

# Guidelines to Economic Operators Procurement Call Under Review



## Introduction

Regulation 262(1) of the Public Procurement Regulations (2016) S.L. 601.03 relates to the Remedies before Closing Date of a Call for Competition, also known as a Pre-contractual Remedy. The Regulation states that *'Prospective candidates and tenderers may, within the first two-thirds of the time period allocated in the call for competition for the submission of offers, file a reasoned application before the Public Contracts Review Board'*.

In addition, Regulation 266 of S.L. 601.03 states that *'Pending the decision of the Public Contracts Review Board the process of the call for tenders shall be suspended'*. Accordingly, on the Electronic Public Procurement System (e-PPS), the Tender Coordinator will set the call's status to **Suspend**.

Thus, when a call is suspended, and the status for Economic Operators indicates **Procurement Call Under Review**, the Time-Limit for Receipt of Tenders or Requests to Participate (Tender Submission Deadline) and Tender Opening Date are extended indefinitely. This means that on the e-PPS any deadlines are put on hold. When the Remedy's hearing is concluded, the Public Contracts Review Board determines the outcome, and the call is set to **Unsuspend** by the Tender Coordinator. The Time-Limit for Receipt of Tenders or Requests to Participate and Tender Opening Date will also be updated by the Tender Coordinator as necessary.

When a call is in the Procurement Call Under Review status, an Economic Operator can still submit their offer and any clarifications that may arise, even after the deadlines for both options have already passed. However, in the case of a clarification, submission may be possible only if the call was suspended prior to the clarification period deadline. Furthermore, even when the Time-Limit for Receipt of Tenders or Requests to Participate, the Tender Opening Date and the End of Clarification Period have elapsed, any offers submitted will remain unlocked. Correspondingly, the call will remain on hold, pending the Public Contracts Review Board's decision.

Figure 1 - Economic Operators can search for the CfT of Interest to confirm the status of that same call.

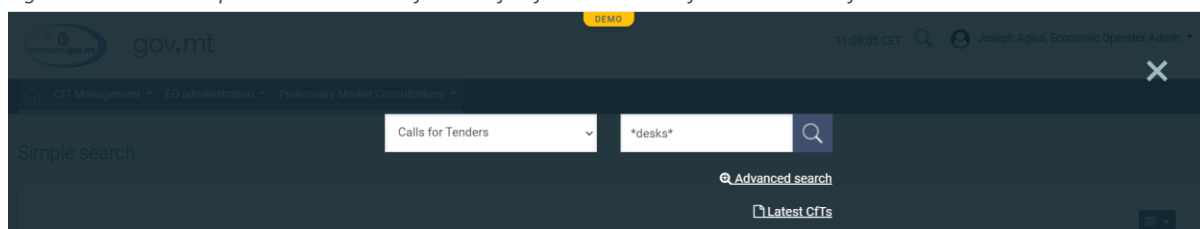


Figure 2 – From the Search Results page the status Procurement Call Under Review indicates that call is suspended.

#	CFT Title	CFT CA Unique ID	CA	Info	Tenders Submission Deadline	Procedure	Notice PDF	Award date	Status
1	Supply of Office Desks	CT 2000/2024	Ministry for Training and Development		19/02/2024 09:30:00	Open			Procurement Call Under Review

Figure 3 – The status Procurement Call Under Review is also indicated in the call’s title when viewing the Cft Workspace.

CFT: SUPPLY OF OFFICE DESKS (STATUS: PROCUREMENT CALL UNDER REVIEW)	Show CFT Menu
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Figure 4 – Economic Operators can still submit a tender offer and/or clarification even if the specified deadlines have already passed. However, in reference to this example, clarifications can be submitted only if the call was suspended before 08/02/2024. Same deadlines indicated will be updated by the Tender Coordinator after the Remedy’s outcome has been decided.

TIME-LIMIT FOR RECEIPT OF TENDERS OR REQUESTS TO PARTICIPATE:	19/02/2024 09:30
DEADLINE FOR DISPATCHING INVITATIONS:	
END OF CLARIFICATION PERIOD:	08/02/2024 12:00
UPLOAD OF DOCUMENTS WITHIN THE CLARIFICATIONS:	Yes
TENDERS OPENING DATE:	19/02/2024 10:00

## Conclusion

Economic Operators are to note that when a call is in the Suspend status, submissions of tender offers and/or clarifications can still be made, even when submission deadline for both options may have already passed.

Furthermore, when the Time-Limit for Receipt of Tenders or Requests to Participate, the Tender Opening Date and the End of Clarification Period may have passed, offers submitted will not be opened. Respectively, the call will remain on hold, pending the Public Contracts Review Board’s decision and henceforth the Tender Coordinator can proceed accordingly.