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29th October 2019

Public Contracts Review Board
Notre Dame Ditch,
Floriana FRN 1601

Re.: Appeal dated 21st October 2019 regarding Tender Ref. No. ALC 4/2019 - Tender for 'Street Sweeping Services in the locality of H'Attard Using Low Emission Service Vehicle

I write upon the instructions of the Mr Stefan Cordina and Ms Marica Mifsud in their capacity of Mayor and Executive Secretary, respectively, of the Attard Local Council.

The respondents make reference to the appeal above-mentioned.

The Decision taken by the appointed Evaluation Committee is a just and correct decision and the Local Council is of the humble opinion that it merits the full confirmation of the PCR. B.

The Local Council herein answers to the arguments raised in the appeal in the same order and insists that these arguments are unfounded in fact and at law;

1. Cancellation of Tender

The appellant contends that the tender in caption should not have been cancelled by the Local Council.

The Local Council insists that the decision to cancel the tender was legal and necessary in order to ensure a transparent process throughout and to ensure the achievement of a level playing field vis-à-vis all the bidders.

As the appellant has already been informed, the tender was cancelled because a discrepancy in the tender document was noticed prior to the commencement of the evaluation stage. In fact, the said decision without considering the offers submitted by all the bidders. Thus, the offers were not even evaluated by the evaluation committee when the said discrepancy was noted.

As correctly stated by the appellant, the reason for the cancellation was that in two instances in the tender document, the number of workers needed was stated as 3 full timers (instead of 5).

The evaluating committee wanted to ensure that this discrepancy does not influence negatively any of the bidders, and thus, before starting the evaluation process, it decided that the best option would be that of cancelling the tender and informing all the bidders accordingly.

2. The appellants price bid

The appellant also contends that since his offer was the cheapest, the tender should have been awarded to the appellant.

Without entering into the merits of whether the appellants offer was the cheapest, the Local Council notes that the price offered was not the sole criterion for the tender award. In fact, the price carried only 40% of the final mark. Thus, the fact that the appellants offer might have been the cheapest, does not necessarily mean that it would have been awarded the tender automatically.

Thus the Attard Local Council concludes that the Appeal is to be totally refused by the PCRFB and this for the reasons above-mentioned.

Therefore, the Local Council awaits for your reply as to any date and time for the hearing of the said appeal, wherein it reserves the right to put forward further submissions.

Regards,



Dr. Matthew Bondin