



Independent Review Panel

Decision No. 12/26

In the matter of

Moossun Signs Ltd.

(Applicant)

v/s

Ministry of Land Transport

(Respondent)

(Cause No. 12/26/IRP)



Decision

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A. History of the Case

On 12 November 2025, the Ministry of Land Transport, (Respondent) invited bids from eligible bidders of Mauritian National or entities incorporated in Mauritius for the procurement of supply of Traffic Signs – Procurement Ref: **TRANSPORT/IFB/2025/386 MLT/QO6/2025-2026 eONB/TRAFFIC SIGNS.**

Bids were invited through the E- Procurement system.

The closing date for the submission of bids was fixed for 15 December 2025.

Four (4) bidders submitted their bids and Moossun Signs Ltd (Applicant) was one of them.

B. Evaluation

A Bid Evaluation Committee (BEC) was set up to evaluate the bids which found the following bidder to be lowest substantially responsive one.

C. Notification

On 09 March 2026, the Respondent informed the Applicant (Moossun Signs Ltd), that an evaluation of its bid received had been carried out and the particulars of the Successful Bidder are given as hereunder:

SN	Name of bidder	Address	Total Amount (Including VAT) (Rs)
1	BN Safety Ltd	Royal Road St. Julien D’Hotman	10,724,435.00

D. Applicant’s Grounds for Review:

On 16 March 2026, the Applicant seized the Independent Review Panel for review on grounds related to verification of the Technical compliance of materials proposed by the Successful Bidder and more specially as hereunder:

“4.1 Compliance with BS EN 12899-1

The bidding documents require that GRP Panels comply with the impact test specified under BS EN 12899-1.



The Applicant imports Filon GRP Panels manufactured in the United Kingdom, which are certified as compliant with BS EN 12899-1. The relevant certification and supporting documentation are attached as Annex 4 and Annex 5.

The Applicant respectfully requests verification whether the GRP Panels proposed by the successful bidder are certified as compliant with BS EN 12899-1, as required under the tender specifications.

4.2 Aluminium Channel Size

The tender drawings specify the use of a 25 mm aluminium channel at the rear of the sign plates for fixing purposes.

The Applicant respectfully requests verification to confirm the size of the aluminium channel proposed by the successful bidder and whether it complies with the dimensions specified in the tender drawings (Annex 6).

4.3 Colour of GRP Substrate

Section VII of the Technical Specifications clearly states that the GRP Panels shall be grey in colour to eliminate the need to surface paint the reverse face.

The Applicant respectfully requests confirmation that the GRP Panels proposed by the successful bidder comply with this requirement”.

E. The Hearing

The hearing was held on 15 April 2026 to 13 May 2026. There is on record a Statement of Case and a Statement of Defence from the Applicant and the Respondent respectively. The Applicant further filed a Statement of Reply and a written submission.

The Applicant was represented by Mr N. Shamally together with Mr J. Fareed, Counsel, whilst Mr N. Thakoor and Ms H Gunesh, both State Counsel, represented the Respondent. The Successful Bidder was present.

Mr A. Moossun, Director of the Applicant Company deposed as Witness for the Applicant whilst Mr. D. K. Raghoo, Assistant Permanent Secretary and Chairperson of the Bid Evaluation Committee, deposed as Witness for the Respondent.



F. Findings

In support of the Application for Review, the Applicant has raised four grounds, viz:

- (a) Compliance with BS EN 12899-1 by stating that it imports Filon GRP Panels manufactured in United Kingdom
- (b) The tender drawings specify the use of a 25 mm aluminium channel at the rear of the sign plates for fixing purposes. It is requested for verification to confirm the size of the aluminium channel proposed by the successful bidder;
- (c) Section VII of the Technical Specifications states that the GRP Panels should be grey in colour to eliminate the need to surface paint the reserve face. It is requested to confirm that the GRP Panels proposed by the successful bidder comply with this requirement.
- (d) The Notification award of 09/03/2026 does not indicate the date on which the award decision was taken. The Applicant requested for clarification and a debriefing but has not received the information.
- (e) The Applicant requests the Panel to verify whether the bid submitted by the successful bidder fully complied with the technical specifications;

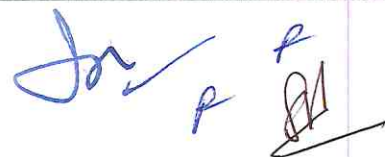
These being the grounds for review, the Applicant is now seeking relief as follows:

- (a) direct that the technical compliance of the materials proposed by the successful bidder be verified with respect to the requirements of the bidding documents;
- (b) confirm whether the GRP Panels proposed comply with BS EN 12899-1
- (c) Verify whether the aluminium fixing rails comply with the dimensions specified in the tender drawings;
- (d) Confirm whether the GRP Panels comply with the requirements that the substrate colour be grey;
- (e) Grant such further directions as the Panel may deem appropriate to ensure compliance with the bidding documents and the applicable procurement framework.

