

D Amato Ritianne at MFE

From: Jacques MOUSSAFIR <jmoussafir@aria.fr>
Sent: Friday, 14 January 2022 05:32
To: Info PCRB at MFE
Cc: Armand ALBERGEL; Adrien De Soria; Kelly, Robert; Claude DEROGNAT; Maxime NIBART
Subject: Official objection to the award of Tender (Reference SPD 8/2021/020)
Attachments: RE Publication of rectification Response; RE [8730] Answer to rectification Letter; Answer to ERA Technical Rectification Letter.pdf



CAUTION: This email originated from OUTSIDE the Government Email Infrastructure. DO NOT CLICK LINKS or OPEN attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

ARIA Technologies hereby presents its official objection to the award of the tender in reference for the following reasons :

It is not true that we failed to provide a response to the rectification letter of ERA within the stipulated deadline. The truth is that the EPPS procurement system was malfunctioning and unable to upload the very large number of documents we were submitting in the morning of September 24th, 2021. For this reason we took contact by email and telephone with the personnel of ERA in charge of the EPPS, who was kind enough to receive by email all the documents in due time.

As evidence in support of our claim we provide the following electronic documents, which you can find in ERA reception mailboxes :

- *The first email with our answer to the ERA rectification letter was sent **before the deadline** to Ms **Abigail SULTANA** at ERA, with copy to Ms **Nicole CHAN** and to the email addresses procurement.era@era.org.mt and info.contracts@gov.mt. A digital copy of this first email is placed in enclosures to the present email. (Note that it includes 11 pdf reference documents and the document "Answer to ERA Technical Rectification Letter.pdf" which is a consistent 11 pages summary document: the requirement to provide these answers in a week was very stringent).*
- *In the same morning I wrote a second e-mail to Mr **David GATT** at the Department of Contracts to **warmly thank the personnel in charge of EPPS** for their diligence in helping us to submit the documents in due time **despite the technical issues** with the procurement site. A digital copy of this second e-mail is also placed in enclosures to the present email.*

Considering these dated e-mail documents, the statement that "we failed to provide a response to the rectification letter" is unacceptable for us.

In addition we must stress two facts :

1. We did not receive any additional question whatsoever on the technical elements and references that were provided as an answer to the rectification letter, since September 24th, 2021
2. Our bid was **significantly cheaper** than the bid currently declared as the recommended winner, since our total cost for ARIA was :

€ 110,000.00 with optional costs of € 6,000

while the **Adi Associates Environmental Consultants** offer has a price tag of **€ 127,350.00**

Since the rule of the tender was clearly that the cheapest compliant offer would be selected, we hereby state that we were indeed compliant, and that we had the lowest bid.

So we officially object, and we pay today the **€ 675** fee to support our objection.

We are clearly open to a negotiation with ERA, and also very much willing to seek a compromise or an agreement with Adi Associates Environmental Consultants (if possible) in order to share the work and to provide the most modern and powerful modeling tools to ERA. We fully understand the advantage for ERA to have a local supplier based in Malta but you may want to balance that with the idea that you might have also the best available modeling technology in Europe so that a good compromise might be an agreement where AdI Associates would use our technology for modeling and carry most of the local consulting work in Malta.

Please note also that there is a **one letter error** in the **IBAN code** provided in your letter, with respect to the correct one in the award notice

- Letter (wrong) : MT55MALT011000040001EURCM5001H
- Award (right) : MT55MALT011000040001EURCMG5001H

our payment of the objection fee may be a little delayed by this material error.

Best regards.

