

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

Engineer Simon Zammit, Representative of SR Environmental Solutions Ltd stated that the reason for their seeking a remedy was the short delivery period stipulated in the tender document. In view of the long delivery quoted by the truck manufacturers plus the period required to add on the purpose built superstructures a delivery time of eight months minimum was required.

Dr Christopher Mizzi, Legal Representative of the Department of Contracts said that the Contracting Authority was considering changing some of the parameters of the tender which included adjusting the delivery period. In view of this they were asking for cancellation of the tender.

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

This Board,

Having noted this Call for Remedies filed by SR Environmental Solutions Limited, (hereinafter referred to as the Appellants), before the Closing Date of Competition on 26 June 2018, refers to the contentions made by the same Appellants with regard to the Tender of Reference CT 3044/2018, listed as Case Number 1194 in the records of the Public Contracts Review Board, issued by Wasteserv Malta.

Appearing for the Appellants: Ing Simon Zammit

Appearing for the Contracting Authority: Mr Martin Casha

Appearing for the Department of Contracts: Dr Christopher Mizzi

Whereby, the Appellants contend that:

- a) **Their main concern relates to the delivery time stipulated in the Tender Document. In this regard, SR Environmental Solutions Limited maintains that, since these trucks are to be equipped with purpose built superstructures, a minimum delivery period of eight months is more realistic.**

This Board has also noted the Contracting Authority's "*Letter of Reply*" dated 13 July 2018 and its verbal submissions during the Public Hearing which was held on 31 July 2018, in that:

- a) **Wasteserv Malta contend that they are considering a change in the parameters of the Tender Specifications, to take into consideration the Appellants' concern and other issues. In this respect, it is cancelling the Tender to be replaced by a new one.**

This Board, after having examined the relevant documentation to this Appeal and heard submissions made by the parties concerned noted that the Contracting Authority is changing the parameters of the issued Tender and whilst taking into consideration the Appellants' concerns, other issues will be included in a new Tender.

In view of the above, this Board,

- i) Upholds the Contracting Authority's decision to cancel the Tender and issue a fresh one, to include a more realistic delivery period for the trucks;**

- ii) Orders Wasteserv Malta to ensure that the conditions in the new Tender should not limit, in whatsoever manner, the scope for competition.**

Dr Anthony Cassar
Chairman

Mr Lawrence Ancilleri
Member

Mr Richard A Matrenza
Member

7th August 2018