

PUBLIC CONTRACTS REVIEW BOARD

TM 030/2020

Tender for the Printing, Supply and Delivery of Vehicle Registration Certificates

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Case 1550

DATE: 25th March 2021

This Board,

Having noted the Appeal filed by Galaxy Limited, (hereinafter referred to as the Appellant) and the contents of the correspondence sent by Dr Douglas Aquilina and Dr Mark Attard Montaldo on behalf of appellant and received by the Board on the 20th January 2021.

Having also noted that the Contracting Authority replied to the Appeal by reply filed by Dr Adreana Zammit on the 29th January 2021.

Having taken cognisance of all the acts and documentation filed, as well as the submissions made by the legal representatives of the parties.

Having noted and evaluated the minutes of the Board sitting of the 18th March 2021 hereunder re-produced:

Case 1550 – TM 030/2020 – Tender for the Printing, Supply and Delivery of Vehicle Registration Certificates

The tender was published on the 4th September 2020 and the closing date was the 29th September 2020. The value of the tender was €30,000 (excluding VAT).

On the 20th January Galaxy Ltd filed an appeal against Transport Malta as the Contracting Authority objecting to the award of the tender on the grounds that the preferred bidder was not the cheapest compliant bid.

A deposit of €400 was paid.

There were five (5) bids from three (3) bidders.

On 18th March 2021 the Public Contracts Review Board (PCRB) composed of Dr Ian Spiteri Bailey 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 – Galaxy Ltd

Dr Douglas Aquilina	Legal Representative
Mr Rueben Zarb	Representative

Contracting Authority – Transport Malta

Dr Adreana Zammit	Legal Representative
Mr Pierre Montebello	Chairperson Evaluation Committee
Ms Sabrina Busuttill	Member Evaluation Committee
Mr Larson Pisani	Representative

Preferred Bidder – Baltijas Banknote

The preferred bidder waived their right to be represented.

Dr Ian Spiteri Bailey Chairman of the Public Contracts Review Board welcomed the parties. He noted that since this was a virtual meeting all the parties agreed to treat it as a normal hearing of the Board.

He then referred to the letter of reply from the Contracting Authority accepting that the all bids apart from that submitted by Galaxy Ltd were administratively not compliant.

The Contracting Authority representatives confirmed this position and stated that it was a lapsus by the evaluation committee giving a wrong interpretation of the two decimal points rule.

He thanked the parties for their attendance and declared the hearing closed.

End of Minutes

Hereby resolves:

That as correctly stated in the Appeal, all financial values/amounts quoted in the financial bid form or any reference to monetary values as part of applicable documentation shall quote the Euro currency and shall be up to two (2) decimal points.

That the contracting authority confirms that whereas appellant Galaxy Limited quoted in line with this rule, the other bidders, namely ANY Security Printing Company Plc and Baltijas Banknote were in breach of that same rule and were hence technically non-compliant.

The contracting authority did explain that the rule above referred to “*was interpreted by the Evaluation Committee to refer to the Grad Total Price submitted in the Financial Bid and not the Unit Price*”. It furthermore stated that Transport Malta is “*in agreement with the Objection filed by Galaxy Limited to the extent that a wrongful interpretation of the two decimal points rule was applied in the evaluation and the bidders Baltijas Banknote and ANY Security Printing Company Plc were not administratively compliant in their Financial Bid Form submissions due to Unit Cost Price exceeding two decimal points*”.

The Board considers that:

The Contracting Authority acted justly and correctly in its reply to this Appeal, as it has correctly admitted to the mistake and misinterpretation of a rule by the Evaluation Committee, thus facilitating matters in this process. This position taken by the contracting authority is to be commended by the Board since it clearly delivers the right message of transparency and correctness.

The Board will thus uphold the Appeal.

The Board,

Having evaluated all the above concludes and decides:

- a) To cancel the contracting authority’s decision of the 12th January 2021, and
- b) To declare that the offers submitted by Baltijas Banknote and ANY Security Printing Company Plc were administratively non-compliant for the above reasons given, and

c) To declare that the offer submitted by appellant Galaxy Limited was the cheapest compliant offer, and consequently to direct the contracting authority to award the tender to appellant company Galaxy Limited, and

d) To order that the deposit paid by the appellant upon filing of this appeal should be refunded back to the same appellant.

Ian Spiteri Bailey
Chair

Dr Charles Cassar
Member

Lawrence Ancilleri
Member