



(B)

14 ta' Jannar 2022

Segretarju tal-Bord,
Bord ta' Revizjoni dwar il-Kuntratti Pubblici,
Notre Dame Ditch,
Floriana.

Ittra ta' Oggezzjoni ta' Vaults Co. Ltd: Tender for Restoration Works on Notre Dame Bastion and Curtain Wall, Cottonera Lines (Zabbar)

Bil-prezenti, Vaults Co. Ltd qed tilmenta ai termini tal-ligi mid-decizjoni tal-Awtorita' Kontraenti li biha giet skwalifikata u li l-kuntratt pubbliku hawn fuq imsemmi jigi kancellat ghar-ragunijiet indikati mill-istess Awtorita'.

L-Awtorita' Kontraenti, fl-ittra taghha tal-4 ta' Jannar 2022, iddecidiet illi l-esponenti gie skwalifikata minhabba li "*the offer submitted by your company was found to be abnormally low*" u sussegwentement ghazlet li ma tirrakkomandax is-sejha lil xi operatur ekonomiku ai termini tal-artikolu 18.3(f) tal-General Rules Governing Tenders u ai termini tar-Regolament 243(4) tal-LS601.03 (*Public Procurement Regulations*).

Dwar ir-Raguni ghall-Iskwalifika

Fl-ewwel lok, l-Awtorita' Kontraenti tghid li l-offerta tal-esponenti kienet wahda baxxa b'mod abnormali.

Qabel xejn, tajjeb li wiehed jindika li l-*estimated contract value* kien ta' EUR786,237.50 filwaqt li l-offerta ta' l-esponenti kienet ta' €695,688. Dan ifisser li l-offerta ta' l-esponenti kienet tammonta ghal 88.5% tal-*estimated contract value*, ossija 11.5% inqas minnu. L-ghola offerta kienet imbaghad 3% aktar mill-valur stmat tal-kuntratt, bl-offerti ta' l-ohrajn ikunu 13.3% inqas, 2% inqas u 2.5% aktar.

Jidher li l-Awtorita' Kontraenti, fil-fatt, ma hijiex tghid li l-prezz shih tal-offerta kien baxx b'mod mhux normali, izda li kienu xi rati, li deherulhom *abnormally low*. Fl-offerta taghha, Vaults indikat dawn l-items partikolari bil-kelma "included" – u cioe', li dawn jinsabu inkluzi jew assorbiti fil-prezz shih offert minn Vaults.

Dan il-principju certament li mhuwiex estranju ghall-Awtorita' Kontraenti, tant li *hi stess* ordnat li x-xogholijiet u servizzi preliminari ('preliminaries') ikunu (b'obbligu) assorbiti mill-offerenti "*in the other items of the bill of quantities*".

Fil-fatt, l-Awtorita' Kontraenti tindika 4 faccati ta' items li hija tobbliga lill-offerenti li jinkluduhom f'rati ohra tax-xogholijiet kif stmati minnhom. Bl-istess principju, l-esponenti ghazlet li tqis bhala 'inkluzi' fil-prezz numru ta' items ohra. B'daqshekk, dan ma jfissirx li l-prezz kwotat minnha huwa b'xi mod abnormalment baxx.

Evidentement jekk wiehed jiehu medja tal-offerti, din xorta tigi taht l-estimated contract value b'madwar 5%. Ghalhekk, minkejja dak li tghid l-Awtorita' Kontraenti, il-valur moghti mill-esponenti ma kienx wiehed baxx, wisq anqas wiehed baxx b'mod abnormali.

Meta l-esponenti, b'ittra tal-21 ta' Ottubru 2021, giet mitluba tispjega kif bi hsiebha tipprovdi l-items hemm indikati, u li hija ghandha tikkonferma li hija fehemet il-kundizzjonijiet kollha tas-sejha u li ser tipprovdi r-rekwiziti kollha tas-sejha bir-rati sottomessi minnha. F'risposta sottomessa dakinhar stess, Vaults spjegat li dawn l-items huma inkluzi fil-prezzijiet moghtija minnha bl-istess mod li l-prezzijiet ta' items 2.01 sa 2.12 huma inkluz fil-prezz (*dawn jirreferu ghall-items li l-Awtorita' ezegiet li jkunu 'inkluzi', u allura minghajr prezz, fir-rati u prezzijiet l-ohra tal-offerent*). Hija inoltre irrikonfermat li fehemet it-tender conditions kollha u li ser tkun qed tindirizza r-rekwiziti kollha tal-istess sejha bir-rati sottomessi.

