



Independent Review Panel

Decision No. 13/26

In the matter of:

Innovative Sign Co Ltd

(Applicant)

v/s

Ministry of Land Transport

(Respondent)

(Cause No. 17/26/IRP)



Decision

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 Innovative Sign Co Ltd (Applicant) was one of them.

B. Evaluation

A Bid Evaluation Committee (BEC) was set up to evaluate the bids, received and to identify the lowest evaluated substantially responsive bid.

C. Notification

On 09 March 2026, the Respondent informed the Applicant (Innovative Sign Co Ltd), that an evaluation of its bid received had been carried out and the particulars of the successful bidder are given as hereunder:

Name of bidder	Address	Total Amount (Excluding VAT) (Rs)
BN Safety Ltd	Royal Road, St. Julian D'Hotman	10,724,435.00

D. Challenge

On 13 March 2026, the Applicant challenged the procurement proceedings on the following grounds: -

Specific Acts or Omissions Challenged

In accordance with Section 43(2) of the Act, the following acts and/or omissions are challenged.

(1) Failure to properly evaluate the bid submitted by the Bidder

The bid submitted by the Bidder:

Complied with all mandatory technical requirements of the bidding document;

Satisfied all minimum qualification criteria and;

Met all financial and technical evaluation parameters;

Notwithstanding the above, the Respondent failed to properly assess the bid submitted by the Bidder.

(2) Failure to select the lowest evaluated substantially responsive bid

Under the Public Procurement Act, the contract should be awarded to the lowest evaluated substantially responsive bidder;

The Bidder verily believes that:

Its bid was fully compliant with the bidding documents and;

Its bid was more competitive and advantageous than that of the selected bidder;

The award decision therefore appears to be inconsistent with the applicable evaluation criteria and procurement principles.

(3) Lack of transparency in the evaluation process

The notification of award does not disclose:

The evaluation criteria applied;

The evaluation scores allocated to bidders;

Or the reasons why the Bidder's bid was not retained:

In the absence of any clear explanation, the Bidder is unable to understand how or why its bid was not selected, despite complying with the bidding requirements.

**(4) Failure to provide adequate reasons for the decision**

The Bidder has legitimate expectations that the procurement process would be conducted fairly, transparently and rationally

The Respondent has failed to provide sufficient reasons for the decision to retain another bidder

Such lack of transparency undermines the integrity of the procurement process.

E. Reply of Respondent:

In a letter dated 23rd March 2026, which referred to a letter from the Applicant dated 06 March 2026, the Respondent informed him that “your bid did not comply fully with the Technical conformity requirements. The sample provided had three aluminium rails instead of two and, also, the rail fixation appears in front of the Traffic signs. Additionally, you did not demonstrate 5 years of experience. The evidence provided was only for years 2023-2025.

F. Applicant's Grounds for Review:

On 30 March 2026, the Applicant seized the Independent Review Panel for review on the following grounds;

1. The Respondent issued a notification dated 09 March 2026 informing the Applicant that it was unsuccessful; however, the said notification did not provide any reasons and therefore did not constitute an effective or lawful decision.
2. The Applicant was only provided with reasons on 24 March 2026 following a challenge, thereby depriving the Applicant of a timely and effective opportunity to challenge the procurement proceedings.

3. The Respondent failed to issue a written decision within the statutory period of seven (7) days following the filing of the challenge on 13 March 2026.
4. The Respondent failed to properly evaluate the bid submitted by the Applicant, which complied with all mandatory technical requirements, satisfied all qualification criteria, and met all financial and technical evaluation parameters set out in the bidding documents.
5. The Respondent failed to select the lowest evaluated substantially responsive bid, the Applicant's bid being fully compliant and more competitive and advantageous than that of the successful bidder.
6. The Respondent wrongly rejected the Applicant's bid on alleged technical noncompliance relating to the number of aluminium rails and positioning of rail fixation, which the Applicant avers complied with the specifications or were misinterpreted.
7. The Respondent erred in finding that the Applicant did not demonstrate five (5) years of experience. The Applicant avers that sufficient evidence of experience was provided and, in any event, the Respondent ought to have sought clarification or additional documentation, particularly in light of the Applicant's substantially lower bid.
8. The procurement process lacked transparency in that the Respondent failed to disclose the evaluation criteria applied, the evaluation scores allocated to bidders, and adequate reasons for the rejection of the Applicant's bid.
9. The circumstances surrounding the award have given rise to public controversy, raising concerns as to the transparency, fairness and objectivity of the procurement process. While the Applicant makes no allegation of wrongdoing, such circumstances reinforce the necessity for strict adherence to the principles governing public procurement.
10. For any other reasons that may be raised at the hearing on issues of law.

G. The Hearing

The Hearing was held on 15 April and on 13 May 2026. There is on record a Statement of Case and a Statement of Defence filed by the Applicant and Respondent respectively. The Applicant filed a written submission.

The Applicant was represented by Mr K. Ramsamy Barrister at Law, whilst Mr N. Thakoor, and Mr H. Gunesh both State Counsel, represented the Respondent.

Mr Y. Ram deposed as Witness for the Applicant whilst Mr D. K. Raghoo, Assistant Permanent Secretary and Chairperson of the BEC deposed as Witness for the Respondent.

H. Findings

The applicant brought this present application before the Independent Review Panel and in its statement of case averred the following:

- (a) The Public Body issued an invitation for the procurement of traffic sign;
- (b) The Applicant was notified on 09 March 2026 that its bid was unsuccessful;



Handwritten signatures and initials in blue ink.

