

The Chairman of the Public Contracts Review Board, Dr Anthony Cassar, welcomed the parties and invited submissions.

Mr Eder Catania, Representative of G4S Security Services Malta Ltd said that his Company was seeking a remedy as the financial offer in the tender was very unclear especially as to the types of cameras required. The subsequent clarifications were also not clear and the specifications of the cameras were unnecessarily detailed to the extent that they were only applicable to one brand of camera.

Dr Christopher Mizzi, Legal Representative of the Department of Contracts stated that the technical issues were being reconsidered and requested the withdrawal of the tender.

The Chairman thanked both parties and declared the hearing closed.

This Board,

Having noted this Call for Remedies filed by G4S Security Services Malta Limited, (hereinafter also referred to as the Appellants), prior to the Closing Date for the Call of Competition on 12 June 2018, which refers to the contentions made by the same Appellants with regards to the Tender of reference CT 3063/2018 listed as Case No 1190 in the records of the Public Contracts Review Board issued by Transport Malta, (hereinafter also referred to the Contracting Authority).

Appearing for the Appellants: Mr Eder Catania

Appearing for the Contracting Authority: Dr Christopher Mizzi.

Whereby the Appellants contend that:

a) The Tender Specifications are based on one particular type of brand.

In this regard, the Appellants are requesting that the Technical Specifications are to be more generic so as to allow fair competition.

This Board also noted the Contracting Authority's "*Reasoned Letter of Reply*" dated 16 July 2018 and its verbal submissions during the Public Hearing which was held on 19 July 2018, in that:

a) The Contracting Authority, through their "*Reasoned Letter of Reply*" dated 16 July 2018 requested the Public Contracts Review Board permission to withdraw the Tender, so that the Appellants' concerns will be addressed in a new Tender.

Through the submissions made by Transport Malta, this Board was made aware that the latter is withdrawing the Tender so that the concerns raised by G4S Security Services Malta Limited will be fully addressed.

In this regard, this Board would respectfully point out that, the Technical Specifications should be clear and easy to understand, apart from the fact that they should be formulated so as not to limit the scope of competition.

In view of the above, this Board:

- i) Upholds Transport Malta's proposal to withdraw the Tender;**

- ii) Recommends that the Technical Specifications of the new Tender should be formulated in such a manner so as not to restrict competition.**

Dr Anthony Cassar
Chairman

Dr Charles Cassar
Member

Mr Carmel Esposito
Member

26th July 2018