L-esponenti kienet gja' giet mistoqsija l-istess haga b'ittra ohra tal-11 ta' Ottubru 2021, fejn bic-car li l-Awtorita' Kontraenti kienet fehemet sew x'kien qed jigri tant li ssaqsi hekk:

"For the items enlisted hereunder you have inserted 'incl'. You are requested to clarify your position by confirming that these items are being offered zero-rated and are included in global sum/total".

Jidher li wara din l-ittra, l-Awtorita' Kontraenti kellha xi ripensament, u ghall-ewwel darba, fl-ittra tal-21 ta' Ottubru, infurmat lill-esponenti li dawn il-prezzijiet kienu qed jitqiesu 'abnormally low'.

Issa r-regolament 243 dwar *abnormally low offers* jghid hekk:

243. (1) L-awtoritajiet kontraenti ghandhom jesigu li l-operaturi ekonomiċi jispjegaw il-prezz jew l-ispejjeż proposti fl-offerta meta l-offerti ikunu jidhru baxxi b'mod mhux normali fir-rigward tax-xogholijiet, il-provvisti jew is-servizzi.

F'dan ir-rigward, l-offerta ta' Vaults ma kinitx tidher mad-daqqa t'ghajn bhala wahda baxxa b'mod mhux normali.

Izda anke kieku *kien* jidher *abnormally low*, Vaults tispjega l-ekonomija tal-offerta taghha u tas-servizzi li hija kienet qed tipproponi li tipprovdi a bazi tar-regolament 243 (2) tal-LS 601.03.

L-Awtorita' Kontraenti tinvoka r-regolament 243 (4) in kwantu tghid li l-ispejjeż moghtija mill-esponenti, ma kinitx wahda soddisfacjenti. Din ir-raguni hija wkoll ghal kollox invalida.

Qabel xejn, m'hemmx dubju li sahansitra *qabel* saqsiet il-mistoqsija taghha fil-21 ta' Ottubru 2021, l-Awtorita' Kontraenti kienet gja' fehemet sew l-ekonomiji tal-offerta tal-esponenti. F'kull kaz, u dan skond ir-regolament 243 (4) tal-LS 601.03, l-Awtorita' Kontraenti setghet tirrifjuta biss l-offerta ta' Vaults jekk l-ispjega moghtija minnha ma kinitx soddisfacjement tispjega "*the low level of price or costs proposed*".

Ghal dawn ir-ragunijiet, u dawk kollha li jirrizultaw u ser jigu spjegati fil-kors ta' dana l-appell, l-esponenti tqis li r-ragunijiet moghtija mill-Awtorita' Kontraenti ghar-rifjut tal-offerta taghha huma ghal kollox invalidi, u konsegwentement l-offerta taghha ghandha tigi meqjusa bhala wahda valida u konformi mar-regolamenti u mar-rekwiziti tat-tender.

Tajjed jinghad li f'teder iehor tal-istess Awtorita' Kontraenti, CT2386/2020 bl-isem *Tender for Restoration Works on St John Almonier's Curtain Wall and Gate, Cottonera Lines (Bormla)*, fejn l-estimated contract value kien €746,900 gie moghti lil offerent li kkwota aktar minn €130,000 jew 18% inqas.

Dwar ir-Raguni ghall-Kancellament

Susegwentement, u fl-istess ittra, l-Awtorita' Kontraenti tghid li hija qed taghzel li tikkancella t-tender in kwistjoni ai termini tal-artikolu 18.3(f) tal-General Rules Governing Tenders u ai termini tar-Regolament 243(4) tal-LS 601.03 (*Public Procurement Regulations*).

Hawnhekk l-Awtorita' Kontraenti tghid hekk:

The tender was recommended not to be awarded in accordance with Article 18.3 (f) of the General Rules Governing Tenders as the administratively and technically compliant offers were deemed to contain abnormally low rates and also according to LN352 of 2016 Clause 243(4) which states that a Contracting Authority can reject the bid when the tender does not satisfactorily account for the low prices or costs.

Issa d-disposizzjoni citata mill-Awtorita' Kontraenti ghall-kancellament tat-tender mhijiex wahda valida stante li ma tirreferi bl-ebda mod ghall-kwistjoni tal-*abnormally low rates*.

