.	100%	
000243243	SIMPLY CLEAN LTD	B.1 - Managerial and Supervisory Function (Mandatory Criteria) The Economic Operator (EO) is to submit a write-up of approximately 500 words in response to each of the following criteria: Provide a list of measures which the EO shall adopt to ensure timekeeping of employees and of the requested service as per Terms of Reference Article 4.2	100%	
000243243	SIMPLY CLEAN LTD	B.1 Contract Management - Provide a list of realistic measures which the EO shall adopt to ensure adequate level of service in terms of cleaning services as per Terms of Reference Article 4.2	100%	

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000243243	SIMPLY CLEAN LTD	B.2 The Economic Operator is to submit a Contingency Plan Report in the form of a write-up of approximately 800 words as per Terms of Reference, Article 3.2 in the event of emergencies which should include a response time of not more than one (1) hour as detailed in the following sub-criteria: Provide a contingency plan report in the event of emergencies related to sick personnel and temporary absences as per Terms of Reference Article 3.2.	100%	

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000243243	SIMPLY CLEAN LTD	B.2 The Economic Operator is to submit a Contingency Plan Report in the form of a write-up of approximately 800 words as per Terms of Reference, Article 3.2 in the event of emergencies which should include a response time of not more than one (1) hour as detailed in the following sub-criteria: Provide a contingency plan report in the event of emergencies related to breakdown of public transportation system as per Terms of Reference Article 3.2.	100%	

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000243243	SIMPLY CLEAN LTD	B.2 The Economic Operator is to submit a Contingency Plan Report in the form of a write-up of approximately 800 words as per Terms of Reference, Article 3.2 in the event of emergencies which should include a response time of not more than one (1) hour as detailed in the following sub-criteria: Provide a contingency plan report in the event of any reason that may affect the ability of the Contractor's employee to arrive punctually to their place of work as per Terms of Reference Article 3.2.	100%	

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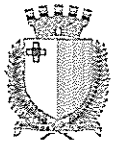

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000243243	SIMPLY CLEAN LTD	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: 1. Monthly Timesheets for each month – illustrating the Month and Year, Name of Contractor's employee, time-in/time-out, the number of hours rendered per employee per location in a given month including a designated space for the endorsement of the supervisor and the Contracting Authority as per Article 7.1	100%	
000243243	SIMPLY CLEAN LTD	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: Complaint and investigation Template applicable to the logging of complaints by the Contracting Authority and/or the general public as per Article 7.1	100%	

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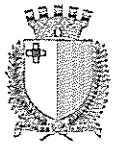

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000243243	SIMPLY CLEAN LTD	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: Incident Report Template in case of any incident which may inter alia include injury on duty as per Article 7.1	100%	
000243243	SIMPLY CLEAN LTD	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: Inspection Report Template to be filled in by supervisors / coordinators of the Contractor to ensure adequate level of service as per Article 7.1	100%	

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000243243	SIMPLY CLEAN LTD	B.4 The Economic Operator (EO) is to submit a proposed methodology, through the submission of a write-up of approximately 1000 words as an understanding of the Terms of Reference specifying the importance of a successful execution of the activities as per Terms of Reference Article 4.2	100%	

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000243243	SIMPLY CLEAN LTD	B.5 (i) The Economic Operator is to provide a photo/ visual / picture illustrating the attire available to be worn by the cleaning staff onsite. All minimum requirements set in ToR Article 4.2.8 are to be depicted in the photo / visual /picture. Declaration Requirement (mandatory) - The Personnel employed on this Contract are entitled to Supportive Employment Conditions. Accordingly, good practice in the sector dictates that official Work Uniforms shall be supplied by the Employer free of charge and without any form of conditions in relation to payment as per Terms of Reference Article 4.2.8	100%	

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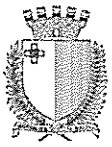

