

8th November 2021

The Secretary
Public Contracts Review Board
Notre Dame Ditch
Floriana



Dear Sir,

Re.: Objection filed by General Cleaners Co. Ltd. following award for tender MIP/TQF/GGX/D006/20 – Tender for the provision of general cleaning services at the Gozo Innovation Hub Xewkija— 2nd Call

I write on behalf of INDIS Malta Ltd. (C 28965) (hereinafter referred to as “INDIS” or the “Contracting Authority”) and refer to the abovementioned tender, and particularly to the objection filed by General Cleaners Co. Ltd. (‘the Objector’) on the 29th October 2021. By means of this letter, INDIS is formally lodging a reply to the objection which was forwarded to it on the same day.

INDIS submits that it has carried out its evaluation correctly and that the objector’s appeal should be rejected by the Public Contracts Review Board, and hereby submits the following with respect to the objection:

1. Objector’s bid was technically non-compliant

The Objector’s appeal is essentially based on its disagreement with the Evaluation Board’s noted deficiencies of their proposals which led to their proposal being dismissed.

The award criteria for this tender was the Best Price/Quality Ratio (BPQR), which was established by weighing technical quality against price on a 60/40 basis respectively. Tenderers were to achieve an average technical score of 60%, which is attained by adding the individual weighted scores of each evaluator divided by the number of evaluators.

Apart from the fact that all responses exceeded the specified two-page limit, which matter will be addressed in further detail in point two (2) below, several of the provided responses lacked detail on what was specifically required, as follows:

Rosters prepared one week in advance

The response did not include any reference to the tender requirement of the being rosters prepared one week in advance.

Timekeeping/punctuality policy in place

The response did not include any reference to the tender requirement of timekeeping and punctuality policy in place, but provided a generic response with respect to attendance, travelling and vacation leave. The response even included a statement with respect to bus arrangements and pick up stations reading:

“Due the traffic problems on the roads all cleaners will be given work which is 1 bus only far from their work place. Otherwise we have 3 pick up stations @ 06.30am which is Marsa, Valletta & Msida Skatepark. We do this to minimise the time delay of the pick ups.”

The abovementioned response indicates the generic nature of this response being irrelevant since this is a tender for cleaning services in at the Gozo Innovation Hub located in Xewkija, Gozo.

Non-Routine / Surprise inspections by Supervisor (minimum twice a month), followed up by Inspection Report

The response did not include any reference to the tender requirement of non-routine/surprise inspections occurring for a minimum of twice a month and being followed up by an inspection report.

Specific details on the training provided to the cleaners on the Practice of Waste Management and sorting of waste

The Objector's response did not provide specific details on the training provided to the employees on the practice of waste management and sorting of waste but provided generic information of what employees are encouraged and expected to know and do in their everyday practice, which was not deemed sufficient by the Evaluation Board.

Details on how the Maximum response time of one (1) hour is achieved

The Objector's response did not include any reference to the tender requirement of details on how the maximum response time of one hour is achieved.

Minimum of Two (2) pre-assigned relievers/back up staff

The Objector's response did not include any reference to the tender requirement of details on the minimum number of pre-assigned relievers or back-up staff.

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Details on how the Maximum response time of one (1) hour is achieved

The response did not include any reference to the tender requirement on details how the maximum response time of one (1) hour would be achieved. Objector even states in appeal that this criteria is only "partially" addressed and hence provided documentation was not deemed sufficient to the Evaluation Board.

Furthermore, while this was not mentioned in the Objector's appeal, the Objector did not submit an Accident reporting policy.

Therefore, in light of the above results from the evaluation examination, it is crucial to state that the Objector was very much informed of the level and quantity of information required from its end, as well as all other prospective bidders equally, but failed to comply accordingly. Thus, Appellant's claims with respect to the evaluation carried out by Evaluation Committee are unfounded.

2. Marks deducted for exceeding page limit in responses

The Objector states that the deduction of marks due to the bidder's responses exceeding one page is unjustified.

INDIS submits that according to clause 6 of the tender document on the 'Criteria for Award', it is specifically indicated in bold at the beginning of the Criteria/Sub-Criteria table, that "In general, and/or where otherwise indicated, responses for each individual criteria listed below shall be in write-up form, circa one (1) page long and in any case shall not exceed to (2) pages.". All Objector's submissions exceeded the two (2) page limit and lacked the required detail. Furthermore, it is pertinent to note that the Evaluation Board was consistent with all respective bidders with deducting marks wherever the two-page mark was exceeded.

In view of the foregoing, whilst reserving the right to make further submissions and present further evidence in the course of proceedings, INDIS humbly requests that the Board rejects the Objector's appeal confirms the decision taken in awarding the tender in question to Sultech & Co. whilst rejecting the objection filed by General Cleaners Co. Ltd. for the reasons stated above.

Sincerely,



Dr Elian Scicluna

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