

PUBLIC CONTRACTS REVIEW BOARD

Case No. 813

OPM 2015/2015

Tender for the Provision of Environmentally Friendly Cleaning Services at the Office of the Prime Minister.

The tender was published on the 13th January 2015. The closing date was the 28th January 2015. The estimated value of the Tender was €54,856 (Exclusive of VAT)

Eight (8) bidders had submitted an offer for this tender.

On the 15th April 2015 VSV Cleaning Services Limited filed an objection requesting the cancellation and re-issue of the tender.

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 the 4th June 2015 to discuss the objection.

Present for the hearing were:

VSV Cleaning Services Limited:

Mr Derek Spiteri	Director
Ms Maria Buscema Spiteri	Director
Dr John L Gauci	Legal Representative

Office of the Prime Minister:

Ms Anna Bonnici	Member Evaluation Board
Ms Alexandra Cremona	Member Evaluation Board
Ms Audrey Anne Anastasi	Technical Expert

The Chairman made a brief introduction and remarked that although the letter of objection had stated that the tender had been awarded to TF Services, in fact the award had not been made.

Ms Alexandra Cremona on behalf of the contracting authority explained that TF Services had been identified as the preferred bidder but was asked to produce some documents. During the time allowed for the preferred bidder to produce the documents, the letter of objection had been filed and thus all action had to stop. However the preferred bidder had failed to produce the documents requested and the proposed award was revoked. The contracting authority intends to cancel this tender and have it re-issued, but could not take any further action because of the pending objection. She declared that the tender is going to be cancelled and re-issued.

Dr John L Gauci on behalf of the appellant stated that in view of this declaration, declares that appellant was not aware before of this situation before filing his objection. In view of the fact that the merits of the objection is now exhausted, his client is hereby withdrawing the objection and requesting that in the circumstances the deposit he paid be reimbursed.

The hearing was brought to a close.

This Board after considering the explanations given by both the Contracting Authority and the Appellant Company recommends that the tender be cancelled and re-issued. At the same time, due to circumstances, this Board recommends that the deposit paid by the appellant be reimbursed

Dr. Anthony Cassar
Chairman

Dr. Charles Cassar
Member

Mr. Richard A. Matrenza
Member

8 June 2015