

PUBLIC CONTRACTS APPEALS BOARD

Case No. 226

ADDENDUM

Adv. 004/2010; CT/2164/2009

Service Tender for Supply of Mattresses to Irregular Immigrants - AFM

Further to:

- a. the PCAB's decision (Case No. 226) in connection with the subject in caption, particularly a couple of the concluding paragraphs wherein it was stated that:

“As a consequence of (1) to (2) above this Board feels that an independent expert on subject matter should be appointed in order to provide this Board with greater peace of mind as to how it should proceed.

The PCAB so decides that the findings of this independent expert shall determine the outcome of this tendering process and that all parties concerned will have to abide with such expert's findings and pertinent recommendations.”

- b. the engagement of Ing Joseph A. Bartolo (Director Metrology at the Malta Standards Authority) as the ‘independent expert’

and

- c. following the receipt of the ‘*Measurement report in relation to appeals case for Tender CT 2164 / 2009: Tender for the supply of mattresses to irregular immigrants*’, dated 25thOctober 2010, from Ing. Bartolo, a copy of which is attached to this ‘addendum’,

this Board takes cognisance of the conclusion reached by Ing. Bartolo, namely:

“The sample supplied for this tender by Mr Delia, is not to the measurement specifications laid out in tender CT 2164/2009. This discrepancy in length i.e. of 1 cm would effectively result in a material saving for the producer of approximately 13.5 mattresses at a minimum overall length of 185cm.

The supplied sample has effectively failed to meet the minimum specifications laid out.”

In line with its own decision to abide by the conclusions reached by the same expert engaged by this Board, the PCAB finds against the appellant company, Environmed Ltd

Alfred R Triganza
Chairman

Edwin Muscat
Member

Carmel J Esposito
Member

3 November 2010