

## **PUBLIC CONTRACTS REVIEW BOARD**

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### **Case 1200 – CT 3005/2017 - Tender for the Supply and Delivery of Hazmat Response Vehicles for the Civil Protection Department (MHAS)**

#### **Remedies before the Closing Date of a Call for Competition**

The publication date of the call for tenders was the 6<sup>th</sup> July 2018 whilst the closing date of the call for tenders was the 7<sup>th</sup> August 2018. The estimated value of the tender (exclusive of VAT) was € 315,000.

On the 7<sup>th</sup> August 2018, SR Services Ltd filed a Call for Remedies before the Closing Date of the Competition against the Civil Protection Department.

On 21st August 2018 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Mr Lawrence Ancilleri and Mr Richard A Matrenza as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

#### **Appellant – SR Services Ltd**

Eng. Raymond Muscat	Representative
Eng Simon Paul Zammit	Representative

#### **Contracting Authority – Civil Protection Department**

Not represented

The Chairman of the Public Contracts Review Board, Dr Anthony Cassar, in opening the hearing made reference to the undated letter from the Contracting Authority stating that they were already in the process of extending the deadline for the submission of this tender and that Appellants clarifications will be dealt with. This will provide the remedy which Appellants were seeking. He then declared the hearing closed.

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**This Board,**

**having noted this Call for Remedies filed by SR Services Limited, (hereinafter referred to as the Appellants), prior to the Closing Date of Call for Competition on 7 August 2018 refers to the contentions made by the same**

**Appellants with regards to the Tender of Reference CT 3005/2017 issued by the Civil Protection Department and listed as Case No 1200 in the records of the Public Contracts Review Board.**

**Appearing for the Appellants: Ing Raymond Muscat  
Ing Simon Paul Zammit**

**Appearing for the Contracting Authority: Nobody was present for the Public Hearing.**

**Whereby the Appellants contended that:**

- a) The Clarifications which they have sent had remained unanswered by the Contracting Authority up to the closing date of the Tender. In this regard, the Appellants' maintain that, due to this circumstance, their position has been jeopardised.**

**This Board has also noted the Contracting Authority's "*Letter of Reply*" dated 16 August 2018 and its verbal submissions during the Public Hearing held on 21 August 2018, in that:**

- a) The Civil Protection Department agrees with the Appellants' concerns and informed the Board that it was already in the process of extending the deadline for submissions so that the Appellants' Clarifications were to be addressed.**

**This Board, after having examined the "*Letter of Reply*" sent by the Contracting Authority and heard submissions made by the party present, notes that the Civil Protection Department is in the process of extending the deadline for submissions.**

**In view of the above, this Board,**

- a) Upholds SR Services Limited's grievances and instructs the Contracting Authority to address the Appellants' request for Clarifications;**

**b) Instructs the Civil Protection Department to extend the deadline for submissions of offers, so as to reply to any clarifications made by the Appellants and other competing prospective Bidders.**

Dr Anthony Cassar  
Chairman

Mr Lawrence Ancilleri  
Member

Mr Richard A Matrenza  
Member

*28<sup>th</sup> August 2018*