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000243243	SIMPLY CLEAN LTD	B.5 The Economic Operator is to provide a photo/ visual / picture illustrating the attire available to be worn by the cleaning staff onsite. All minimum requirements set in ToR Article 4.2.8 are to be depicted in the photo / visual /picture. To this end, the Economic Operator shall also submit a Self-Declaration that specifies that No Deposit and/or Payment (or any Sums of Money) will be held/requested from the Personnel employed on this Contract as a form of Guarantee, or otherwise, against the provision of their official Work Uniform. The Self-Declaration shall also specify that No deductions from the Personnel's wage shall be made except where permitted by law or by an order of a competent court.	100%	

000243243	SIMPLY CLEAN LTD	B6- The Economic Operator shall submit a Self-Declaration for each of the below sub-criteria making sure to include the minimum requirements as per Terms of Reference Article 4.2.7 Each document submitted shall clearly indicate what is representing by specifying any relevant headings/ subheadings/ numbering/ referencing/ bullets for ease of reference and clarity. B6.1 – Cleaning Products and Materials (Terms of Reference Article 4.2.7) (Mandatory) Declaration confirming that all the below Cleaning Products, Textile Accessories and Consumable Goods to be used to perform tasks related to this Contract shall be compliant to the applicable GPP Technical Specifications, in accordance with the 'Green Public Procurement Second National Action Plan' requirements. Use of eco-labelled cleaning products The following types of cleaning products: • Floor detergents • Bleach • Window cleaning spray • Dishes and plates detergent •	100%	

		Furniture Polish to be used to perform tasks related to the contract must be compliant with criterion 1 and criterion 4 of the EU Ecolabel for hard surface cleaning products on, respectively, toxicity to aquatic organisms and excluded or restricted substances. Use of microfiber products The following types of textile cleaning accessories: • Brooms; • Squeezers; • Dusters; • Floor cloths; • Sponges. to be used to perform tasks related to the contract must be made of microfiber or meet the requirements set out in the EU Ecolabel for textile products. Product maintenance should be supported by the product technical data sheet that indicates product use and washing instructions. Hand soap At least 70percent of all hand soap, by volume at purchase, to be provided to the Contracting Authority by the tenderer as part of the contract must meet the technical requirements of the EU Ecolabel for rinse-off cosmetic products. Textile towels A minimum		

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		of 50percent of all textile towels, expressed in number of textile towels, to be provided to the contracting authority by the tenderer as part of the contract must be compliant with the technical requirements of the EU Ecolabel for textile products. Tissue paper products The following types of Tissue paper products: • Large Toilet rolls – To fit in the Contracting Authority's dispensing holders. • Disposable Hand Towels – To fit in the Contracting Authority's dispensing holders of the type Z fold or V fold. All tissue paper goods to be provided to the contracting authority by the tenderer as part of the contract must be compliant with the requirements of an EN ISO 14024 type I ecolabel.		

000243243	SIMPLY CLEAN LTD	B6 -The Economic Operator shall submit a Self-Declaration for each of the below sub-criteria making sure to include the minimum requirements as per Terms of Reference Article 4.2.7 Each document submitted shall clearly indicate what is representing by specifying any relevant headings/ subheadings/ numbering/ referencing/ bullets for ease of reference and clarity. B6.2 - Cleaning Products: Concentrated Undiluted (Terms of Reference Article 4.2.7) (Mandatory) Declaration confirming that the Concentrated Undiluted Cleaning Products used to perform tasks related to this Contract shall be compliant to the applicable GPP Technical Specifications, in accordance with the 'Green Public Procurement Second National Action Plan' requirements. In line with such requirements, it is mandatory that a minimum of 10percent of the Concentrated Undiluted Cleaning Products to be utilised shall have a Minimum Dilution Rate of 1/80. The	100%	

