



21<sup>st</sup> October 2021

**Public Contracts Review Board**

Maison Demandols  
South Street  
Valletta

**Re: Tender SPD 8/2021/047 — Tender for the provision of environmentally friendly cleaning services at the Rural Affairs Department**

We act on behalf of Melchior Dimech of Dimbros, of Triq Dun Salv Ciappara, Żebbuġ and make reference to the above-captioned tender. In the said tender, tenderers were required to submit an offer for the provision of environmentally-friendly cleaning services at the rural development department for a period of 24 months.

Melchior Dimech was informed on 12 October 2021 that the procurement proposal submitted by him was rejected as non-compliant for the following reason:

*The Methodology submitted by the bidder was not technically compliant since the details did not meet the tender requirements. Thus the operator failed to meet the technical criteria. Moreover, the operator also failed to forward an NCPE report which confirms that the operator is an equal opportunities employer.*

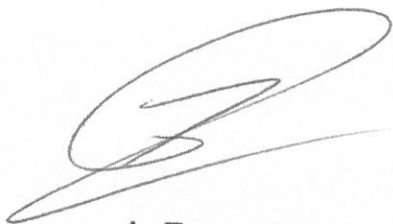
Our client feels aggrieved by this decision.

The objection being put forth is based on the submission that the reason for rejection, that is, non-compliance, is unfounded. The Methodology section, a mandatory criterion, was clearly provided by our client in his proposal. The consideration that its content does not fulfil the required standard should not render the procurement proposal invalid but is, instead, simply to be reflected in the points awarded.

Similarly, nor is the proposal rendered invalid by the failure to submit an NCPE certificate confirming that the operator is an equal opportunities employer. Evidence that the operator is an equal opportunities employer in line with the NCPE or equivalent is not a mandatory evaluation criterion and, hence, failure to provide such evidence cannot be considered non-compliance. Here, the client wishes to submit for the record that there have been attempts with the NCPE to initiate the Equality Mark certification process, but to no avail as of the date of this email. In this case too, the failure to submit such certificate should have resulted in a deduction of points and not the disqualification of the proposal.

Therefore, whilst reserving the right to make further submissions and to bring forth all permissible evidence at the opportune stage, Melchior Dimech humbly requests this honourable Board to revoke the decision of the Ministry of 12 October 2021, whereby the proposal was declared non-compliant,

and to declare his bid as technically compliant and make such directives as it it deems opportune to ensure that the procurement process proceeds in terms of law.



**Av Franco Galea**

58, Triq l-Ifran, Valletta



**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. Melchior Dimech  
 Printed on: 20/10/2021 - 14:33  
 Document ID: 10106300

### Transaction details

Beneficiary name:	DEPARTMENT OF CONTRACTS
Relation:	Financial Services
Reason:	Professional Fees
Payment details:	TENDER APPEAL FROM AWARD SPD8/2021/047
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:	4001582822 4 (EUR)
Charges should be paid by:	Shared - I pay BOV charges; DEPARTMENT OF CONTRACTS pays the beneficiary bank charges
Amount:	EUR 460.00
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 460.00
Debited amount (excluding charges):	EUR 460.00
Estimated amount to be withdrawn from account:	EUR 461.00
Transaction charge:	EUR 1.00

### Transaction result

Status:	Your instructions have been processed successfully.
Transaction ID:	106239736