- (c) The Applicant filed a challenge on 13 March 2026
- (d) The Applicant was notified on 24 March 2026 that its bid did not comply with the Technical Conformity requirements. Two reasons were advanced for the rejection, first, the sample provided has three aluminium rails instead of two and, also, the rail fixation appears on the front side of the Traffic Sign. Secondly, the Applicant did not demonstrate that it had 5 years experience as required, the evidence provided was only for years 2023-2025.

The Public Body filed a Statement of Defence and in main advanced before the Panel, the following:

- (a) The Challenge submitted was not in the prescribed form and provided under the Second Schedule of the Public Procurement Regulations;
- (b) The Applicant had also applied for a debriefing on 06 March 2026.
- (c) The Public Body received the Challenge on 16 March 2026 and it replied to the said challenge within 7 days i.e on 23 March 2026.
- (d) The Applicant failed to comply with the provisions of the Bidding Documents more particularly paragraph 2.8 of Section VII-Technical Specification where the number of aluminium rails were not as per the drawings.
- (e) The Applicant did not prove that it had 5 years experience as per Section III of the Bid Data Sheet.

At the hearing the Panel was informed that the successful bidder has already been awarded the contract and the project is nearly to be completed.

In circumstances where a contract has already been awarded, the Panel may proceed to hear an application and if it comes to the conclusion that the bid should in fact have been awarded to the applicant then the applicant will be entitled to payment of reasonable costs incurred in participating in the bidding process.

The Panel has perused all the documents on record and has found the following:

- (a) On the day of hearing, Witness Mr Ram, Director of the Applicant company admitted that (i) the sample provided had three aluminium rails instead of two and also admitted that the document produced did not show that the company had 5 years experience.
- (b) Mr Y Ram informed the panel that the Public Body was bound to ask for clarification on the above two issues.
- (c) Mr K. Raghoo who represented the Respondent explained to the panel that the Bid Evaluation committee has four major steps while examining a bid. First is a preliminary examination, second the qualifications, third technical evaluation and fourth the financial evaluation.
- (d) The applicant's bid was not retained at the first stage itself as it did not demonstrate five years experience. During the same exercise it was noted that the sample provided had three rails instead of two rails.



- (e) In cross examination by Applicant's Counsel Mr Raghoo explained that the two issues disqualified the applicant's bid; the those two issues were not considered as minor deviations.

Mr Y Ram *viva voce* informed the Panel the applicant incurred the sum of Rs 175,000 without any documentary evidence.

The Panel further finds that:

1. Four bids were received and they were respectively around Rs4,05 million, Rs4.30 million (the Applicant), Rs9.31 million and Rs10.72 (the successful bidder). The last two bids were nearer the Public Body's bid estimate. The first two bids were below the Public Body's estimate and would have been considered as abnormally low bids and processed as such if they had passed the technical evaluation and qualified for financial evaluation.
2. The Applicant provided rails and fixation that were not in compliance with the technical requirements. The Applicant has claimed that the Drawings were ambiguous and, if it was not fully compliant regarding the rails and their fixation, this should have been considered as minor deviation.
3. Regarding the evidence to demonstrate having at least five years experience in manufacturing similar type of goods, the Applicant agreed not having submitted the same in the bid, but, he has that experience. The Applicant claims that such information regarding his further experience should have been sought from him through clarification.
4. The Applicant claims that since it had bid a low price, the Public Body should have used its discretion not to reject its bid in view of the following provisions.

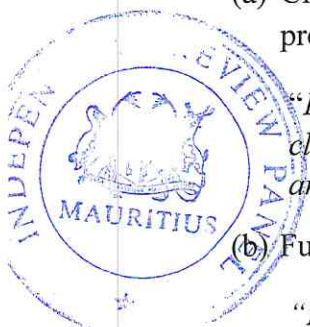
- (a) Clause 25.1 of the Instruction to Bidders ("ITB") of the Bidding Document expressly provides:

"During evaluation of the bids, the Purchaser may, at its discretion, ask the Bidder for a clarification of its bid. The Request for clarification and the response shall be in writing, and no change in the prices or substance of the bid shall be sought, offered, or permitted."

- (b) Further, **Clause 26.3** of the ITB provides:

"Provided that a Bid is substantially responsive, the Purchaser may waive any non-conformities or omissions in the Bid that do not constitute a material deviation."

5. The Panel is of the view that the above-mentioned omissions and non-compliance with the technical requirements in the bidding documents, these shortcomings cannot be considered as minor deviations and agrees that there was no obligation on the part of the Public Body to seek clarification from the Applicant. The Applicant has not fully complied with the technical conformity requirements in the bidding documents and the Bid Evaluation Committee (BEC) was right in not accepting the bid.



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*”.

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 bidders 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.

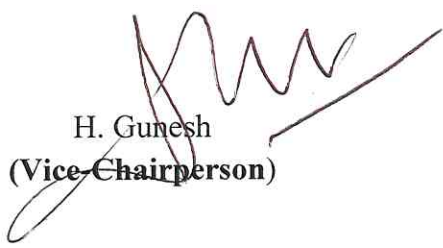
However, in the present case, the Panel considers that although the Applicants received relevant information on the bid evaluation in a belated manner, they were still able to exercise their rights to file their Application for Review and the same was heard by the Panel. The receipt of information in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

7. In the light of the above, we have come to the conclusion that the applicant's application is devoid of merit on the two issues based on which the applicant's bid was not retained.

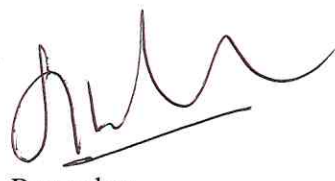
(I) **Conclusion**

There being no merits, this Applicant for Review is set aside.




H. Gunesh
(Vice-Chairperson)


R. Mungra
(Member)


S. Ragoobar
(Member)

Dated: 03 July 2026