

# PRESS RELEASE

12th April 2019

---

## Tenders must not be adjudicated to businesses in breach of any law

The Malta Chamber of Commerce, Enterprise and Industry has always considered transparency and good governance in public procurement processes as fundamental to ensure a level playing field within a business environment where fair competition isn't only upheld, but is also seen to be upheld.

As is clearly regulated for a bidding stage, even by the European Single Procurement Document (ESPD), businesses are no longer required to provide certification of compliance from fiscal authorities until adjudication phase. This serves to avoid undue and unnecessary administrative burdens to companies as well as to the tendering process itself.

As a result of the enactment of the ESPD in 2016, this and other regulations have become standard practice across the EU, and are widely accepted by all members of the business community. Indeed, they were presented and discussed during two very well attended separate events on the subject organised by the Malta Chamber.

The Malta Chamber is therefore dismayed to learn of inconsistencies that have reportedly taken place as of late, and that have only come to the fore in the media.

The Chamber is aware and happy to note a ruling by the Public Contracts Review Board which clearly admonished the contracting authority in question and ordered it to correct its inconsistencies.

In light of this, the Malta Chamber reiterates its position that such inconsistencies are not acceptable. These run counter to the very principle of a fair and open tendering process.

Secondly, the Malta Chamber cannot but note that had there been no appeal to this process, the inconsistencies may have gone unnoticed creating a serious and dangerous precedent for law-abiding companies and taxpayers.

Thirdly, tenders must under no circumstance be adjudicated to any businesses or company directors that are found to be in breach of any law or obligation, fiscal or otherwise.

Finally, the Malta Chamber reiterates its position that the rules of the ESPD must be adhered to at all times. This in the interest of transparency and good governance in public procurement to ensure fair competition for the business community.

---

**END**