

PUBLIC CONTRACTS REVIEW BOARD

Case No. 571

DH 2458/2012

Tender for the Supply, Installation and Commissioning of a Fire Detection and Alarm System for Wards RW1 and RW4 at the Rehabilitation Hospital Karin Grech.

The tender was published on the 16th November 2012. The closing date was the 12th December 2012.

The estimated value of the Tender was €16,000 (For both wards, including VAT).

Eight (8) bidders submitted their offers.

G4S Security Services Limited filed an objection on the 30th April 2013 against a decision taken by the contracting authority Central Procurement & Supplies Unit to discard their bid and award the tender to Messrs. Alberta fire and Security Ltd.

The Public Contracts Review Board composed of Dr Anthony Cassar (Chairman), Dr Charles Cassar and Mr Richard A. Matrenza as members convened a hearing on Thursday 25th July 2013 to discuss the appeal.

Present:

G4S Security Services Ltd.

Mr Sherwin Bonnici
Mr Julian Dimech

Appellants

Representative
Representative

Alberta Fire and Security Ltd.

Mr Silvan Ellul
Ms Joanna Pecorella

Recommended Bidder

Representative
Tenders Manager

Central Procurement and Supplies Unit (Ministry for Health) – Contracting Authority

Dr Adrian Mallia	Legal Representative
Ms Monica Gaglione	Chairperson Evaluation Board
Ms Rita Tirchett	Representative
Ms Mary Grace Balzan	Secretary Evaluation Board
Ing Edith Debono	Member Evaluation Board
Mr Matthew Mangion	Member Evaluation Board

The Chairman made a brief introduction and the appellant company's representative was invited to explain the motives of his firm's objection.

Mr Julian Dimech, General Manager at G4S Security Services Ltd., the appellants, stated that his firm's bid was declared non-compliant, in spite of being the cheapest, because it was alleged that in their bid, the execution of the works period exceeded the requested three weeks for completion. He claimed that on the contrary, appellants' offer fully complied with this requirement as can be verified by examining page 90 of their bid which showed a chart showing the proposed schedule of completion of works.

Dr Adrian Mallia on behalf of the contracting authority explained the necessity of a short three week time frame for completion of the project. The tender was intended for a hospital and the works were urgently required for security of the wards. The presence of workers installing equipment had to be kept to a minimum. So the Supply, Installation and Commissioning had to be done within three weeks as stipulated in Clause 1.3 page 4.

Dr Adrian Mallia continued that it can be clearly seen from page 90 of the appellants' bid that from step 4, (Installation) to step six (Commissioning) would take longer than three weeks. System handover date was given as the 1st February 2013 which is in excess of three weeks from the start date. The evaluation board was bound to ensure that all bidders are compliant with this clearly stipulated requirement of three weeks and thus appellants' bid was found to be non-compliant.

Mr Julian Bonnici countered this by stating that it was a matter of interpretation of the tender document. The three week period could be understood to refer to the completion of the installation only. He declared that appellants did not request any clarification on this point before making their offer.

At this point the hearing was brought to an end.

This Board,

Having noted the Appellant's objection , in terms of the 'Reasoned letter of Objection ' dated 30th April 2013 and also through the Appellant's verbal submissions during the hearing held on the 25th July 2013, had objected to the decision taken by the pertinent Authority, in that:

- a) The Appellant's Bid was declared as non compliant;**
- b) The sole award criteria was the price;**
- c) The Appellant's Bid contested that the works as specified in the tender document could be executed within the specified period.**

Having considered the Contracting Authority's verbal submissions during the hearing held on the 25th July 2013, in that:

- a) The works were urgent, due to a specific environment and had to be completed within the specified period laid out in the tender document;**

- b) **The execution of the works had to cause no disruption which could hinder the daily administration of the Contracting Authority's entity;**
- c) **The presence of 'Works in progress' had to be kept without hindrance.**

Reached the following conclusions:

- 1. In any Public tender, the sole criteria is not the price , but other conditions has to be satisfied;**
- 2. The bidder should be 'Administratively and Technically compliant';**
- 3. The Bidder should be able, without any doubt, to deliver his assignment, within the specified period in the tender document;**
- 4. The 'Three week period' of providing installation and commissioning of the equipment was mandatory and humanely necessary;**
- 5. The Appellant did not satisfy the conditions laid out in the tender document.**

In view of the above, this Board finds against the Appellant Company and recommends that the deposit paid by the Appellant should not be reimbursed.

Dr. A. Cassar
Chairman

Dr. C. Cassar
Member

Mr. R.A.Matrenza
Member

28 August 2013