Gjaladarba l-esponenti qed tishaq li hija ma setghet qatt ikollha l-offerta taghha kancellata minhabba ragunijiet ai termini tar-regolament 243 tal-LS 601.03, mel'allura ir-ragunijiet kollha ghall-kancellament tat-tender, (li evidentement kellhom ikunu bazati fuq din ir-raguni) ma jissussistux.

Ghaldaqstant, ghar-ragunijiet premissi u ai termini tal-ligi, Vaults Co. Ltd titlob bir-rispett li dan il-Bord joghgbu:

- (i) jiehu mizuri temporanji sabiex jipprevejeni milli ssir aktar hsara partikolarment, fost ohrain billi jordna s-sospensjoni tad-decizjoni tal-Awtorita' Kontraenti tal-4 ta' Jannar 2022;
- (ii) jordna li tigi mwarrba d-decizjoni li biha l-Awtorita' skwalifikat lill-esponenti mill-istess sejha u kkancellat l-istess sejha.

LIA
AQUILINA

(iii) jordna li Vaults Co. Ltd terga' tigi re-integrata fis-sejha u terga' ssir evalwazzjoni tal-offerta taghha, bl-eskluzjoni ta' dawk l-offerenti li minhabba li ma oggezzjonawx ghal xi decizjoni tal-Awtorita', ma ghandhomx jitqiesu aktar bhala offerenti validi skond il-ligi.

(iii) jaghzel lil Vaults Co. Ltd bhala l-ahjar offerent li jissoddisfa l-kriterji amministrattivi u teknici tal-istess sejha ghall-offerti.

Av. Alessandro Lia



Electronic Tendering

Efficient procurement through eCommerce

11:42:43 CEST / 11:43:27 CEST

Opened Tender Details**CFT CA Unique ID:**

CT2127/2021

CFT Title:

CT2127/2021 TENDER FOR RESTORATION WORKS ON NOTRE DAME BASTION AND CURTAIN WALL, COTTONERA LINES

Number of Envelopes:

1

Date of Publication/Invitation:

14/06/2021 14:09

Closing Date:

29/07/2021 09:30

Opening Date:

29/07/2021 10:00

Envelope	EO name	Tender Id	Financial Value (EUR)
Single	Ta' Rdum Construction Ltd	158735	681815.00
Single	Vaults Co. Ltd.	158768	695688.00
Single	JV ARBATAX	158749	772731.00
Single	Irrecs Ltd.	158763	806052.50
Single	Irrecs Ltd.	158333	811052.50

MINISTERU GĦALL-WIRT
NAZZJONALI, L-ARTI U
L-GVERN LOKALI



MINISTRY FOR THE NATIONAL
HERITAGE, THE ARTS AND
LOCAL GOVERNMENT

Direttorat tar-Restawr

Restoration Directorate

CfT CA Unique ID: CT2127/2021

Monday, 11 October 2020

Vaults Co Ltd (158768)

TENDER FOR THE RESTORATION WORKS ON NOTRE DAME BASTIONS AND CURTAIN WALL, COTTONERA LINES (ZABBAR)

Request for Confirmation of Corrected Financial Bid

Reference is made to the procurement in caption, and to your offer submitted to same.

For the items enlisted hereunder you have inserted 'incl'. You are requested to clarify your position by confirming that these items are being offered zero-rated and are included in global sum/total.

Item reference:	Item reference:	Item reference:
C30.02	C40.05	C 41.11
C30.03	C40.06	C 41.21
C30.04	C40.07	C 41.42
C30.05	C 41.05	C 41.50 (all superior slopes)
C30.06	C 41.06	C 41.51 (all superior slopes)
C30.09	C 41.07	C 41.52
C30.10	C 41.08	C 41.54
C30.12	C 41.09	C 41.55
	C 41.10	

In terms of Article 5 of the Instructions to Tenderers, you are hereby being given the opportunity to submit the required information and shortcomings within five (5) working days of notification that is by **Monday, 18 October 2021 at 9:00am.**

The requested documents are to be submitted through the appropriate Electronic Public Procurement (ePPS) module.

This rectification opportunity is being sent without any commitment whatsoever on the part of the Contracting Authority and does not imply that your offer will be accepted as it may still be deemed administratively, technically or financially non-compliant during the evaluation process.

