

Independent Review Panel

Decision No. 20/26

In the matter of:

Health Focus Ltd

(Applicant)

v/s

Ministry of Health and Wellness

(Respondent)

(Cause No. 29/26/IRP)



Decision

A. History of the case

On 26 February 2026, the Respondent (Ministry of Health and Wellness) invited bids from eligible Bidders of Mauritian Nationals or entities incorporated in Mauritius through the Government e-procurement system for the “*Procurement of Glucose Meter Apparatus and Test Strips [Relaunch]*” – Procurement Reference: MHPQ/MDIS/2025-2026/Q46 E-Procurement Reference: HEALTH/IFB/2026/2571. The procurement method used for the bidding exercise was Open National Bidding.

Thirteen (13) bids were received. The Applicant (Health Focus Ltd) was one of the bidders.

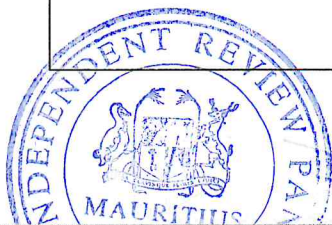
B. Evaluation

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 21 August 2026, the Respondent informed the applicant that an evaluation of the bids received, has been carried out and that its bid had not been retained for award. Particulars of the successful bidder are as given below:

Item No	Description	Bidder & Address	Quantity (Units)	Amount (Rs)
1	Glucose Meter Apparatus	Advanced Healthcare Ltd CTR Lane, Mesnil Phoenix	5,040	31,600.80
2	Test Strips for determination of glucose in blood to be compatible with item 1		168,014	32,929,063.86
3	Test strips for determination of protein and glucose in urine		37,900	2,761,773.00
Total Contract Price excluding VAT				35,722,437.66




D. Challenge

On 26 August 2026, the Applicant challenged the procurement proceedings under regulation 48 of the Public Procurement Regulations 2008 on the following grounds: -

"Bidder's grounds for challenge: We have submitted a responsive bid for item 1 & 2 and although our offer was more than MUR 10 million cheaper, we were not retained. Kindly advise on the reason/s why our offer was rejected."

E. Reply to Challenge

On 28 August 2026, the Respondent, in reply to challenge by the Applicant, stated that:

"2. We wish to inform you that your offer was not retained, as it did not fully satisfy the established clinical evaluation requirements during the clinical evaluation stage.

3. Consequently, your offer could not be considered for further evaluation or award."

F. Grounds for Review

On 03 September 2026, the Applicant seized the Independent Review Panel for review on the following grounds:

A. *Breach of Bidding Conditions and Applicable Standards*

*"4. The Applicant's bid complied fully with all technical and regulatory requirements set out in the bidding documents, including **European Union standards (CE IVDR)** and **ISO 15197:2013** and **ISO 15197:2015**, which are internationally recognised standards for accuracy and reliability for glucose monitoring systems. Despite this compliance, the Respondent rejected the bid on the basis of alleged inaccuracy without demonstrating any inconsistency with the tender specifications.*

*5. The Respondent failed to disclose the **testing protocol, methodology, and comparator device(s)** used during the clinical evaluation. This omission prevents verification of whether the evaluation was conducted in accordance with the bidding conditions and internationally recognised standards.*



6. The absence of transparency in the evaluation process renders the rejection incapable of objective justification and constitutes a breach of the principles of **fairness, equal treatment, and transparency** under the Public Procurement Act 2006[sic].

B. Defective and Non-Verifiable Clinical Evaluation

7. The Respondent has not demonstrated that the clinical evaluation was conducted in accordance with **ISO 15197:2013 standards** which require specific procedures for accuracy testing, including sample size, comparator methodology, and environmental controls (**Annex A for reference values**)

8. The Applicant's device, the **Safe AQ Max I Glucose Monitoring System**, has undergone rigorous independent evaluations internationally and is accepted in regulated markets worldwide. It is therefore highly improbable that the device would fail accuracy testing in Mauritius if proper protocols were followed.

9. The accuracy of glucose test strips is sensitive to **humidity, light exposure, and storage conditions**. If samples were not stored or handled accordingly, the integrity of the strips may have been compromised. This raises the possibility that **human error** affected the evaluation outcome.

C. International and Local Validation of the Applicant's Product

10. **International Recognition:** The Safe AQ Max I glucose meter and test strips are manufactured by **Sinocare**, an internationally recognised manufacturer ranked among the **top four global companies** in glucose monitoring technology.

11. **Local Acceptance:** Since its introduction in Mauritius in 2020, Sinocare glucose monitoring systems have been adopted by more than **13 private hospitals and clinics**, all of which use the devices daily. No accuracy issues have ever been reported by these institutions.