The Respondent in its Statement of Defence avers:

- (a) Technical specifications include dimensions to be as per drawings and any acceptable minor deviations thereto shall be to the Engineer's approval
- (b) The successful bidder has complied with all technical requirements.
- (c.) It is finally averred that the powers of the Independent Review Panel are set out at section 45(10) of the Public Procurement Act.

The Panel agrees with Counsel for the Respondent that the IRP powers rest under Section 45(10) of the Public Procurement Act. Though the relief sought was outside the ambit of Section 45(10)

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of the Public Procurement Act, the Panel proceeded with the hearing and submissions of both parties.

At the Hearing on 15 April, Counsel for the Applicant queried on the circumstances related to waiving of the suspension of the procurement proceedings which was issued by IRP on 16 March 2026.

The Panel finds that the Application for Review dated 14 March 2026 was received at the IRP on 16 March 2026. Thereupon a suspension of procurement proceedings was issued by IRP on the same day. When the IRP later became aware that the contract had already been awarded on 18 February 2026, subsequently signed and already under execution, the IRP waived the suspension order on 23 March 2026. In the circumstances the need of issue of a suspension order does not arise. The Applicant was informed that in such circumstances it would be eligible to cost only, in case the Panel finds that it should have been declared the Successful Bidder.

Mr. A. Moossun, Director of the Applicant Company deposed at the hearing on 13 May 2026. He stated that he had proposed GRP material from Filon Products and he had a test certificate therefrom. Moreover, after seeking clarification from Filon Product Ltd, he had been informed that B. N. Safety Ltd did not have any communication with that supplier. Moreover, he thought that no Company in the world would be able to deliver within two, three weeks' time 2067 signs, as the delivery of materials itself would take more than two months. Upon visual examination of a sample of the GRP material from the Successful Bidder, the material did not appear consistent. He had also observed irregularities concerning the aluminium exclusion channel fixed at the rear of the sign.

In cross examination, Mr. Moossun admitted that the delivery period in the bidding document is not 2 or 3 weeks but 12 weeks. He had proposed a 12 weeks' delivery period and had all the materials in stock.

Mr. Thakoor pointed out that BN Safety Ltd had proposed GRP material from Filon Products Ltd, along with a test certificate from the supplier, which is similar to the one submitted by the Applicant.

He, moreover, stated that as regards the aluminium railings, there is a minor difference of 1 to 2 mm which was deemed acceptable after an Engineer's approval. For that purpose, he stated that:

"At page 59 of the bidding document, Section 7. Under sub-section 2.8, it states, "the signage shall accommodate Aluminium rail and, then, (dimension shall be as per drawings, and then, any acceptable minor deviation shall be to the Engineer's approval), at the rear side for fixing purposes". You agree with me that, that was part of the document?"

During the same cross examination, Mr. Thakoor had pointed out that both Moossun Signs Ltd and B. N. Safety Ltd were found to be compliant and responsive to the bidding documents. However, BN Safety had applied for a margin of preference on the basis that they are an SME and that amongst others they have a certificate of Made in Moris.

On the other hand, Moossun Signs Ltd did not apply for a margin of preference. This was agreed by Mr. Moossun.

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After application of the margin of preference, the comparative bid value of BN Safety Ltd was found to be lower than that of Moossun Signs Ltd. Mr. Thakoor pointed out that it was the only reason why Moossun Signs Ltd was not awarded the contract.

Upon being informed by the Chairperson that since the contract had already been awarded and the Applicant would be eligible to cost only, in case the Panel finds that he should have been declared the successful bidder, Mr. Moossun mentioned a figure of Rs 100,000 approximately.

Mr. K. Raghoo, Chairperson of the BEC, who appeared as witness for the Respondent, under examination and cross examination responded amongst others to questions related to delivery period of the bidders, their test certificates, the aluminium channels and more specifically on how the margin of preference was applied with respect to the bid of BN Safety Ltd and how he was determined to the lowest substantially responsive bidder. Amongst others he confirmed that both bidders had proposed a delivery period of 12 weeks and both were found to be in conformity with the technical requirements. BN Safety Ltd was found to be the lowest substantially responsive bidder, after applying the margin of preference to its bid price.

