

Date: 6 December 2021

The Chairman,
Public Contracts Review Board,
info.pcrb@gov.mt



Dear Mr. Chairman,

**RE: WasteServ Malta reasoned letter of reply following Objection/Appeal:
Framework Contract for the Supply and Delivery of Diesel EN 590 (Or Equivalent), to
the Gozo Waste Transfer Station and Vehicles by Messrs Grima Fuel Supplies
Limited**

That WasteServ Malta received the letter of objection filed by Grima Fuel Supplies Limited on Friday 26 November 2021 and was given ten (10) calendar days within which to file this reasoned letter of reply.

That the discrepancy being mentioned by the Grima Fuel Supplies Limited was noted towards the end of the evaluation. This consisted in the rate of diesel per litre including VAT.

That due to the discrepancy it was agreed that the procedure be cancelled.

That Messrs Grima Fuel Supplies Ltd have submitted an offer consisting of a 4% (four percent) discount, that was worked out on the €12.10 (twelve euro and

ten euro cents), that tallying to €11.62 (eleven euro and sixty-two euro cents) exclusive of VAT multiplied by the indicated quantity in the dossier, tallying to €292,723.20 (two hundred and ninety two thousand, seven hundred and twenty three euro and twenty euro cents).

That, however, in the online tender response Messrs Grima Fuel Supplies Ltd stated the amount of €248,070.51 (two hundred forty eight thousand and seventy euro and fifty-one euro cents).

That following these discrepancies the Evaluation Committee requested a clarification from the bidder in order to confirm if the total as stated in the Financial Bid submitted had to be carried forward to the online tender response.

That Messrs Grima Fuel Supplies Ltd replied confirming that the total of €292,723.20 (two hundred and ninety two thousand, seven hundred and twenty three euro and twenty euro cents), but clearly indicating that this value is inclusive of VAT.

That whereas in the same clarification reply the bidder confirmed that this value exclusive of VAT is that of €248,070.51 (two hundred forty eight thousand and seventy euro and fifty-one euro cents).

That in lieu of this discrepancy the Evaluation Committee noted an inconsistency in the published Financial Bid form, which stated as follows:

"Net Discounted Price per 10 Litres of Diesel based on the current price of €1.21 per Litre of Diesel inclusive of taxes & all other charges as applicable but exclusive of VAT".

That, however, in reality the €1.21 (one euro and twenty-one euro cents) price of diesel includes the VAT, hence resulting in inconsistencies towards the VAT element.

That following this inconsistency in the Financial Bid form, the Evaluation Committee recommended that this tender procedure was to be cancelled as per General Rules Governing Tenders, specifically Article 18.3(b) the economic or technical parameters of the project have been fundamentally altered.

That this report was endorsed by the Departmental Contracts Committee.

Therefore, in view of the above, whilst reserving the right to make further submissions and present further evidence, WSM humbly requests that the PCRB rejects this appeal submitted by Messrs Grima Fuel Supplies Ltd.



Avv. Marc Sant