12. **Consistency with Tender Requirements:** Given the Applicant's product's compliance with EU standards and **ISO 15197:2013**, and its proven reliability internationally and locally, it is highly unlikely that the product would fail accuracy testing unless the evaluation process itself was flawed.



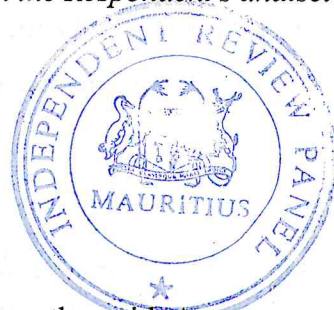
D. Failure to Ensure Value for Money and Equal Treatment

13. The Applicant submitted the **lowest-priced bid**, thereby ensuring optimal value for money for the Government and wider patient access. Rejecting a compliant and economical bid without proper justification undermines the procurement principles of **value for money, transparency, and equal treatment**.

14. Excluding a fully compliant device without disclosing the basis of rejection constitutes unequal treatment of bidders and violates the core principles of the Public Procurement Act 2006[sic].

E. Request for Independent Verification

15. The Applicant is doing needful to submit the Safe AQ Max I system for **independent third-party testing** under ISO 15197:2013 protocols in Mauritius. This would objectively confirm the device's accuracy and reliability and address any concerns arising from the Respondent's undisclosed evaluation process."

**G. The Hearing**

A hearing was held on 30 September 2026.

There is on record a Statement of Case filed by the Applicant together with Annexures.

Mr Y. Varma, of counsel together with Miss S. V. Ajageer, of counsel appeared for the Applicant, instructed by Mr D. Ramdhur, Attorney at Law.

Mr Y. Alimohamed, Senior State Counsel appeared for the Respondent, instructed by the Chief State Attorney.

The Applicant was represented by its director, Mr R. Parepiah, Director of Health Focus Ltd.

Mr R. Parepiah was called as witness for the Applicant.

H. The Issues at hand and its legal implications

In the present matter, the Panel notes that the Applicant has complied with all statutory requirements under the Public Procurement Act 2008 (PPA) and the Public Procurement Regulations 2008, in so far as the challenge and application for review were made within the statutory delays and in the prescribed format. At the time the application for review was lodged before the Panel, the Respondent had not yet

awarded the contract, and the Panel accordingly issued a suspension order pursuant to section 45(4) of the PPA.

On 17th of September 2026, by way of a letter dated 14th of September 2026, the Respondent issued a certificate of urgency in accordance with section 45(5) of the PPA, stating that it would be *“proceeding with the procurement of Glucose Meter Apparatus and Test Strips in the urgent public interest”*. Consequently, by operation of section 45(5) of the PPA, the suspension previously issued under section 45(4) automatically ceased to have effect upon the Public Body.

On the day of the hearing, learned counsel for the Respondent informed the Panel that the contract was awarded on the 25th of September 2026. He further stated that the Respondent is not resisting the application and would therefore not be filing any Statement of Defence. He added that the Respondent is agreeable to an order for recovery of costs of bid preparation and participation in the procurement proceedings under section 45(9) of the PPA.

The Panel wishes to clarify certain crucial legal points at this juncture, but before doing so, it is apposite to reproduce the explicit wording of section 45(9) of the PPA:

Section 45(9):

“Where the procurement proceedings have not been suspended under subsection (5), and the application for review of an unsatisfied bidder is determined in his favour, the Review Panel shall award him compensation limited to the recovery of the costs of bid preparation and participation in the procurement proceedings” [Emphasis is ours].

In circumstances such as in the present matter, where the Public Body has already awarded the contract following the lifting of the suspension under section 45(5), the Panel cannot make orders for the annulment in whole or in part of the decision of the Ministry of Health and Wellness, nor can it recommend a re-evaluation of the bids or a review of the decision of award, as sought by the Applicant. The only remedy available to the Applicant that may be ordered by the Panel under these circumstances is an award of *“compensation limited to the recovery of the costs of bid preparation and participation in the procurement proceedings”*.

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However, an order under section 45(9) of the PPA comes with a strict statutory caveat: the Panel can **only** make such an order “*if the application for review...is determined in his favour*”. Notwithstanding the fact that the Respondent has chosen not to resist the application and went further to state that it is agreeable to an order for recovery of costs under section 45(9) of the PPA, this does not create an automatic right or entitlement for the Applicant to receive compensation under the said section. The Panel remains duty-bound to independently evaluate the substantive merits of the application to determine whether the review is indeed determined in the Applicant's favour.