Yours sincerely,

Evaluation Committee



Direttorat tar-Restawr

Restoration Directorate

CfT CA Unique ID: CT2127/2021

Thursday, 21 October 2021

Vaults Co Ltd (158768)

TENDER FOR THE RESTORATION WORKS ON NOTRE DAME BASTIONS AND CURTAIN WALL, COTTONERA LINES (ZABBAR)

Reference is made to the procurement in caption, and to your offer submitted to same.

The Evaluation Committee deems that, when compared to our estimate and the market rates, the rates submitted for the following items are abnormally low. You may wish to clarify your position by explaining how you will be providing the items listed below at the indicated rates.

Item reference:	Item reference:	Item reference:
C30.02 at €0.00 each	C40.05 at €0.00 per cm	C 41.11 at €0.00 per sqm
C30.03 at €0.00 each	C40.06 at €0.00 per sqm	C 41.21 at €0.00 per sqm
C30.04 at €0.00 each	C40.07 at €0.00 per sqm	C 41.42 at €0.00 per sqm
C30.06 at €0.00 each	C 41.05 at €0.00 per sqm	C 41.50 (all superior slopes) at €0.00 per sqm
C30.09 at €0.00 per sqm	C 41.06 at €0.00 per sqm	C 41.51 (all superior slopes) at €0.00 per sqm
C30.10 at €0.00 each	C 41.07 at €0.00 per sqm	C 41.52 at €0.00 per sqm
C30.12 at €0.00 each	C 41.08 at €0.00 per sqm	C 41.54 at €0.00 per sqm
	C 41.09 at €0.00 per sqm	C 41.55 at €0.00 per sqm
	C 41.10 at €0.00 each	

You are also requested to confirm that you have understood all tender conditions and will be addressing these requirements with the submitted rates.

Please be advised that if you change the above rates at this stage your offer will be rejected.

In terms of Article 5 of the Instructions to Tenderers, you are hereby being given the opportunity to submit the required information and shortcomings within five (5) working days of notification that is by **Thursday, 28 October 2021 at 9:00am.**

The requested documents are to be submitted through the appropriate Electronic Public Procurement (ePPS) module.

This rectification opportunity is being sent without any commitment whatsoever on the part of the Contracting Authority and does not imply that your offer will be accepted as it may still be deemed administratively, technically or financially non-compliant during the evaluation process.

Yours sincerely,

Evaluation Committee

Triq in-Nassab
Qormi QRM3541
Malta

T: 2180 5524 F: 2144 3618
E: info@vaults.com.mt W: www.vaults.com.mt



Our Ref: *VCL/244/21*

Thursday 21st October 2021

Ministry for National Heritage, Arts and Local Government
Restoration Directorate
Ospizio Complex
Floriana FRN 1700

To whom it may concern,

**CT2127/2021 – Tender for Restoration Works on Notre Dame Bastion and Curtain Wall,
Cottonera Lines (Zabbar)**

The Bill Items listed in your letter dated 21.10.2021 are being offered within our rates just like Bill Items 2.01 to 2.12 and can re-confirm that we have understood all tender conditions and shall be addressing these requirements within submitted rates.

Thanks.

A handwritten signature in black ink, appearing to read 'Ivan Farrugia', written over a light blue horizontal line.

Ivan Farrugia
Operations Manager

DIPARTIMENT TAL-KUNTRATTI
Notre Dame Ravelin
Floriana FRN1600 – MALTA



DEPARTMENT OF CONTRACTS
Notre Dame Ravelin
Floriana FRN1600 – MALTA

Telephone: (0356) 2122 0212
(0356) 2122 0313
Fax: (0356) 2124 7681
e-Mail: info.contracts@gov.mt

4th January 2022

Vaults Co Ltd
000158768

REFERENCE: CT2127/2021

**SUBJECT: Tender for Restoration Works on Notre Dame Bastions and
Curtain Wall, Cottonera Lines**

Dear Sir/Madam,

Thank you for participating in the above-mentioned tender procedure. However, I regret to inform you that the offer submitted by your company was found to be abnormally low for the following reason.

- When compared to the published estimate and the market rates, the rates submitted by your company for selected items were considered by the Evaluation Committee as abnormally low. A financial clarification was issued to Vaults to explain how they will be providing the said items at the submitted rates. Vaults stated that they *'have understood all tender conditions and shall be addressing these requirements within submitted rates.'* In the opinion of the Evaluation Committee, Vaults failed to clarify and explain how the company would provide the items listed at the indicated rates, in particular as some of these rates refer to items where the quantities need to be measured.

