

The Land Transport Directorate
Procurement Unit
Authority for Transport in Malta
Malta Transport Centre,
Xatt l-Ghassara Tal-Gheneb,
Marsa, MRS 1917

Received on the
23/12/2016 at 13:00.

23/12/16.

23rd December 2016

Dear Sir/Madam,

Letter of Objection – Tender For The Printing, Supply And Delivery Of Motor Vehicle Licence Discs - Reference Number: TM 059/2016

We write on behalf of Galaxy Ltd, *War Victims Square, Siggiewi.*

This is a letter of objection regarding the decision taken by you and communicated to our client Galaxy Ltd as stated below.

Whilst referring to Section 2 (Extracts from the Public Procurement Regulations) on page 8 of the above-cited tender document and in accordance with the respective Regulations of the Public Procurement Regulations (S.L. 174.04), in response to the tender award notification which was communicated to our client on the 19th December 2016 (as per enclosed documents marked GL1 and GL2), Galaxy Ltd would like to formally object that A1 Security Print Ltd is the recommended tenderer for this call.

For the reasons listed below, Galaxy Ltd requests that this decision should be revoked and that their offer should instead be recommended and the tender awarded to Galaxy Ltd.

You are kindly requested to forward this letter of objection together with all relevant documentation to the Public Contracts Review Board.

In view of the foregoing, enclosed please find a cheque for the amount of €425 representing the deposit in compliance with your guidelines and the respective Public Procurement Regulations.

Galaxy Ltd hereby objects to the attribution of tender TM 059/2016 cited above to A1 Security Print Ltd for the offer price of €78,318.78 because their bid was deemed to be the cheapest. Galaxy Ltd would like to highlight the following reasons for its objection:

1. The recommended tenderer failed to abide by the two decimal point policy requirement in determining its offer price and consequently should have been disqualified rather than awarded this tender.

Volume 5 (Financial Bid form) of the tender document stipulates that the tenderer is to submit the unit price offer together with the global price offer and continues to specify that:

“N.B. - Three decimal points do not exist as currency; therefore such offers cannot be accepted. Offers are to be submitted up to two decimal points.”

This statement is in line with Procurement Policy Note # 10 entitled Financial Offer Value in Euro issued by the Department of Contracts on the 20th October 2014, which specifies under paragraph one that:

“In several instances, the Department of Contracts is encountering financial offers being recommended up to 3 decimal points of the Euro such as for example a rate of €0.549. The purpose of this note is to standardise this issue and ensure that all Contracting Authorities adhere to the same procedure and to the EU financial regulations.” Paragraph 4 goes on to explain that: “As per Article 2 of the Council Regulation (EC) No. 974/98 of 03.05.1998 on the introduction of the Euro, the currency unit shall be one euro. One euro shall be then divided into one hundred cent.

Therefore, since three decimal points do not exist as currency such offers cannot be accepted and tender documents are to clearly indicate that offers are to be submitted up to two decimal points.

One may also note that the electronic public procurement system (ePPS) does not accept three digits and therefore automatically rounds up to two decimal places.

Estimates are also to be calculated bearing in mind this policy direction.”

The offer price made by the recommended tenderer shows, without any doubt, non-compliance with the specifications of the tender documents, the Financial Bid form and the Procurement Policy Note # 10 mentioned above. If the offer price made by the recommended tenderer, namely €78,318.78 is divided by the total amount of units/motor vehicle licence discs required under this tender, it is evident that the two decimal point policy was not respected by A1 Security Print Ltd and consequently their offer price ought not to have been accepted ab initio, leading to their disqualification. Awarding this tender to A1 Security Print Ltd penalises Galaxy Ltd for having abided by the said specifications of the tender documents and the above-mentioned policy note issued by the Department of Contracts and EU regulations (namely Council Regulation (EC) No. 974/98 of 03.05.1998 on the introduction of the Euro), which albeit ought to be enforced by the relative Authorities when attributing tenders.

2. Without prejudice to the above, Galaxy Ltd wishes to point out that although the tender document mentions under Section 1 (Instructions to Tenders), paragraph 1.4, that this is a global price contract, this does not imply that the two decimal point requirement specified above does not apply to this call. Both the nature of the service required by this tender, namely the provision of one million motor vehicle licence discs to be delivered to Transport Malta in three separate batches and the contents of the tender documents (for example Volume 5 – Financial Bid, requires the provision of the unit cost besides the total cost and further makes specific reference to the two decimal point requirement albeit as clarified by Procurement Policy Note # 10 mentioned above), show that when submitting a bid, the tenderer must calculate the total or global price on the basis of the cost of each unit/motor vehicle licence disc.

3. A1 Security Print Limited failed to submit all the requested documentation within the stipulated time limits and according to the specified technical requirements. Hence, they should be disqualified.

Galaxy Ltd reserves the right to present additional reasons that might arise at a later stage of this process and to call witnesses and produce evidence during the course of the appeal before the Public Contracts Review Board.

Galaxy Ltd therefore requests that the decision referred to above should be revoked and that their offer should instead be recommended and the tender awarded to Galaxy Ltd.

In view of the foregoing, our client respectfully submits this Letter of Objection and looks forward to hearing from you.

Yours Sincerely,



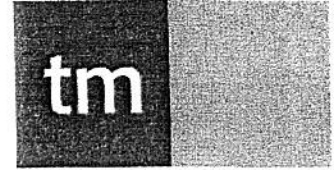
Dr. Robert Tufigno



Dr. Cynthia Borg Barthet

Encl. Document GL1 and Document GL2

+ BAN CHEQUE 8-18



Transport Malta

19th December 2016

Notification Letter

TENDER FOR THE PRINTING, SUPPLY AND DELIVERY OF MOTOR VEHICLE LICENCE DISCS

Ref No: TM 059/2016

Attn: Galaxy Ltd

Further to your tender submission of the 18th October 2016 and the evaluation process, we regret to inform you that your bid in connection with the above tender has not been accepted by Transport Malta, since your bid was not the cheapest bid.

The recommended bidder for this call is A1 Security Print Ltd for the total amount of €78,318.78 excluding Vat.

The appeals period for this call for tenders must follow the provisions laid down in the Public Procurement Regulations (Legal Notice 296/2010). The deadline for filing a notice of objection is Monday, 26th December 2016 by 12:00 Hrs (local time) together with a deposit of €425.00.

Regards,



Transport Malta

Malta Transport Centre

Marsa, MRS 1017

Malta

www.transport.gov.mt



Transport Malta

Transport Malta is hereby notifying the public with the recommendations indicated below.

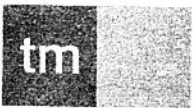
Tender Ref No	Title	Decision		Recommended Tenderer	Price	Deposit
		Award	Fresh Call/ Cancellation			
TM 059/2016	TENDER FOR THE PRINTING, SUPPLY AND DELIVERY OF MOTOR VEHICLE LICENCE DISCS	Yes	-	A1 Security Print Ltd	78,318.78 €	425.00 €

Tenderers are informed that any objection to the decision listed above must reach Procurement Unit, Transport Malta, Marsa by not later than noon of Monday, 26 Dec 2016

Objections must be accompanied by a deposit to the amount indicated above, otherwise will not be considered. Tenderers are to note that this information does not imply any obligation on the part of Transport Malta to actually implement any of the decisions indicated.

19 Dec 2016

Date



Transport Malta

Date 23rd December 2016 Receipt No 270260

Received from Galaxy LTD

the sum of Four Hundred and twenty five Euros
only

in respect of TM 059/2016

€ 405.00

Cash

Cheque


Signature