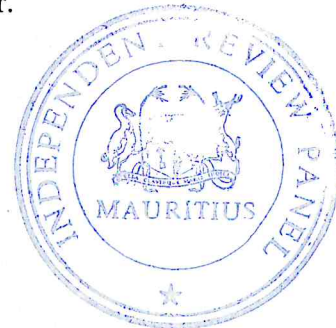
I. Findings

Ground A

The Applicant's primary ground for review is that its offer fully complied with the technical and regulatory requirements set out in the bidding documents, including European Union standards (CE-IVDR) and ISO 15197:2013 / ISO 15197:2015. The Applicant contends that the Public Body's failure to disclose the testing protocol, methodology, and comparator device(s) prevented verification of whether the evaluation was conducted in accordance with the bidding conditions and internationally recognized standards, thus constituting a breach of the principles of fairness, equal treatment, and transparency under the PPA.

It is undisputed that information regarding the specific testing protocol, evaluation methodology, and comparator device was not disclosed to the Applicant or other bidders upon notification of award or in the reply to the challenge. However, pursuant to the statutory framework governing reviews under the Public Procurement laws, the Bid Evaluation Report is made available to the Independent Review Panel. Bid evaluation is inherently a confidential statutory exercise designed to protect commercial confidences and proprietary data of economic operators; consequently, confidential evaluation details cannot be released to competing bidders, though bidders retain the option to seek statutory debriefing under section 41 of the Act. Therefore, the argument that the non-disclosure of evaluation protocols to bidders per se vitiates the evaluation or amounts to a breach of fairness and transparency cannot be sustained.

A detailed perusal and analysis of the confidential Evaluation Report confirms that all participating bidders were subjected to the exact same technical evaluation criteria in accordance with the bidding documents. Bidders who successfully satisfied the preliminary technical requirements progressed to the



clinical evaluation stage. The Panel has carefully examined the methodology, testing protocols, and analytical techniques applied during this clinical evaluation stage.

The clinical evaluation was conducted at a public hospital (Medical Unit) and the Central Health Laboratory (Biochemistry Department). It followed a standardized international evaluation protocol (Mahoney & Ellison methodology). To guarantee an unbiased assessment, a blind protocol was implemented. The submitted devices were anonymized using neutral designations (such as "Glucometer A" and "Glucometer B") to ensure that both laboratory technicians and statistical analysts remained unaware of the respective brand identities and bidder names.

The devices were evaluated using blood samples from 30 patient volunteers against a centralized laboratory reference analyzer (Abbott C8000). The statistical and clinical assessments comprised Key Metrics Analysis (Mean Bias and Mean Absolute Relative Difference (MARD)), Bland-Altman analysis and ISO 15197:2013 Accuracy Standards. The system accuracy was set as per ISO 15197:2013/EN ISO 15197:2015.

The comparative analysis demonstrated that the evaluated devices were assessed under identical clinical conditions. The evaluation revealed that the device offered by the successful bidder demonstrated superior precision, a tighter 95% Limit of Agreement, and higher clinical safety by avoiding extreme measurement errors under high glucose conditions when benchmarked against the laboratory reference standard, whereas the Applicant's device exhibited higher measurement variation and failed to fully satisfy the required clinical evaluation standards. Having thoroughly scrutinized the evaluation process, the Panel is satisfied that the clinical evaluation was executed in an objective, rigorous, and uniform manner across all evaluated devices.

Ground A is accordingly dismissed.

Grounds B and C



Ground B and C will be dealt together. Under these two grounds, the Applicant raises specific challenges regarding the clinical evaluation process, adherence to ISO 15197:2013 standards, environmental factors, and product validation.



Having thoroughly examined the Bid Evaluation Report submitted by the Respondent, the Panel finds that the Evaluation Report confirms that the testing exercise was conducted pursuant to an internationally recognized evaluation protocol. The clinical trial utilized capillary blood samples collected from 30 patient volunteers, benchmarked directly against a high-precision centralized laboratory analyzer (Abbott C8000). As already mentioned above, the comparative analysis specifically evaluated the readings against the system accuracy criteria of ISO 15197:2013/EN ISO 15197:2015 using Key Metrics Analysis (Mean Bias and MARD), Coefficient of Variation testing, and Bland-Altman 95% Limits of Agreement plots.

The clinical data established that while all submitted devices were subjected to identical standard operating conditions, the Applicant's device failed to meet the established clinical accuracy thresholds. Under high glucose conditions, the Applicant's device produced a significant underestimation (a deviation of -4.6mmol/L, falling outside 3 standard deviations). In a clinical environment, such a variance creates a critical health risk of missed or delayed insulin administration.

