



The Chairman said that the Board intends to tackle this situation and follow the Public Procurement Regulations for future reference.

Dr David Bonello Legal Representative for St Paul's Bay Local Council asked if it was right that a party that failed to appeal within the statutory time limit can then ride on the back of someone else's appeal?

Dr Mintoff said that the Courts allowed appeals riding on other appeals. He referred to EJC Case 131/16 which dealt with the equal treatment of parties and there were several decided cases where after re-evaluation had been ordered the decision on the award had been changed.

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

End of Minutes

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## **Decision**

**This Board,**

**having noted this 'Letter of Reply' filed by Mr Alistair Bezzina (hereinafter referred to as the Interested Party) on 12<sup>th</sup> November 2020, refers to the claims made by the same 'Interested Party' with regard to the tender of reference listed as case No.1514 in the records of the Public Contracts Review Board recommended for award by St Paul's Bay Local Council (hereinafter referred to as the Contracting Authority).**

**Appearing for the 'Interested Party': Dr Jonathan Mintoff**

**Appearing for the Contracting Authority: Dr David Bonello**

**Appearing for Galea Cleaning Solution (Appellants): Dr Adrian Mallia**

**This Board, after having noted the communication dated 12<sup>th</sup> November 2020, sent by Mr Alistair Bezzina an unsuccessful bidder in tender of reference SPB T/02/2020 and heard submissions made by Mr Alistair Bezzina, St Paul's Bay**

**Local Council (The Contacting Authority) and Galea Cleaning Solutions JV (Appellants) opines the following:**

- 1. This Board examined closely the ‘Letter of Reply’ sent by Mr Alistair Bezzina and notes that, contained therein, are requests for the cancellation of the award of the tender, the re-evaluation of the offers and the alleged claim that, the successful offer is an abnormally-low offer.**
- 2. In this regard, this Board would respectfully point out that such requests do not represent a ‘Letter of Reply’ to the ‘Letter of Objection’ filed by Galea Cleaning Solutions JV (Appellants), but such communication constitutes additional requests to those stated in Appellants’ objection.**

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

- i. justifiably establishes that, the communication dated 12<sup>th</sup> November 2020 sent by Mr Alistair Bezzina constitutes, in its entirety an objection to the decision of the Contracting Authority in the award of tender SPB T/02/2020,**
- ii. justifiably establishes that, the communication dated 12<sup>th</sup> November 2020, filed by Mr Alistair Bezzina does not represent a ‘Letter of Reply’ which conforms with Article 276 (c) of the Public Procurement Regulations,**
- iii. Mr Alistair Bezzina should have filed a ‘Letter of Objection’ highlighting his concerns, accompanied by the appropriate fee within the prescribed period,**

**iv. considers that such a communication sent by Mr Alistair Bezzina, under the umbrella of a ‘Letter of Reply’, as frivolous and vexatious, so that this Board rejects, in its entirety such a communication and will not consider it further.**

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

Mr Lawrence Ancilleri  
Member

Mr Carmel Esposito  
Member