

Public Contracts Review Board
Notre Dame Ditch
Floriana FRN 1600
Malta

17th October 2019

Dear Sirs,



**WSC/T/59/2019 - SUPPLY AND DELIVERY OF
FIBREGLASS PRESSURE VESSELS TO BE USED IN REVERSE OSMOSIS PLANTS OF
THE WATER SERVICES CORPORATION**

Reference is being made to the Objection filed on the 30th of September 2019 (*vide* Annex I) by Mr. Joseph P. Attard, Managing Director of Attard Farm Supplies Ltd. (hereinafter 'the Appellant') in respect of the Call for Tenders (hereinafter 'CfT') in Subject.

Contracting Authority's Response:

The Contracting Authority would like to point out from the outset that the Note being quoted by the Appellant, namely;

"Where in this tender document a standard is quoted, it is to be understood that the Contracting Authority will accept equivalent standards. However, it will be the responsibility of the respective bidders to prove that the standards they quoted are equivalent to the standards requested by the Contracting Authority."

is only applicable to Standards and not to Technical Specifications such as the one to which the Appellant was deemed to be non-compliant.

Secondly, the Contracting Authority wishes to explain the reasoning adopted by the Tender Evaluation Committee (hereinafter 'TEC') during its evaluation of the Appellant's Technical Offer. In particular, as the cited question (last question in the Technical Questionnaire attached at Annex II) makes reference to Clause 1.1(p) of the Technical Specifications, which specifies that the permeate port must be supplied with a DN25 D32 Union adapter, the TEC evaluated the Appellant's response vis-à-vis the technical specification itself.

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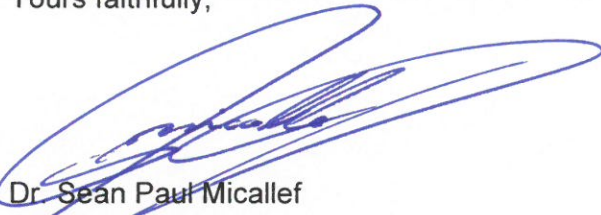


ISO 14001 applies only to WSC Main Office,
Ta' Kandja P.S. and Pembroke R.O. Plant

Given the Technical Questionnaire is governed by Note 3, and is thus not subject to rectifications, and given furthermore that other bidders quoted the adapter in their replies to this question in line with clause 1.1(p), the TEC concluded that the offer submitted by Messrs. AFS Ltd. is technically non-compliant.

Referred for deliberation by the Public Contracts Review Board.

Yours faithfully,



Dr. Sean Paul Micallef
Water Services Corporation