

23<sup>rd</sup> August 2021

Re: CFT 020-0264/21 - CPSU 0584/21 - Hydrocolloid Thin - Extra Thin Dressings

Reply of the Central Procurement and Supplies Unit (CPSU) following the objection lodged by ProCare Limited.

By means of a letter dated the 6<sup>th</sup> August 2021, the Central Procurement and Supplies Unit informed the objectors that their offer was technically non-compliant.

The objectors allege that their offer satisfied all the technical criteria listed in the technical specifications and that their offer should be deemed the cheapest technically compliant offer.

Submissions

With reference to the claims submitted by the objectors in the reasoned application, CPSU submits the following:

- 1) CPSU refer to the rejection letter submitted on the 6<sup>th</sup> of August 2021 wherein the objector's offer was rejected for the following reasons:

*"Not according to specs. 1. Sample submitted were lifting off not staying in place within an hour. Dressing should remain in place without edges lifting, loosening, or rolling until planned change of dressing. 2. It does not provide a moist environment that is necessary for wound healing and if used in the shower it will just come off. They should be waterproof."*

- 2) Regarding the first grievance, that being the tender reference in the rejection letter, CPSU submit that the reference in the rejection letter ought to have read CPSU 0584/21 - Hydrocolloid Thin - Extra Thin Dressings instead of Tender for the Supply of Bair Hugger Blankets and Filters.

That said, the remaining content in the said rejection letter is correct and applied to the offers submitted by the objector for the tender in caption, that being CPSU 0584/21 - Hydrocolloid Thin - Extra Thin Dressings.

It must be stated that the mere error of indicating the wrong Tender in the rejection letter, does not alter or change the reasons why the objector's offers were rejected during the evaluation for the tender in caption.

Therefore, the objectors can never request this Board to deem the rejection letter as null and invalid in an attempt to justify the missing properties found in their product on offer. During the evaluation of the offers, the issues relative to the products offered by the objectors remain the same, and

consequently, the rejection letter can not be deemed null and invalid, even more so when the objectors themselves opted to appeal to the rejection as well as to the actual reasons for rejection, thereby acknowledging the said letter which in truth, formed the basis of the objection as can be seen from the objection in question.

- 3) CPSU further submit that the technical specifications were clear and unambiguous, wherein they clearly indicated that the Dressing must:
  - a. Dressing should remain in place without edges lifting, loosening or rolling until planned change of dressing.
  - b. Absorbent and waterproof.
- 4) CPSU submit that in evaluating the offers as submitted, the Evaluation Committee is duty bound to analyse and review all information and documentation as submitted at Tendering stage in order to ensure that the evaluation of the offers is carried out in the best interest of the patient, as well as in the best interests of Public Procurement.
- 5) In evaluating the samples submitted by the objectors, the end users found that the product did not remain in place for longer than one hour. In fact, as evidenced in the reasons for rejection, within the hour the dressing was found to be lifting off the skin already. Furthermore, the sample was found to not provide a moist environment and would just come off when used in the shower, even though the technical specifications required the product to be absorbent and waterproof.
- 6) On the contrary to that being alleged by the objectors, the samples of each bidder were tested in the same manner, that being on patients with wounds requiring such dressings.

This was done in order to ensure that a level playing field was provided to all bidders, thereby eliminating any form of discrimination or inequality, whilst ensuring that the Contracting Authority acquires the product which would be in the best interest of the patient, and which would adhere to the technical specifications as published in the Tender Dossier.

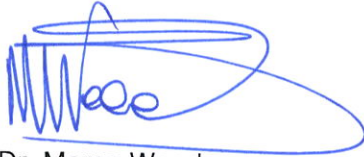
- 7) Furthermore, CPSU contend that the objectors are wrong in claiming that there was lack of clarity of the refusal and that the CPSU introduced adjudication criteria.

The Evaluation was carried out according to normal procedure and protocol, and each and every product on offer was tested equally in order to determine whether the products actually adhered to the technical specifications and that all properties required are present in the products.

Consequently, in view of the fact that the product of the objector was found to be technically non-compliant, the Evaluation Committee had no option but to reject the offers.

CPSU is hereby reserving the right to present further evidence both written and orally to further their submissions in relation to the said objection throughout the hearings.

In view of the above, the objection lodged by the objectors ought to be rejected, whilst the decision of the Evaluation Board confirmed, and the relevant deposit forfeited.

A handwritten signature in blue ink, appearing to read 'M Woods', with a large, sweeping flourish underneath.

Dr. Marco Woods