



Republic of Mauritius

# ANNUAL REPORT 2021/2022



**Procurement Policy Office**  
Ministry of Finance, Economic Planning and Development

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*“If corruption is a disease, transparency is an essential part of its treatment.”*

*Kofi Annan*



# *f*Word



*Mr. Hirendranath Rambhojun, O.S.K*  
*Director*

This Annual Report (2021-2022) is submitted in compliance with statutory requirement under Section 7B of the Public Procurement Act 2006 (PPA). Public Bodies are now following the elaborate and more transparent Procedures for Emergency Procurement.

It contains essential statistical data and highlights procurement related activities at the Procurement Policy Office(PPO) in the Post-Covid era. It is also The African

Development Bank (AfDB) in collaboration with the World Bank has carried out the MAPS II assessment of the Public Procurement system including the e-Procurement system. The Final Report has been submitted on November 2022. In this respect, the AfDB has provided a grant under the Middle Income Country Technical Assistance Fund (MIC-TAF) to implement some of the recommendations of the MAPS II assessment by recruiting an e-PS expert with a view to enhancing the e-PS and a Legal expert to review the Public Procurement Act (PPA) 2006. Both Experts have started working on their respective assignments on the 22 November 2022 and the exercise is expected to be completed by March 2023.

Regular training on the e-PS is being organized by the PPO for public officers acting as users or reviewers or evaluators and for suppliers, bidders and enforcement agencies such as Auditors. It is good to note that training has also been started at the Rodrigues Regional Assembly (RRA) and the first IFB has been launched through e-PS.

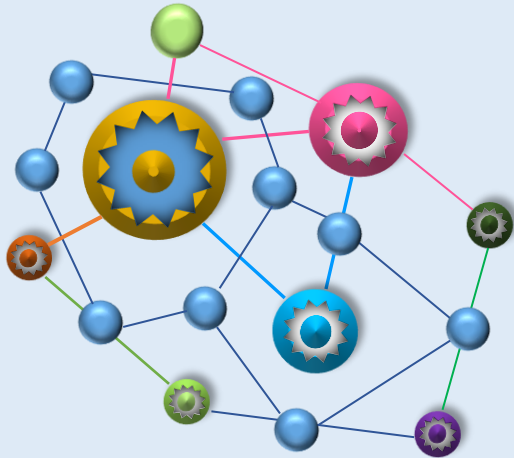
The PPO is continuing its collaboration with the National Audit Office, the Internal Control, the Public Accounts Committee, the Central Procurement Board and the Competition Commission. On the International level, representatives of the PPO have intervened at the 2nd Annual Procurement Conference organized by the Procurement Regulatory Authority of Zimbabwe. A representative of the PPO participated as a panellist on MAPS assessment discussed at the Second General Assembly of the African Public Procurement Network held in Eswatini. Representatives of PPO are further involved in the EU-ESA-5 negotiations in view to deepen the Interim Economic Partnership Agreement. PPO is also contributing in the project for the Greening of the Public Sector Project and for the adoption of sustainable procurement. These participations are indicators of recognition of advances made by Mauritius in e-PS and in procurement in general.



A world-class procurement system  
for the Republic of Mauritius



To promote the development of a  
modern and efficient public  
procurement system for Mauritius  
based on international best practices  
through close monitoring, regular  
audits, review, capacity building and  
research.



# Strategic Objectives

1

Maximise economy and efficiency in public procurement and obtain best value for public expenditures.

2

Contribute to the economic development of Mauritius through an efficient public procurement system and capacity building.

3

Promote competition and foster participation in public procurement proceedings.

4

Provide equal opportunity and fair and equitable treatment to all suppliers and bidders.

5

Promote integrity, fairness, accountability and public confidence in the public procurement process.

6

Ensure transparency in the procedures, process and decisions relating to public procurement.



**Part A  
Overview**

- Quick facts
- The Procurement Legal Framework
- Public Procurement Institutional Structure
- Institutional Collaboration
- Procurement Policy Measures in 2021/2022
- MAPS II – Validation Workshop

## 1.0 Quick Facts

1.1 This Office aims to show a realistic picture of the procurement spending for all public bodies operating under the Public Procurement Act (PPA). The main source for the collection of data from public bodies is the Return on Procurement Activities (ROPA).