Mr. N. Nastili, representative of BN Safety Ltd who was present during the Hearing made a request to give clarification and he was allowed to do so. There was no objection from all present.

In brief, he stated that:

- (1) All the materials, inclusive of GRP sheets and Aluminium railings are being procured locally, that is from local suppliers and he cited the names of the different local suppliers. He had also produced the test certificates to attest compliance to the relevant standards;
- (2) The GRP material has been procured from Chemtech Ltd who is an official supplier of Filon Products Ltd; and
- (3) We do not have the raw materials in Mauritius. They are imported by the different local suppliers, from whom he purchased them.

The production process for the signs have been done locally and no signs are being imported. Hence the relevance of the 'Made in Moris' certification

After perusal of the documents and after taking cognizance of the submissions of Counsels, the Panel is of the view that the relief sought is not within the scope of Section 45(10) of the Public Procurement Act. Further in the light of the different documents, submissions and deposition of witnesses, the Panel finds no reason to intervene in the findings of the Bid Evaluation Committee.

6. The Panel further notes that two Applications for Review were filed at the IRP in relation to the present procurement exercise, respectively from Moossun Signs Ltd and from Innovative Signs Ltd. Both bidders have complained of alleged lack of transparency, more particular to timely communication to them on the award and to reasons as to why they were not selected for award.

In this context, the Panel refers to Directive No. 10 issued by the Procurement Policy Office and entitled "*Procedures for Disclosure of Contract Award Details*".



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Relevant part reads as follows;

1. *Public bodies are hereby informed that it has been decided to implement the following measures in order to achieve more transparency in public procurement proceedings:*
 - (i) *For all contracts exceeding Rs 1 million, other than those under Direct Procurement Method, public bodies shall, promptly after awarding the contract, inform all unsuccessful bidders in writing of the name and address of the successful bidder and the contract amount.*
 - (ii) *For all contracts equal to or exceeding Rs 5 million, public bodies should publish in their respective websites and the Public Procurement Portal, within 7 days of the award of contract, the outcome of bidding proceedings specifying the subject matter of the procurement, the name and address of the successful bidder and the contract price.*
2. *Public bodies shall promptly attend to all requests for debriefing for the above contracts made in writing and within 30 days from the date of the publication of the award or date the unsuccessful bidders are informed about the award, whichever may be the case, by following the procedures outlined in regulation 9 of the Public Procurement Regulations 2008 as amended.*

In this procurement exercise, a letter of acceptance was issued to the successful bidder on 19 February 2026. It was only on 09 March 2026 that the Public Body informed the unsuccessful bidder of the particulars of the successful bidder, and, that also, after some bidders made enquiry on the phone regarding the status of the bidding exercise. This time lapse cannot be considered as “promptly after awarding the contract”.

Moreover, as per clause 34.1 of the bidding documents, the Public Body should have, within seven (7) days of award, published on its website and the Public Procurement Portal, the outcome of bidding proceeding by way of an Executive Summary of the Bid Evaluation Report. The Public Body did so, on 21 April 2026, only after it was reminded thereof during the hearing on 15 April 2026.

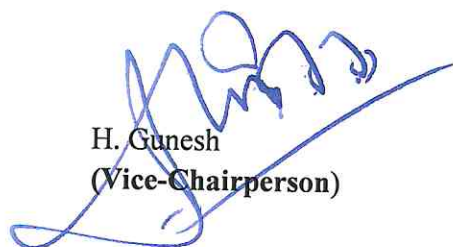
The Panel considers that such failure in the communication process gives rise to opportunity for unwarranted speculations around a procurement exercise. The Public Body should ensure adherence to the requirements under Directive 10 from the PPO and other communication requirements in the bidding documents.

However, in the present case, the Panel considers that although the Applicants received relevant information on the bid evaluation in a belated manner, they were still able to exercise their rights to file their Application for Review and the same was heard by the Panel. The receipt of information in a belated manner has had no bearing on the technical aspects of the case.




G. Conclusion

The Panel finds no merits in this application and therefore sets it aside.



H. Gunesh
(Vice-Chairperson)



R. Mungra
(Member)



S Ragoobar
(Member)

Dated: 03 July 2026