		declaration shall also include a List of all the Concentrated Undiluted Cleaning Products (including Brand Names and Dilution Rate for each) to be used to perform tasks related to this Contract, making sure to perform tasks related to this Contract, making sure to meet the GPP minimum requirements as per Terms of Reference Article indicated above. It shall also specifically indicate the total quantity as well as the total percentage of products from within the list which have a Minimum Dilution Rate of 1/80. Accordingly, points will be awarded to bidders in relation to the total quantity (expressed as percentage) of Concentrated Undiluted Cleaning Products that will be utilised as indicated below: (i) 10percent (out of all the Concentration Undiluted Cleaning Products included in the said list) have a Minimum Dilution Rate of 1/80 (ii) 11percentto 50percent (out of all the Concentrated Undiluted Cleaning Product included in the said list) have a Minimum Dilution Rate of 1/80 (iii) 51percent to 75percent (out of all		

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		the Concentrated Undiluted Cleaning Products included in the said list) have a Minimum of Dilution Rate of 1/80 (iv) 76percent to 100percent (out of all the Concentrated Undiluted Cleaning Products included in the said list) have a Minimum Dilution Rate of 1/80		
000243243	SIMPLY CLEAN LTD	C.1 - Equal Opportunities The Economic Operator is to submit required proof indicating the following: The EO is to submit proof the EO meets the Legal Requirements for the employment of disabled people (Mandatory). Proof/evidence through appropriate documentation through Jobsplus (or equivalent) shall be provided.	100%	
000243243	SIMPLY CLEAN LTD	C.2 – Employment Conditions (i)The Employees are provided with a written contract (Mandatory). A copy of a contract agreement between the EO and an employee is to be provided.	100%	

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000243243	SIMPLY CLEAN LTD	C.2 – Employment Conditions ii) The wages are paid by credit transfer; costs of which are borne by the EO (Mandatory). This should be attested for example through, a copy of the agreement with a Bank or written communication between the EO and the Bank confirming direct credit settlement of wages is to be provided, etc.	100%	
000243243	SIMPLY CLEAN LTD	C.2 iii) All employees are provided with a detailed pay slip (Mandatory). A copy of a detailed payslip is to be provided.	100%	
000243243	SIMPLY CLEAN LTD	C.2 iv) All employees are covered through an Employer's Liability Insurance in case of injury during work (Add-On). A copy of a valid Employer's Liability Insurance Cover is to be provided.	100%	

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000243243	SIMPLY CLEAN LTD	C.2 v) The EO is to submit proof that all employees are free to join a trade union (no restrictions imposed) (Mandatory) A declaration by the EO regarding freedom of employees (no restrictions imposed) to join a trade union is to be provided.	100%	

000243243	SIMPLY CLEAN LTD	C.2 vi) Vacation Leave Criterion (Mandatory). A Transfer of Business Process shall be deemed to signify a seamless continuation of employment. Accordingly, Regulation 3(A) of the Transfer of Business (Protection of Employment) Regulations S.L.452.85 states that 'On the completion of a transfer, all the transferor's rights, powers, obligations and liabilities under or in connection with any contract of employment referred to in sub-regulation (1) shall be transferred to the transferee: Provided that the transferor shall be civilly liable to reimburse the transferee for the payment of the pro rata annual leave entitlement not availed of during employment with the transferor in respect of the period during which the transferor was the employer, whilst the transferor shall have the civil right to be reimbursed by the transferee in respect of any annual leave which had been granted to the employee by the transferor prior to the date of the transfer which was in excess of the	100%	

		pro-rate entitlement of annual leave till the date of transfer'. Provided further that in the case where employees were employed in the business or part of the business to be transferred have been made redundant prior to a transfer of business which would have otherwise resulted in the transfer of their employment with the transferee, the transferee has an obligation to re-employ, with the same conditions of employment, such employees if their previous posts become available within one year from the notice of redundancy according to and in terms of Article 36 of the Act and the transferor shall provide all the necessary information in order for the transferee to be able to abide by this requirement. To this end, the Economic Operator shall submit a Self-Declaration that specifies that any Vacation Leave Days already booked and approved by the current outgoing Contractor will be subsequently honoured by the Economic Operator (incoming Contractor within the limitations		

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		established by any prevailing law.		

