



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

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**This Board,**

**having noted this Objection filed by Virtu' Holdings Limited, (hereinafter referred to as the Appellants) on 22 June 2018, refers to the contentions made by the same Appellant with regards to the signing of a contract between Gozo Channel (Operations) Limited and Island Ferry Networks Limited.**

**Appearing for the Appellants: Dr Adrian Mallia**

**Appearing for the Contracting Authority (Gozo Channel (Operations) Limited and Gozo Channel Holdings Company Limited), referred to as Gozo Channel: Dr Simon Schembri.**

**Whereby, the Appellants contend that:**

- a) Gozo Channel signed an agreement with Island Ferry Networks Limited for the provision of a “*Fast Ferry Service*”, whilst an Objection has been filed involving the same service being contracted for, by Gozo Channel, the latter being one of the prospective bidders for the PSO Tender issued by the Ministry for Transport and Infrastructure. In this regard, the Appellants contend that this contract should be deemed**

**ineffective in terms of Regulation 277 of the Public Procurement Regulations.**

**This Board has also noted the Contracting Authority’s “*Reasoned Letter of Reply*” dated 25 June 2018 and its verbal submissions during the Public Hearing held on 31 August 2018, in that:**

- a) Gozo Channel insists that the contract signed with Island Ferries Network Limited, submissions on which had already been made during the Public Hearing held on 25 June 2018, is only effective if and when Gozo Channel wins the concession of the PSO Tender issued by the Ministry for Transport and Infrastructure.**

**This Board would respectfully confirm that the issue of the agreement signed between Gozo Channel and Island Ferry Networks Limited has been considered at length, during the Public Hearing held on 25 June 2018.**

**During such hearing, it was established that Gozo Channel, (one of the prospective bidders for the PSO tender issued by the Ministry for Transport and Infrastructure), concluded an agreement for the provision of a “*fast ferry service*”, with Island Ferry Networks Limited, to obtain such a service, so as to enable Gozo Channel to bid for the concession of a conventional and fast ferry PSO tender.**

**Without going into repetitive considerations already treated during the Public Hearing held on 25 June 2018, this Board notes that the agreement which Gozo Channel entered into with Island Ferry Networks is, in actual fact, not effective, at present, as it will only come into force, subject to Gozo Channel winning the award of the PSO Tender.**

**At the same instance, this Board notes that while Gozo Channel has in fact concluded a contract before a final decision has been given by the Public Contracts Review Board, however, due to the fact that this Board deems that the agreement is not effective at present and is operative only on condition that Gozo Channel wins the PSO Tender, this Board does not deem it necessary to declare it ineffective in terms of Regulation 277 of the Public Procurement Regulations.**

Dr Anthony Cassar  
Chairman

Dr Charles Cassar  
Member

Mr Carmel Esposito  
Member

*11th September 2018*