The Applicant's assertion that external environmental factors (such as humidity or light exposure) or operator error adversely affected its test strips remains unsupported by evidence. All devices were operated strictly in accordance with the manufacturers' instructions. Furthermore, a double-blind protocol was maintained, firstly by anonymizing the meters as "Glucometer A" and "Glucometer B" and secondly by ensuring that laboratory technicians and statistical analysts remained unaware of the brand identities, thereby eliminating subjective bias or selective mishandling.

The Panel acknowledges the Applicant's submission regarding its product's international certifications (CE-IVDR and ISO 15197) and its established commercial track record, including its adoption by over 13 local private hospitals and clinics. However, the decisive factor remains the empirical performance of the physical sample submitted for this specific procurement exercise. Upon undergoing comparative clinical evaluation at the public hospital laboratory, the Applicant's device failed to meet the required clinical accuracy and safety thresholds. Consequently, prior market acceptance or general paper certifications cannot override an actual failure observed during practical clinical testing.



Accordingly, the Panel is satisfied that the clinical evaluation was conducted rigorously, objectively, and in accordance with recognized international technical standards. Ground B and C are therefore accordingly dismissed.

Ground D

At the hearing, the representative of the Applicant stated that the financial difference between its bid and that of the Successful Bidder was over Rs 11 million for Items 1 and 2, a figure which Learned Counsel for the Respondent disputed during cross-examination.

The Panel finds that regardless of whether the price variance across Items 1 and 2 amounted to Rs 11 million or a lesser figure, a lower financial offer does not automatically entitle a bidder to contract award under public procurement rules. A financial bid is eligible for consideration only if the offer is first determined to be substantially responsive to all mandatory technical and clinical requirements.

The Bid Evaluation Report confirms that while the Applicant offered a lower price, its device failed the essential clinical criteria for both accuracy and precision. Conversely, the Successful Bidder was the lowest-priced offer among those that fully satisfied all minimum technical and clinical safety standards.

The Respondent correctly disqualified the Applicant's non-compliant offer before concluding the financial evaluation. Awarding a public contract solely on price to a medical device that fails basic clinical accuracy standards would compromise patient safety and breach procurement rules.

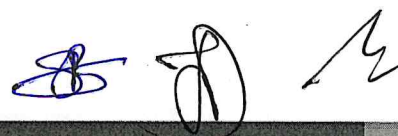
Ground D is therefore dismissed.



Ground E

Under Ground E, the Applicant states an intention to submit additional supporting documentation and comparative testing evidence regarding its device's compliance.

The Panel finds that Ground E is framed as a future undertaking or conditional statement rather than a substantive legal ground of review challenging a specific decision or procedural defect by the Respondent. Since no independent third-party report or supporting evidence was produced before us to substantiate this statement, Ground E is unsubstantiated and dismissed.

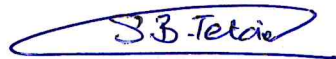


J. Conclusion

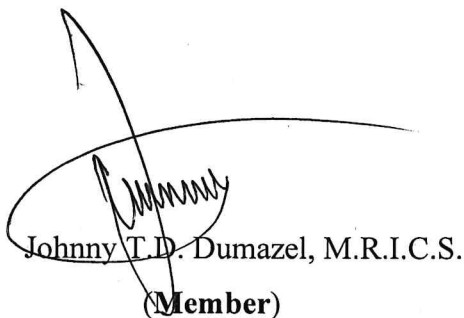
Having thoroughly evaluated the pleadings, the evidence, and the confidential Bid Evaluation Report, the Panel finds that the clinical evaluation was conducted in an objective, standardized, and transparent manner, and that the Applicant's offer was correctly determined to be non-compliant with the mandatory clinical accuracy and safety requirements.

Consequently, the Application for Review is dismissed on its substantive merits.

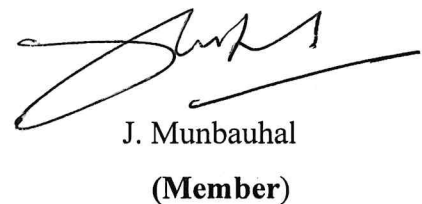
Pursuant to Section 45(3)(d) of the PPA, since the Panel has determined that there is no merit in the application, fifty per cent (50%) of the security deposit made by the Applicant upon filing shall be forfeited.



S. Bhugun-Tetarie
(Vice Chairperson)



Johnny T.D. Dumazel, M.R.I.C.S.
(Member)



J. Munbauhal
(Member)



Dated: 02 October 2026



