

SM Contractors Ltd.

Civil Engineering Works

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The Chairman,
Transport Malta,
Malta Transport Centre,
Marsa,
MRS 1917.

15th March 2017

Re: TM132/2016 – Tender for Pot-Hole Repair (Rapid Intervention) using proprietary (Third-party certified) cold-lay surfacing material.

Dear Sir,

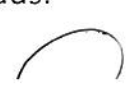
We refer to the correspondence dated 9th instant in which we have been informed that our bid in connection to the tender in caption has not been accepted by Transport Malta.

We are hereby submitting an appeal to the said decision because we feel that the decision that our product is 'non compliant' is unjustified.

It is being claimed that *'the specifications of the tender document imply that the material is intended for vehicle carriageways'*. After careful examination of the tender dossier it results that this statement is incorrect.

As per Section 4 – Technical Specifications/Terms of Reference article B, *'the aggregate within the system shall have a minimum of two (2) in number nominal sizes to provide for layered repairs'*. Our submission respected this specification as we amply showed with the literature submitted that the product has a 6mm grade and a 10mm grade.

The 6mm grade is usually utilized for the permanent repairs in footways, footpaths and cycle tracks whereas the 10mm grade is utilized for type 3 and type 4 roads.



Therefore, we respectfully believe that given that the Adjudication Board selected by the Contracting Authority was aware that the material was intended to be used for vehicle carriageways, one had to verify whether the 10mm grade material was compliant to the required specifications. We refer to the HAPAS Certificate 01/H060 which confirms that the Ultracrete Instant Road Repair 10mm complies with the air voids acceptable range, that is, within 2-10%.

Given that our product is as per requested specifications, we feel that our submission should be considered and given that our bid is €27,686.01 lower than the recommended one, we feel that this tender should be awarded to us.

We reserve the right to make further submissions during the hearing as may be required.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Sylvester Mifsud', written over a horizontal line.

Sylvester Mifsud
Director