000243243	SIMPLY CLEAN LTD	C.2 vii) Collective Agreement (Add-On) – pertaining to the subject of the tender/Lot. Regulation 2(1) of the EIRA Act (or/and any amendment thereto) defines a collective agreement as 'an agreement entered into between an employer, or one or more organisations of employers, and one or more organisations of employees regrading conditions of employment in accordance with the provisions of any law in force in Malta'. In accordance with Article 5 of the EIRA Act (or/and any amendment thereto), if the Conditions of Employment are prescribed in a Collective Agreement, the Economic Operator (registered in Malta) being a party thereto shall, within 15 days of the signing of such a Valid Collective Agreement, send it to the Director General responsible for Employment and Industrial Relations a copy thereof duly authenticated. In respect to the above, additional points shall be allocated to bidders who put a tangible effort in pursuing	65%	An identical copy of an expired (i.e. Validity Period exceed the demarcated 90-day period as per above definition) Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER was provided.

		good conditions of employment. The points indicated below are mutual exclusive and not incremental whereby such points shall be allotted respective to the submissions being referred to under each of points (i) to (v) below. Wherever there is a reference to 'valid' in the wording below, it shall be construed as follows: Validity of the Collective Agreement is deemed as having an expiry date that shall at least be for 90 days from the Submission Deadline of the Procurement Call. Bidders should submit any one of the following as part of their submission: i. A Conditions of Employment Description whereby the Economic Operator shall submit a Write-up Report in the form of a Conditions of Employment Report of approximately 300 words making sure to meet the minimum requirements as per Terms of Reference Article indicated above. This shall briefly outline the principles and criteria of Employment Law Conditions as set by the Employment and Industrial Act		

		(CAP 452) as well as any applicable Subsidiary Legislations and/or any amendment thereto. Specific reference shall also be made to how these Conditions of Employment relate to the Personnel employed on this Contract = 2 points OR ii. A signed Declaration by a Union Representative stating that negotiations have started with the Economic Operator in order to enact a Collective Agreement = 3 points OR iii. An identical copy of an expired (i.e. Validity Period exceed the demarcated 90-day period as per above definition) Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER = 4 points OR iv. An identical copy of a valid Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER = 5 points OR v. An identical copy of a valid Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER including the acknowledgement		

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		by DIER that the Collective Agreement has been submitted for registration at their end = 6 points		
000243243	SIMPLY CLEAN LTD	viii) Health and Safety resources - Quality assurance systems employed by the contractor to ascertain a good/safe working environment including reference to equipment used by employees to ensure the safety of themselves and of the public whilst carrying out their duties. (Mandatory). Economic Operator is to submit a write-up of approximately 300 words, which shall include the measures to be employed.	100%	

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000244087	AGVHR MANAGEMENT	A.1 i) - Declaration by the Economic Operator that basic cleaning training will be given to all employees to be employed on contract as per Article 4.2.2 of the Terms of Reference. This declaration is to be provided at tendering stage.	100%	
000244087	AGVHR MANAGEMENT	A.1 ii) Declaration by the economic operator that all personnel to be employed on the contract performing the requested service have clean police conduct as per Article 4.2.1 of the Terms of Reference. This declaration is to be provided at tendering stage whereas the actual Police Conducts of all employees to be employed shall be presented during implementation stage.	100%	
000244087	AGVHR MANAGEMENT	A.1 iii) Declaration by the economic operator that all personnel performing the requested service have the ability to communicate in Maltese and/or English as per Terms of Reference Article 4.2.2. This declaration is to be provided at tendering stage.	100%	
000244087	AGVHR MANAGEMENT	B.1 - Managerial and Supervisory Function (Mandatory Criteria) The Economic Operator (EO) is to submit a write-up of approximately 500 words in response to each of the following criteria: Provide a list of measures which the EO shall adopt to ensure timekeeping of employees and of the requested service as per Terms of Reference Article 4.2	100%	
000244087	AGVHR MANAGEMENT	B.1 Contract Management - Provide a list of realistic measures which the EO shall adopt to ensure adequate level of service in terms of cleaning services as per Terms of Reference Article 4.2	100%	

