

12 January 2021

The Secretary,
Public Contracts Review Board
Notre Dame Ditch
Floriana



Dear Sir,

Reply to the Appeal from Tender Decision CT2150/2019
Tender to engage an Architect and Civil Engineer – Phase 2 Shooting
Range Ta' Kandja for SportMalta.

Appellant: MADE Studio – Perit Frank Ellul
Contracting Authority—Sport Malta

Reference is made to the above appeal. In terms of Regulation 276 of SL 601.03, the Contracting Authority is hereby submitting its response for the Board's Consideration.

The call-in question concerned the engagement of an Architect and Civil Engineer for services required in relation to phase two of the Ta' Kandja Shooting Range.

This appeal is based on the decision that the bidder was declared technically non compliant with the tender requirements and the decision by the evaluating committee to award the tender to the fourth cheapest, compliant bidder.

According to the Evaluation Report compiled by the Evaluation Committee, MADE Studio was originally requested to forward clarifications, in accordance with procurement regulations, correspondence dated 23rd October 2020. The bidder complied with the submission of the information requested within the stipulated period given to same. However, Bidder was found to be technically non-compliant; the reason being that the Complainant specifically submitted the name of Perit Pierre Zammit as Project Manager whilst bidder submitted documentation related to Perit Peter Zammit.

At no stage and in no part of the documentation submitted was there any reference that Peter Zammit was in fact the same person as Pierre Zammit and that he was legally registered as Peter Zammit however civilly known as Pierre Zammit.

In view of the fact that, the Contracting Authority did not have this information in hand and in its prima facie evidence in front of it, the required clarification had not been made and Since

the documentation forwarded did not satisfy the clarification raised by the Contracting Authority, Complainant was declared technically non complaint.

This clarification arose solely when the documentation of this appeal was received by the contracting authority.

In view of the above, the Contracting Authority humbly leaves the decision in the good hands of the review Board.

A handwritten signature in black ink, appearing to be 'PF', with a long horizontal flourish extending to the right.

Dr Peter Fenech
Legal Counsel
SportMalta

c/sm/pcrb response MADE Studio