Jacques Moussafir

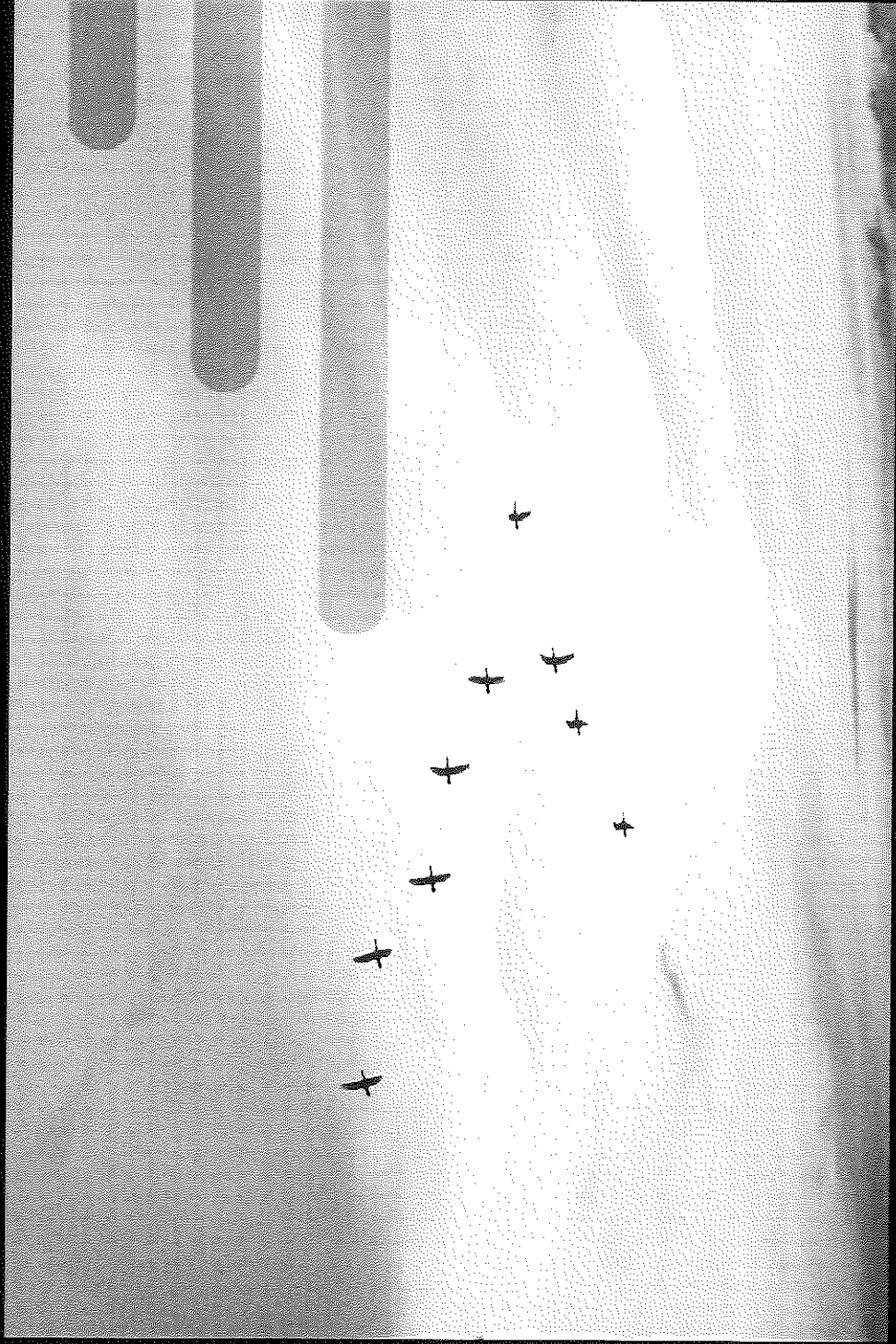
Directeur Général Adjoint / Vice-President – Business Development Air Solutions
ARIA TECHNOLOGIES SA



A  **SUEZ** Company

Nous vous présentons
nos meilleurs vœux pour l'année 2022
I nostri migliori auguri per l'anno 2022

We wish you
a Happy New Year 2022
Desejamos a todos um Feliz 2022



© SUEZ / Getty Images