The tender was recommended not to be awarded in accordance with Article 18.3 (f) of the General Rules Governing Tenders as the administratively and technically compliant offers were deemed to contain abnormally low rates and also according to LN352 of 2016 Clause 243(4) which states that a Contracting Authority can reject the bid when the tender does not satisfactorily account for the low prices or costs.

If you intend to object to this decision, the Public Procurement Regulations allow for an official objection which in this case has to be lodged electronically with the Public Contracts Review Board by sending an email on: info.pcrb@gov.mt by noon of

Friday 14th January 2022 against a deposit of € 3,931.

Payments are to be made through bank transfer in terms of the following details:

Name of Account Holder	Cashier Malta Government
Name of Bank	Central Bank of Malta
Address of Bank	Castille Place, Valletta
Account Number	40001EUR-CMG5-001-H
BIC	MALT MT MT
IBAN Code	MT55MALT011000040001EURCMG5001H
Bank Code	01100

The official schedule can be accessed on the website: www.etenders.gov.mt.

Although we have not been able to make use of your services on this occasion, I trust that you will continue to take an active interest in our initiatives.

Yours sincerely,

Jonathan Bugeja
f/Director generalContracts

Electronic Tendering

Efficient procurement through eCommerce

09:04:47 CET / 09:05:09 CET

View Cft Workspace

- Call for Tender Workspace Details
- Awarded Contracts
- Tenderers

Economic Operator	CPV Code	Lots	Contract Value
VM Contracting Limited	45454100	N/A	EUR612,460.00

Electronic Tendering

Efficient procurement through eCommerce

09:05:25 CET / 09:05:48 CET

View CFT Workspace

- Call for Tender Workspace Details
- Awarded Contracts
- Tenderers

Name of Contracting Authority:

Department of Contracts

Title:

CT2386/2020 - Tender for Restoration Works on St. John Almonier's Curtain Wall and Gate, Cottonera Lines (Bormla)

CFT CA Unique ID:

CT2386/2020

Evaluation Mechanism:

Price/Cost Effectiveness

Description:

CT2386/2020 - Tender for Restoration Works on St. John Almonier's Curtain Wall and Gate, Cottonera Lines (Bormla)

Procurement Type:

Works

Directive:

2014/24/EU (Classic)

Procedure:

Open

CFT Involves:

A Public Contract

Article Number:

CPV Codes:

45454100-Restoration work

45262522-Masonry work

Inclusion of e-Auctions:

No

NUTS codes:

MT00

Above or Below threshold:

Below

Payment Options:

No payment for documentation

Time-limit for receipt of tenders or requests to participate:

18/02/2021 09:30

Deadline for dispatching invitations:

End of clarification period:

28/01/2021 09:30

Tenders Opening Date:

18/02/2021 10:00

Contract awarded in Lots:

No

EU funding:

No

Multiple tenders will be accepted:

Yes

Contract Notice Date:

Award Notice Date:



Bank of Valletta p.l.c
Registration Number: C 2833
Registered Office: 58 Zachary Street, Valletta VLT 1130 - Malta

Pay third party

Printed by: Mr. JOSEPH FARRUGIA
Printed on: 14/01/2022 - 08:28
Document ID: 10963626

Transaction details

Payer's name:	Vaults Co. Ltd
Beneficiary name:	Cashier Malta Government
Relation:	Administrative Services
Reason:	Other
Payment details:	Objection re CT2127/2021 deposited by Vaults Co Ltd 000158768
Currency:	EUR - Euro
Beneficiary account:	MT55MALT011000040001EURCMG5001H
Beneficiary account type:	Valid IBAN of country - Malta
Bank name:	Other bank
Bank address / Bank's BIC:	Let the bank apply the beneficiary bank BIC
Beneficiary address:	No
From account:	Overdraft (EUR) 4001360114 2
Charges should be paid by:	Shared - I pay BOV charges; Cashier Malta Government pays the beneficiary bank charges
Amount:	EUR 3,931.00
BOV to transfer the money:	as soon as possible
Receiving bank to get the money as:	normal priority payment
Saved template:	no

Additional information

Credit amount:	EUR 3,931.00
Debited amount (excluding charges):	EUR 3,931.00
Estimated amount to be withdrawn from account:	EUR 3,935.00
Transaction charge:	EUR 4.00

Transaction result

Status:	Your instructions have been processed successfully.
Transaction ID:	109078077