

PUBLIC CONTRACTS REVIEW BOARD

Case 1365– MEDE/MPU/MCAST/007/2019 – Tender for the Supply, Delivery and Installation of Energy Efficient Air Conditioning Units to various MCAST Sites (MCAST T. 16/19)

The publication date of the tender was the 6th May 2019 whilst the closing date was the 27th May 2019. The estimated value of the tender (exclusive of VAT) was € 50,639.83.

On the 13th September 2019 Arjakon Ltd filed an appeal against the Malta College of Arts Science and Technology (MCAST) as the Contracting Authority on the grounds that their bid was rejected as it was technically non-compliant. A deposit of € 400 was paid.

There were six (6) bidders.

On 15th October 2019 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Dr Charles Cassar and Mr. Richard Matrenza as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

Appellants – Arjakon Ltd

Dr Peter Borg Costanzi	Legal Representative
Mr Emil Bonello Ghio	Representative
Mr Saviour Bone	Representative

Contracting Authority – Malta College of Arts Science and Technology

Dr Robert Gauci Maistre	Legal Representative
Ms Jane Schembri	Representative

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

Dr Robert Gauci Maistre Legal Representative of MCAST declared that the tender process is being withdrawn given that the technical parameters of the project have been fundamentally altered.

A letter to this effect was tabled (Doc 1).

The Chairman took note of the above declaration, thanked the parties for their attendance and declared the hearing closed.

End of Minutes

Decision

This Board,

Having taken notice of the declaration by the Contracting Authority resolved:

i) That it will not consider the appeal any further,

ii) that it will refund the deposit to the Appellant.

Dr Anthony Cassar
Chairman

Dr Charles Cassar
Member

Mr Richard A. Matrenza
Member

17 October 2019