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000244087	AGVHR MANAGEMENT	B.2 The Economic Operator is to submit a Contingency Plan Report in the form of a write-up of approximately 800 words as per Terms of Reference, Article 3.2 in the event of emergencies which should include a response time of not more than one (1) hour as detailed in the following sub-criteria: Provide a contingency plan report in the event of emergencies related to sick personnel and temporary absences as per Terms of Reference Article 3.2.	100%	
000244087	AGVHR MANAGEMENT	B.2 The Economic Operator is to submit a Contingency Plan Report in the form of a write-up of approximately 800 words as per Terms of Reference, Article 3.2 in the event of emergencies which should include a response time of not more than one (1) hour as detailed in the following sub-criteria: Provide a contingency plan report in the event of emergencies related to breakdown of public transportation system as per Terms of Reference Article 3.2.	100%	
000244087	AGVHR MANAGEMENT	B.2 The Economic Operator is to submit a Contingency Plan Report in the form of a write-up of approximately 800 words as per Terms of Reference, Article 3.2 in the event of emergencies which should include a response time of not more than one (1) hour as detailed in the following sub-criteria: Provide a contingency plan report in the event of any reason that may affect the ability of the Contractor's employee to arrive punctually to their place of work as per Terms of Reference Article 3.2.	100%	

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000244087	AGVHR MANAGEMENT	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: 1. Monthly Timesheets for each month – illustrating the Month and Year, Name of Contractor's employee, time-in/time-out, the number of hours rendered per employee per location in a given month including a designated space for the endorsement of the supervisor and the Contracting Authority as per Article 7.1	100%	
000244087	AGVHR MANAGEMENT	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: Complaint and investigation Template applicable to the logging of complaints by the Contracting Authority and/or the general public as per Article 7.1	100%	
000244087	AGVHR MANAGEMENT	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: Incident Report Template in case of any incident which may inter alia include injury on duty as per Article 7.1	100%	
000244087	AGVHR MANAGEMENT	B.3 The Economic Operator is to submit templates indicating the following Reporting requirements in line with Article 7.1 of the Terms of Reference: Inspection Report Template to be filled in by supervisors / coordinators of the Contractor to ensure adequate level of service as per Article 7.1	100%	

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000244087	AGVHR MANAGEMENT	B.4 The Economic Operator (EO) is to submit a proposed methodology, through the submission of a write-up of approximately 1000 words as an understanding of the Terms of Reference specifying the importance of a successful execution of the activities as per Terms of Reference Article 4.2	100%	
000244087	AGVHR MANAGEMENT	B.5 (i) The Economic Operator is to provide a photo/ visual / picture illustrating the attire available to be worn by the cleaning staff onsite. All minimum requirements set in ToR Article 4.2.8 are to be depicted in the photo / visual /picture. Declaration Requirement (mandatory) - The Personnel employed on this Contract are entitled to Supportive Employment Conditions. Accordingly, good practice in the sector dictates that official Work Uniforms shall be supplied by the Employer free of charge and without any form of conditions in relation to payment as per Terms of Reference Article 4.2.8	100%	
000244087	AGVHR MANAGEMENT	B.5 The Economic Operator is to provide a photo/ visual / picture illustrating the attire available to be worn by the cleaning staff onsite. All minimum requirements set in ToR Article 4.2.8 are to be depicted in the photo / visual /picture. To this end, the Economic Operator shall also submit a Self-Declaration that specifies that No Deposit and/or Payment (or any Sums of Money) will be held/requested from the Personnel employed on this Contract as a form of Guarantee, or otherwise, against the provision of their official Work Uniform. The Self-Declaration shall also specify that No deductions from the Personnel's wage shall be made except where permitted by law or by an order of a competent court.	100%	

