

PUBLIC CONTRACTS REVIEW BOARD

Case No. 892

MCAST T 24/2015

Tender for the Supply and Installation of Kitchen Equipment.

The Tender was published on the 30th August 2015. The closing date was on the 14th September 2015. The estimated value of the Tender is €60,092.37 (Exclusive of Vat).

Three (3) bidders had submitted offers for this Tender.

On the 2nd December 2015 The Catering Centre Limited filed an objection against the decision of the Contracting Authority to find their bid non compliant.

The Public Contracts Review Board composed of Dr Anthony Cassar (Chairman), Dr Charles Cassar and Mr Lawrence Ancilleri as members convened a hearing on Tuesday the 19th January 2016 to discuss the objection.

Present for the hearing were:

The Catering Centre Limited:

Mr David Theuma	Representative
Mr Ryan Sammut	Representative
Dr Franco Vassallo	Legal Representative

C & H Bartoli Ltd.:

Mr Alan Bartoli	Representative
Mr John Campbell	Representative

Malta College of Arts, Science and Technology:

Ms Deborah Borg	Chairperson Evaluation Board
Ms Jane Schembri	Representative
Mr Stephen Cachia	Representative
Dr Paul Borg	Legal Representative
Dr Clint Tabone	Legal Representative

The Chairman informed those present that the Board had been informed that there were no longer any funds for this Tender and that it was being cancelled.

Dr Paul Borg on behalf of the Contracting Authority explained that the Tender was being funded with European Union Funds but since the validity period had lapsed, there were no longer any funds available. The Tender had to be cancelled.

Dr Franco Vassallo on behalf of the Appellant said that he was very sad to learn of the loss of such funds but admitted that at this point the Tender could only be cancelled. The responsible authority should ensure that there should be no similar occurrences.

At this point the hearing was closed.

This Board,

Having noted the Appellant's Objection in terms of the "*Reasoned Letter of Objection*" dated 2 December 2015 and also the Contracting Authority's opening submission during the Public Hearing held on 19 January 2016, in that:

- a) The Appellant was concerned that he was being informed, during this Hearing, that this Tender would be cancelled.**

Having considered the Contracting Authority's submission during the Public Hearing held on 19 January 2016, in that:

- a) The Contracting Authority informed this Board, during the Public Hearing, that since this Tender was to be financed through EU Funds**

and the latter were no longer available; this Tender is to be cancelled.

Reached the following conclusion:

- 1. This Board opines that since the EU Funds to cater for this particular Tender are no longer available, the merit of this objection does not need to be treated. However, this Board would advise that the Contracting Authority should investigate why such EU Funds were no longer available.**

In view of the above, this Board recommends that the Tender is to be cancelled and that the deposit paid by the Appellant is to be fully reimbursed.

Dr Anthony Cassar
Chairperson

Dr Charles Cassar
Member

Mr Lawrence Ancillieri
Member

26 January 2016