

PUBLIC CONTRACTS REVIEW BOARD

Case 1435 – HTLC/01/2020 – Tender for Professional Services of a Contracts Manager by Tarxien Local Council

Remedy before the Closing Date of a Call for Competition

The tender was published on the 21st February 2020 and the closing date of the call for tenders was the 13th March 2020. The estimated value of the tender (exclusive of VAT) was € 28,500.

On the 2nd March 2020 Synthesis Management Services Ltd sought a remedy before closing date against Tarxien Local Council as the Contracting Authority objecting to the decision of the Council to issue a fresh tender. A deposit of € 400 was paid.

On 10th March 2020 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Mr Lawrence Ancilleri and Mr Carmel Esposito as members convened a public hearing to discuss the objections.

The attendance for this public hearing was as follows:

Appellants – Synthesis Management Services Ltd

Dr Richard Sladden	Legal Representative
Mr Raphael Carabott	Representative

Contracting Authority – Tarxien Local Council

Dr Chris Mizzi	Legal Representative
Ms Emma Vella	Representative

Dr Anthony Cassar Chairman of the Public Contracts Review Board welcomed the parties and stated the Board had been advised that the tender will be cancelled and this call for remedy was therefore withdrawn.

End of Minutes

Decision

This Board,

having noted this call for remedy prior to the closing date of a call for competition filed by Synthesis Management Services Ltd (hereinafter referred

to as the Appellants) on 2 March 2020, refers to the claims made by the same Appellants with regard to the tender of reference HTLC/01/2020 listed as case No. 1435 in the records of the Public Contracts Review Board.

Appearing for the Appellants: Dr Richard Sladden

Appearing for the Contracting Authority: Dr Christopher Mizzi

Following the Contracting Authority's recommendation to cancel the tender, this Board, after noting Appellants' agreement with such a request, confirms that, under the circumstances and the sequence of events in the tendering process, it upholds the cancellation of tender.

This Board would also direct that the deposit paid by Appellants be fully refunded.

Dr Anthony Cassar
Chairman

Mr Lawrence Ancilleri
Member

Mr Carmel Esposito
Member

12 March 2020