000244087	AGVHR MANAGEMENT	B6- The Economic Operator shall submit a Self-Declaration for each of the below sub-criteria making sure to include the minimum requirements as per Terms of Reference Article 4.2.7 Each document submitted shall clearly indicate what is representing by specifying any relevant headings/ subheadings/ numbering/ referencing/ bullets for ease of reference and clarity. B6.1 – Cleaning Products and Materials (Terms of Reference Article 4.2.7) (Mandatory) Declaration confirming that all the below Cleaning Products, Textile Accessories and Consumable Goods to be used to perform tasks related to this Contract shall be compliant to the applicable GPP Technical Specifications, in accordance with the 'Green Public Procurement Second National Action Plan' requirements. Use of eco-labelled cleaning products The following types of cleaning products: • Floor detergents • Bleach • Window cleaning spray • Dishes and plates detergent • Furniture Polish to be used to perform tasks related to the contract must be compliant with criterion 1 and criterion 4 of the EU Ecolabel for hard surface cleaning products on, respectively, toxicity to aquatic organisms and excluded or restricted substances. Use of microfiber products The following types of textile cleaning accessories: • Brooms; • Squeezers; • Dusters; • Floor cloths; • Sponges. to be used to perform tasks related to the contract must be made of microfiber or meet the requirements set out in the EU Ecolabel for textile products. Product maintenance should be supported by the product technical data sheet that indicates product use and washing instructions. Hand soap At least 70percent of all hand soap, by volume at purchase, to be provided to the Contracting Authority by the tenderer as part of the contract must meet the technical requirements of the EU Ecolabel for rinse-off cosmetic products. Textile towels A minimum of 50percent of all textile towels, expressed in number of textile towels, to be provided to the contracting authority by the	100%	

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		tenderer as part of the contract must be compliant with the technical requirements of the EU Ecolabel for textile products. Tissue paper products The following types of Tissue paper products: • Large Toilet rolls – To fit in the Contracting Authority's dispensing holders. • Disposable Hand Towels – To fit in the Contracting Authority's dispensing holders of the type Z fold or V fold. All tissue paper goods to be provided to the contracting authority by the tenderer as part of the contract must be compliant with the requirements of an EN ISO 14024 type I ecolabel.		

000244087	AGVHR MANAGEMENT	B6 -The Economic Operator shall submit a Self-Declaration for each of the below sub-criteria making sure to include the minimum requirements as per Terms of Reference Article 4.2.7 Each document submitted shall clearly indicate what is representing by specifying any relevant headings/ subheadings/ numbering/ referencing/ bullets for ease of reference and clarity. B6.2 - Cleaning Products: Concentrated Undiluted (Terms of Reference Article 4.2.7) (Mandatory) Declaration confirming that the Concentrated Undiluted Cleaning Products used to perform tasks related to this Contract shall be compliant to the applicable GPP Technical Specifications, in accordance with the 'Green Public Procurement Second National Action Plan' requirements. In line with such requirements, it is mandatory that a minimum of 10percent of the Concentrated Undiluted Cleaning Products to be utilised shall have a Minimum Dilution Rate of 1/80. The declaration shall also include a List of all the Concentrated Undiluted Cleaning Products (including Brand Names and Dilution Rate for each) to be used to perform tasks related to this Contract, making sure to perform tasks related to this Contract, making sure to meet the GPP minimum requirements as per Terms of Reference Article indicated above. It shall also specifically indicate the total quantity as well as the total percentage of products from within the list which have a Minimum Dilution Rate of 1/80. Accordingly, points will be awarded to bidders in relation to the total quantity (expressed as percentage) of Concentrated Undiluted Cleaning Products that will be utilised as indicated below: (i) 10percent (out of all the Concentration Undiluted Cleaning Products included in the said list) have a Minimum Dilution Rate of 1/80 (ii) 11percentto 50percent (out of all the Concentrated Undiluted Cleaning Product included in the said list) have a Minimum Dilution Rate of 1/80 (iii) 51percent to 75percent (out of all the Concentrated Undiluted Cleaning	100%	

