

PUBLIC CONTRACTS REVIEW BOARD

Case 1141 – T 097/2017 – Tender for the Provision of Blockchain Consultancy Services

The publication date of the call for tenders was the 5th December 2017 whilst the closing date of the call for tenders was the 12th January 2018. The estimated value of the tender (exclusive of VAT) was € 80,000.

There were five (5) bidders on this tender.

CryptoGEEKS OU filed an appeal on 16 February 2018 against the Contracting Authority's decision that their tender had been rejected as it was considered non-compliant. A deposit of € 400 was paid.

On 8th March 2018 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Dr Charles Cassar and Mr Lawrence Ancilleri as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

Appellant – CryptoGEEKS OU

Dr Robert Tufigno	Legal Representative
Mr Loui Mercieca	Representative
Ms Sharleen Micallef	Representative

Recommended Bidder Mr Alexander Pfeiffer

Mr Alexander Pfeiffer	Representative
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Contracting Authority – Malta Information Technology Agency

Dr Maroushka Cilia Barbara	Legal Representative
Dr Karina Di Maggio	Chairperson Evaluation Board
Mr Alex Borg	Member Evaluation Board
Mr Wayne Grixti	Member Evaluation Board
Mr David Sant	Member Evaluation Board
Mr Robert Grixti	Representative
Mr Tony Sultana	Representative
Mr Emanuel Darmanin	Representative

After a brief introduction Dr Anthony Cassar, Chairman of the Public Contracts Review Board invited the parties to make their submissions.

Dr Robert Tufigno, Legal Representative of the Appellant said that at the last moment fresh information had been passed to him who rendered an appeal unnecessary and futile. He wished to withdraw his clients' objections, discontinue the appeal and requested the Board to consider refunding the deposit paid.

The Chairman thanked Dr Tufigno for the prompt way he had dealt with this matter and declared the hearing closed.

This Board,

Having noted this Objection filed by CryptoGEEKS OU, (herein after referred to as the Appellant), on 16 February 2018, refers to the contentions made by the same Appellant with regards to the award of Tender of Reference T 097/2017 listed as Case No 1141 in the records of the Public Contracts Review Board, awarded by the Malta Information Technology Agency, (hereinafter referred to as the Contracting Authority).

Appearing for the Appellant: Dr Robert Tufigno

Appearing for the Contracting Authority: Dr Maroushka Cilia Barbara

Dr Karina di Maggio

Whereas, the Appellant contends that:

a) During the evaluation process, the Contracting Authority did not consider all the relevant factors, so that the score awarded to CryptoGEEKS OU did not reflect the merited points, with special reference to experience and quoted price.

This Board also noted the Contracting Authority’s “*Letter of Reply*” dated 23 February 2018 and its verbal submissions during the Public Hearing held on 8 March 2018, in that:

a) The Evaluation Board maintains that it had carried out its evaluation process in a just, fair and transparent manner. Although the Appellants’ experience was allotted good marks, the information submitted regarding the latter, did not address sufficiently the broad knowledge that was requested in ideation and innovative programme.

At the commencement of the Public Hearing of this Appeal, CryptoGEEKS OU informed this Board that due to fresh information which was communicated to them at the last minute, and which rendered their appeal unnecessary, they are withdrawing their objection,

In view of the above, this Board, whilst appreciating the Appellants' approach, recommends that the deposit paid by the same should be fully refunded.

Dr Anthony Cassar
Chairman

Dr Charles Cassar
Member

Mr Lawrence Ancilleri
Member

15th March 2018