

PUBLIC CONTRACTS REVIEW BOARD

Case No. 931

UM 1962

Tender for the Rental and Maintenance of Hygiene Equipment in Various Buildings at the University of Malta, the Junior College and the University Valletta Campus.

The Tender was published on the 18th December 2015. The closing date was on the 20th January 2016. The estimated value of the Tender was €21,136.50 (Exclusive of VAT)

Two (2) bidders had submitted an offer for this Tender.

On the 25th February 2015 Cleanmasters Co Limited filed an objection against the decision taken by the Contracting Authority to award the Tender to Floorpul Co Limited for the amount of €7,502.52.

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 21st April 2016 to discuss the objection.

Present for the hearing were:

Cleanmasters Co Limited:

No representatives were present on behalf of the Appellant.

Floorpul Co Limited:

No representatives present

University of Malta:

Mr Tonio Mallia
Mr Elton Baldacchino
Mr Lawrence Gellel
Ms Claire Saliba
Mr Christopher Spiteri
Dr Oriella De Giovanni

Chairperson Evaluation Board
Secretary Evaluation Board
Member Evaluation Board
Member Evaluation Board
Member Evaluation Board
Legal Representative

When the case was called, the Chairman explained to those present that a Board employee had just contacted the Appellant to remind him of the hearing. He had been informed that on the telephone Mr Ramon Fenech for the Appellant had stated that he would not be making an appearance because, he claimed that he had information that the University was already in contact with another company Gafa Safeways for an agreement.

Mr Victor Incorvaja, ID No. 672856 M, an employee with the Public Contracts Review Board, under oath stated that he had contacted the Appellant firm because the hearing was commencing and the Appellant had not made an appearance yet. He said that one of Appellant's employees – Mr Manwel Borg had passed him on to Mr Ramon Fenech who said that *“he was not prepared to waste time since he had information that the University had already reached some sort of agreement with Gafa Safeways Limited.”*

At this point the hearing was closed.

This Board,

Having noted the Appellant's Objection, in terms of the *“Reasoned Letter of Objection”* dated 25 February 2016;

Having been informed that the Appellant Company, namely *“Cleanmasters Co Ltd”* would not be attending the Hearing;

Reached the following conclusions:

- 1. First of all, this Board would justifiably register the inappropriate, if not, rude approach shown by the Appellant towards this same Board. In this regard, the latter would have expected a pre-notification by the Legal Adviser of the Appellant informing the Board that his client**

will not be attending such hearing.

Such attitude is definitely condemned by this Board, when one considers the loss of time and energy in preparing for a Public Hearing.

In view of the above, since the appellant failed to provide any proof for the grievances rose in the letter of objection, this Board finds against the Appellant Company and recommends that:

- i) The Evaluation Process is to be continued;**
- ii) The deposit paid by the Appellant should not be re-imbursed.**

Dr Anthony Cassar
Chairman

Dr Charles Cassar
Member

Mr Richard A Matrenza
Member

26 April 2016