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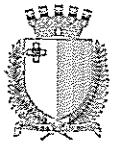

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		Products included in the said list) have a Minimum of Dilution Rate of 1/80 (iv) 76percent to 100percent (out of all the Concentrated Undiluted Cleaning Products included in the said list) have a Minimum Dilution Rate of 1/80		
000244087	AGVHR MANAGEMENT	C.1 - Equal Opportunities The Economic Operator is to submit required proof indicating the following: The EO is to submit proof the EO meets the Legal Requirements for the employment of disabled people (Mandatory). Proof/evidence through appropriate documentation through Jobsplus (or equivalent) shall be provided.	100%	
000244087	AGVHR MANAGEMENT	C.2 – Employment Conditions (i)The Employees are provided with a written contract (Mandatory). A copy of a contract agreement between the EO and an employee is to be provided.	100%	
000244087	AGVHR MANAGEMENT	C.2 – Employment Conditions ii) The wages are paid by credit transfer; costs of which are borne by the EO (Mandatory). This should be attested for example through, a copy of the agreement with a Bank or written communication between the EO and the Bank confirming direct credit settlement of wages is to be provided, etc.	100%	
000244087	AGVHR MANAGEMENT	C.2 iii) All employees are provided with a detailed pay slip (Mandatory). A copy of a detailed payslip is to be provided.	100%	
000244087	AGVHR MANAGEMENT	C.2 iv) All employees are covered through an Employer's Liability Insurance in case of injury during work (Add-On). A copy of a valid Employer's Liability Insurance Cover is to be provided.	100%	

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000244087	AGVHR MANAGEMENT	C.2 v) The EO is to submit proof that all employees are free to join a trade union (no restrictions imposed) (Mandatory) A declaration by the EO regarding freedom of employees (no restrictions imposed) to join a trade union is to be provided.	100%	

000244087	AGVHR MANAGEMENT	C.2 vi) Vacation Leave Criterion (Mandatory). A Transfer of Business Process shall be deemed to signify a seamless continuation of employment. Accordingly, Regulation 3(A) of the Transfer of Business (Protection of Employment) Regulations S.L.452.85 states that 'On the completion of a transfer, all the transferor's rights, powers, obligations and liabilities under or in connection with any contract of employment referred to in sub-regulation (1) shall be transferred to the transferee: Provided that the transferor shall be civilly liable to reimburse the transferee for the payment of the pro rata annual leave entitlement not availed of during employment with the transferor in respect of the period during which the transferor was the employer, whilst the transferor shall have the civil right to be reimbursed by the transferee in respect of any annual leave which had been granted to the employee by the transferor prior to the date of the transfer which was in excess of the pro-rate entitlement of annual leave till the date of transfer'. Provided further that in the case where employees were employed in the business or part of the business to be transferred have been made redundant prior to a transfer of business which would have otherwise resulted in the transfer of their employment with the transferee, the transferee has an obligation to re-employ, with the same conditions of employment, such employees if their previous posts become available within one year from the notice of redundancy according to and in terms of Article 36 of the Act and the transferor shall provide all the necessary information in order for the transferee to be able to abide by this requirement. To this end, the Economic Operator shall submit a Self-Declaration that specifies that any Vacation Leave Days already booked and approved by the current outgoing Contractor will be subsequently honoured by the Economic Operator (incoming	100%	

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Tender ID	**Tenderer's name**	**Evaluation Criteria**	**Points Awarded**	**Justifications**
		Contractor within the limitations established by any prevailing law.		

