



The Chairman of the Board, Dr Anthony Cassar, in a short introduction asked the parties to make their submissions.

Mr Niki Falzon, representing Associated Drug Co Ltd said that this call for remedy was in regard to sachets used prior to medical interventions. The tender specification detailed exactly all the ingredients in the exact doses of the product of one particular supplier. There are in the market other suppliers with products which serve the same purpose, albeit in different dosages. This is advantageous to the Contracting Authority as it leads to more competition and lower prices.

Dr Stefan Zrinzo Azzopardi, Legal Representative of the Contracting Authority, said that the specifications are based on the directives regarding the product's use. Following the submissions by the Appellant, the Authority explored the possibility of widening or revising the specifications. It is felt that there is room for revision and if the medical protocol allows it the specification will be widened.

The Chairman thanked the parties for their submissions and declared the hearing closed.

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**This Board,**

**Having noted this call for Remedies filed before the closing date of a call for competition by Associated Drug Company Limited, (herein after referred to as the Appellant), on 18 January 2018, refers to the Contentions made by the same Appellant with regards to the Tender of Reference CT 2233/2017, listed as Case No 1130 in the records of the Public Contracts Review Board, issued by the Central Procurement and Supplies Unit, (herein after referred to as the Contracting Authority).**

**Appearing for the Appellant: Mr Niki Falzon**

**Appearing for the Contracting Authority: Dr Stefan Zrinzo Azzopardi**

**Dr Christopher Mizzi**

**Whereby, the Appellants contend that:**

- a) The tender specifications stipulated ingredients and the exact doses of a particular product. In this regard, the Appellants feel that such specifications will limit the scope of competition.**

**This board also noted the Contracting Authority's "*Letter of Reply*" dated 5 February 2018 and its verbal submissions during the Public Hearing held on 8 February 2018, in that:**

- a) The Central Procurement and Supplies Unit contends that the Tender Dossier dictated technical specifications on medical directives regarding the utilisation of the product.**

**This Board, after having heard the submissions made by all the parties concerned, took note of the fact that during the submissions, the Central**

**Procurement and Supplies Unit, although confirming that the technical specifications were stipulated in accordance with the medical directives, feels that there is room for revision, if the medical protocol permits.**

**In view of the above, this Board recommends that the Central Procurement and Supplies Unit should do its utmost to allow equivalent products to participate and thus eliminate or suppress any limitation to free competition.**

Dr Anthony J Cassar  
Chairman

Dr Charles Cassar  
Member

Mr Carmel Esposito  
Member

*13<sup>th</sup> February 2018*