

## **PUBLIC CONTRACTS REVIEW BOARD**

### **Case 1445 – SVP 1395 – Call for Quotations for the Supply and Delivery of Kitchen Rolls at St Vincent de Paul Long Term Care Facility Luqa**

The Call for Quotations was published on the 11<sup>th</sup> March 2020 and the closing date of the call was the 18<sup>th</sup> March 2020. The estimated value of the call (exclusive of VAT) was € 10,000.

On the 4<sup>th</sup> May 2020 V J Salomone Consumer Lines Ltd filed an appeal against St Vincent de Paul Long Term Care Facility as the Contracting Authority objecting to their disqualification on the grounds that the product offered was not according to specifications. A deposit of € 400 was paid.

There were two (2) bidders.

On 21<sup>st</sup> May 2020 the Public Contracts Review Board composed of Dr Anthony Cassar as Chairman, Dr Charles Cassar and Mr Lawrence Ancilleri as members convened a public virtual hearing to discuss the objections.

The attendance for this public hearing was as follows:

#### **Appellants – V J Salomone Consumer Lines Ltd**

|                    |                |
|--------------------|----------------|
| Mr Adrian Salomone | Representative |
| Mr Jonathan Zammit | Representative |

#### **Preferred Bidder – Karta Converters Ltd**

|                      |                |
|----------------------|----------------|
| Mr Wilfred Privitera | Representative |
|----------------------|----------------|

#### **Contracting Authority – St Vincent de Paul Long Term Care Facility**

|                        |                                |
|------------------------|--------------------------------|
| Dr Justyne Caruana     | Legal Representative           |
| Ms Claudia Muscat      | Secretary Evaluation Committee |
| Ms Marica Saliba       | Representative                 |
| Mr Mark Micallef Costa | Representative                 |

Dr Anthony Cassar Chairman of the Public Contracts Review Board welcomed the parties. He noted that since this was a virtual meeting all the parties had agreed to treat it as a normal meeting of the Board. He invited submissions.

The Chairman stated that the Contracting Authority was asking for a re-evaluation of the call for quotations and enquired when the said Authority had realised that both offers were not compliant.

Ms Claudia Muscat Secretary of the evaluation board said that once the appeal from V J Salomone was received the board rechecked all the documents submitted and realised that the table included in the technical bid allowed options to be offered.

The Chairman said that since there were only two offers this was a case of cancellation rather than re-evaluation and the Authority had every right to correct anomalies.

Dr Justyne Caruana Legal Representative of St Vincent de Paul Long Term Care Facility said that the Contracting Authority had acted responsibly after carrying out a full exercise and the call for quotations was stopped before the subsequent tender was issued. The suggested cancellation was in line with Public Procurement Regulations.

Mr Adrian Salomone Representative of V J Salomone Consumer Lines Ltd agreed to the cancellation and said that the bid should be based on value rather than the number of sheets in a roll.

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

End of Minutes

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## **Decision**

**This Board,**

**having noted this objection filed by VJ Salomone Consumer Lines Ltd (hereinafter referred to as the Appellants) on 4<sup>th</sup> May 2020, refers to the claims made by the same Appellants with regard to the ‘Call for Quotations’ of reference SVP 1395 listed as case No.1445 in the records of the Public Contracts Review Board awarded by St Vincent de Paul Long Term Care Facility (hereinafter referred to as the Contracting Authority).**

**Appearing for the Appellants: Mr Adrian Salomone**

**Appearing for the Contracting Authority: Dr Justyne Caruana**

**Appearing for the Preferred Bidder: Mr Wilfred Privitera**

**Whereby, the Appellants contend that:**

- a) Their offer was cheaper when compared to the preferred bidders' offer, in fact their offer is €0.0048 per sheet as compared to the successful bid, which works out at €0.0054 per sheet. In this regard, the evaluation process should be reviewed.**

**This Board also noted the Contracting Authority's 'Letters of reply' dated 11<sup>th</sup> and 15<sup>th</sup> May 2020 and its virtual hearing held on 21<sup>st</sup> May 2020, in that:**

- a) Upon reviewing the relative documentation in connection with this objection, the Authority noted that, the preferred bidders' offer was also not technically compliant so that, a re-evaluation process or cancellation of this call for quotations would be in the best interest of a transparent procurement process.**

**This Board noted the Contracting Authority's 'Letter of Reply dated 15<sup>th</sup> May 2020 whereby, it is being requested that the 'Call for Quotations' be either re-assessed or cancelled due to the fact that, the Authority noticed, after the evaluation process, that the preferred offer is also non-compliant.**

- 1. The fact that both offers are technically non-compliant, the only transparent solution is to cancel this 'Call for Quotations',**

**2. This Board would however point out that the Authority should ensure that technical specifications should:**

- be precise in the way, they describe the requirements,**
- be easily understood by the prospective bidders,**
- have clearly defined, achievable and measurable objectives,**
- provide sufficient detailed information that allows tenderers to submit realistic offers.**

**3. This Board would also point out that, tenderers should avail themselves of the remedies prior to the closing date of the submission offers so as to avoid any misunderstandings on the technical specifications stipulated in ‘Call for Quotations’ or tender.**

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

- i. cancels the Contracting Authority’s decision in the award of the ‘Call for Quotations’,**
- ii. directs that the ‘Call for Quotations’ be cancelled,**

**iii. directs that the deposit paid be Appellants be fully refunded.**

Dr Anthony Cassar  
Chairman  
*25<sup>th</sup> May 2020*

Dr Charles Cassar  
Member

Mr Lawrence Ancilleri  
Member