

Department of Contracts
Notre Dame Ravelin
FLORIANA

To Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

14 February 2018

EXCLUSION CRITERIA – NOTICE TO EVALUATION COMMITTEES

Following final judgment delivered by the Courts of Magistrates (Criminal Judicature) dated 11 September 2017, in the names *Il-Pulizija vs. George-Oliver Schembri and Donald Camilleri* whereby the accused have been found guilty of the relevant accusations.

Therefore, in terms of Article 192 of Legal Notice 352 of 2016, members of the Evaluation Committees are hereby notified that George-Oliver Schembri (ID651562M) and Donald Camilleri (246475M) are to be excluded from participation in a procurement procedure by any Contracting Authority which is responsible for a tendering process for a period of five (5) years starting from the 11 September 2017.

Moreover, Contracting Authorities are being made aware of Article 192(2) which states:

“The exclusion of the economic operator shall also operate and apply where the person convicted by final judgment is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control therein.”

Finally, the excluded Economic Operator may provide within his bid/offer any self-cleaning measures which the same had undertook that may result in the removal of the exclusion for that evaluation process. Such evidence has to be scrutinized by the Evaluation Committee under Section 3A of the European Single Procurement Document for that particular tender, the result of which is to be included in the Evaluation Report. Any decision will eventually be subject for review by the Public Contracts Review Board within the statutory timeframes as with any call for tenders.

Anthony Cachia
Director General (Contracts)