

## **PUBLIC CONTRACTS REVIEW BOARD**

### **Case 1570 – TM 029/2020. Tender for the Printing, Supply and Delivery of Motor Vehicle Licence Discs**

1<sup>st</sup> June 2021

The Board,

Having noted the letter of objection filed on the 17<sup>th</sup> March 2021 by Normunds Silis on behalf of Baltijas Banknote Ltd., hereinafter referred to as the appellant;

Having noted and taken into consideration the letter of reply submitted by Dr Chris Cilia on behalf of Transport Malta hereinafter referred to as the Contracting Authority on the 26<sup>th</sup> March 2021 whereby the said Contracting Authority admitted the contentions raised by the appellant in the letter of objection;

Having noted all the other documents produced including the letter of reply filed by Dr Douglas Aquilina on behalf of Galaxy Limited, the preferred bidder on the 30<sup>th</sup> March 2021;

Having heard the submissions made during the virtual hearing held on the 27<sup>th</sup> May 2021 and noted the minutes of the said meeting, hereunder reproduced;

#### **Minutes:**

The tender was published on the 15<sup>th</sup> September 2020 and the closing date was the 9<sup>th</sup> October 2020. The value of the tender was € 120,000 (excluding VAT).

On the 17<sup>th</sup> March 2021 Baltijas Banknote Ltd filed an appeal against Transport Malta as the Contracting Authority objecting to their disqualification on the grounds that their offer was not compliant.

A deposit of € 625 was paid.

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

On 27<sup>th</sup> May 2021 the Public Contracts Review Board (PCRB) composed of Dr Charles Cassar as Chairman, Mr Lawrence Ancilleri and Mr Carmel Esposito as members convened a public virtual hearing to discuss the objections.

The attendance for this public hearing was as follows:

**Appellant – Baltijas Banknote Ltd**

Mr Ainars Milass Representative

**Contracting Authority – Transport Malta**

Mr Donald Gouder Representative

Mr Marie Rose Pace Representative

Mr Larson Pisani Representative

**Preferred Bidder – Galaxy Ltd**

Dr Douglas Aquilina Legal Representative

Mr Reuben Zarb Representative

Dr Charles Cassar Substitute 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 in line with Article 89 of the Public Procurement Regulations. He then stated that since the appeal was filed the Contracting Authority had informed the Board that the samples requested had in fact been submitted in time and hence the reason for disqualification of Appellant’s bid was being formally revoked. In the light of this the Board will base its decision on this submission.

He then thanked the parties for their participation and declared the hearing closed.

End of Minutes:

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**Hereby resolves,**

That this appeal was filed since the contracting authority had informed the appellant that the tender it submitted was rejected because it was not compliant, due to having submitted the necessary samples late;

Further investigations made by the contracting authority had shown that the reason given to appellant for the rejection of its tender was erroneous. Hence the said contracting authority requested to be allowed to revoke its previous decision;

For these reasons this Board accedes to appellant's request and orders that the award of the tender to Galaxy Limited be revoked;

The Board also directs that appellant's tender be re-integrated into the evaluation process and that the tenders be re-evaluated. The deposit paid by the appellant is also to be re-imbursed.

Charles Cassar  
Chairperson

Lawrence Ancilleri  
Member

Carmel Esposito  
Member