000244087	AGVHR MANAGEMENT	C.2 vii) Collective Agreement (Add-On) – pertaining to the subject of the tender/Lot. Regulation 2(1) of the EIRA Act (or/and any amendment thereto) defines a collective agreement as 'an agreement entered into between an employer, or one or more organisations of employers, and one or more organisations of employees regrading conditions of employment in accordance with the provisions of any law in force in Malta'. In accordance with Article 5 of the EIRA Act (or/and any amendment thereto), if the Conditions of Employment are prescribed in a Collective Agreement, the Economic Operator (registered in Malta) being a party thereto shall, within 15 days of the signing of such a Valid Collective Agreement, send it to the Director General responsible for Employment and Industrial Relations a copy thereof duly authenticated. In respect to the above, additional points shall be allocated to bidders who put a tangible effort in pursuing good conditions of employment. The points indicated below are mutual exclusive and not incremental whereby such points shall be allotted respective to the submissions being referred to under each of points (i) to (v) below. Wherever there is a reference to 'valid' in the wording below, it shall be construed as follows: Validity of the Collective Agreement is deemed as having an expiry date that shall at least be for 90 days from the Submission Deadline of the Procurement Call. Bidders should submit any one of the following as part of their submission: i. A Conditions of Employment Description whereby the Economic Operator shall submit a Write-up Report in the form of a Conditions of Employment Report of approximately 300 words making sure to meet the minimum requirements as per Terms of Reference Article indicated above. This shall briefly outline the principles and criteria of Employment Law Conditions as set by the Employment and Industrial Act (CAP 452) as well as any applicable Subsidiary Legislations and/or any amendment thereto. Specific	100%	

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CT / Departmental Reference: CfT: SPD5/2026/022	Tender Title: Framework Contract for the Provision of Cleaning Services with Reduced Environmental Impact for Legal Aid Malta Agency			
Tender ID	Tenderer's name	Evaluation Criteria	Points Awarded	Justifications
		reference shall also be made to how these Conditions of Employment relate to the Personnel employed on this Contract = 2 points OR ii. A signed Declaration by a Union Representative stating that negotiations have started with the Economic Operator in order to enact a Collective Agreement = 3 points OR iii. An identical copy of an expired (i.e. Validity Period exceed the demarcated 90-day period as per above definition) Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER = 4 points OR iv. An identical copy of a valid Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER = 5 points OR v. An identical copy of a valid Collective Agreement duly signed by the involved parties and submitted by the Economic Operator to DIER including the acknowledgement by DIER that the Collective Agreement has been submitted for registration at their end = 6 points		
000244087	AGVHR MANAGEMENT	viii) Health and Safety resources - Quality assurance systems employed by the contractor to ascertain a good/safe working environment including reference to equipment used by employees to ensure the safety of themselves and of the public whilst carrying out their duties. (Mandatory). Economic Operator is to submit a write-up of approximately 300 words, which shall include the measures to be employed.	100%	

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Schedule of Award

In terms of Regulation 270, Part IX of Legal Notice 352 of 2016 of the Public Procurement Regulations 2016, you are hereby being notified that the Departmental Contracts Committee has agreed with the below recommendation.

Reference	Subject	Decision	Recommended Tenderer	Price (excl VAT)	Deposit
SPD5/2026/022	Framework Contract for the Provision of Cleaning Services with Reduced Environmental Impact for Legal Aid Malta Agency	Awarded	AGVHR MANAGEMENT	€34,862.64	€400.00

Tenderers are informed that any appeals by means of an objection to the decision listed above must be lodged electronically with the Public Contracts Review Board by sending an email on info.pcrb@gov.mt by 12:00hrs (noon) of 19th November 2026. Objections shall contain in a very clear manner the reasons for the complaint. Payments are to be made to the amount indicated in the table above, calculated in terms of Regulation 273 of Legal Notice 352 of 2016; otherwise they will not be considered.

Payments are to be made through bank transfer in terms of the following details:	
Name of Account Holder	Cashier Malta Government
Name of Bank	Central Bank of Malta
Address of Bank	Castille Place, Valletta
Account Number	40001EUR-CMG5-001-H
BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100

Tenderers are to note that this information does not imply any obligation on the part of Government to actually implement any of the decisions indicated.

o.b.o. SPD5 Senior Manager

09/11/2026
Date