1.2 To capture all the data on procurement spending, a circular was issued whereby changes in the ROPA were mentioned. (Circular 11 of 2021).

1.3 Furthermore, training was provided to all public bodies including exempt organisations for the correct submission of data. 105 public bodies attended the training.

1.4 It is therefore strongly felt that proper communication be established with the defaulting public bodies in order to motivate them to submit the required data.

1.5 Hereunder, are tables, 1 to 5, summarising the analyzed data derived from ROPA.

**Table 1 : Number of Public Procurement Contracts Awarded (above Rs 100,000)**

Category of Procurement	2012	2013	2014	2015	2016* (Jan-June)	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Goods	1,666	3,525	4,184	3,792	1,825	3,739	4,366	4,875	4,504	3,831	4,842
Works	422	596	725	651	462	664	1,135	1,323	1,036	1,371	1,645
Consultancy Services	26	139	175	113	36	217	133	140	98	74	109
Other Services	436	579	856	973	465	868	1,224	1,385	1,068	938	1,089
Total	2,550	4,839	5,940	5,529	2,788	5,488	6,858	7,723	6,706	6,214	7,685

*Source: Figures computed from returns submitted by public bodies (e & oe)*

**Table 2: Value of Public Procurement Contracts (above Rs 100,000) awarded (Rs B)**

Category of Procurement	2012	2013	2014	2015	2016* (Jan-June)	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Goods	4.82	5.34	4.64	5.24	2.53	5.03	6.33	5.99	6.26	4.65	12.50
Works	3.1	6.14	9.92	3.36	1.9	9.61	9.37	6.6	7.23	6.44	6.63
Consultancy Services	0.16	0.58	0.52	0.29	0.8	0.32	0.29	0.53	0.16	0.34	0.43
Other Services	1.63	1.54	1.61	1.6	0.89	1.64	1.52	2.08	1.97	1.82	2.11
<b>Total</b>	<b>9.71</b>	<b>13.6</b>	<b>16.69</b>	<b>10.49</b>	<b>6.12</b>	<b>16.61</b>	<b>17.51</b>	<b>15.19</b>	<b>15.63</b>	<b>13.24</b>	<b>21.67</b>

*Source: Figures computed from returns submitted by public bodies (e & oe)*

**Table 3: Value of Public Contracts (above Rs 100,000) awarded to SMEs (Rs M)**

Category of Procurement	2012	2013	2014	2015	2016* (Jan-June)	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Goods	211.7	757.7	654.7	747.9	498.1	516.9	730.2	787.4	582.8	462.1	712.1
Works	187.3	650.1	432.7	813.3	321.7	676.6	1,356.2	1,685.8	667.3	1013.7	1,240.5
Consultancy Services	4.1	27	17.2	12.9	6.7	13.6	13.3	24.7	62.9	13.8	16.6
Other Services	70	221.3	252.3	189.1	144.1	226.7	366.7	426.4	251.3	167.6	175.4
<b>Total</b>	<b>473.</b>	<b>1,656</b>	<b>1,357</b>	<b>1,763</b>	<b>971</b>	<b>1,434</b>	<b>2,466</b>	<b>2,924</b>	<b>1,564</b>	<b>1,657.</b>	<b>2,145</b>

*Source: Figures computed from returns submitted by public bodies (e & oe)*

**Table 4: Value of Contracts (above Rs 100,000) awarded to SMEs as a percentage of Total Value of all Contracts**

Value of Contracts	2012	2013	2014	2015	2016* (Jan-June)	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Percentage of Contracts to SMEs	4.90%	11.30%	8.10%	16.80%	17.90%	8.64%	14.09%	19.24%	10.01%	12.51%	9.40%

*Source: Figures computed from returns submitted by public bodies (e & oe)*

**Table 5: Number of awarded Public Procurement Contracts (above Rs 100,000) following e-Procurement System and Paper based procedures**

Category of Procurement	2021/ 2022	
	e-Procurement	Paper based
Goods	892	3950
Works	226	1419
Consultancy Services	27	82
Other Services	129	960
<b>Total</b>	<b>1274</b>	<b>6411</b>

*Source: Figures computed from returns submitted by public bodies (e & oe)*

Figures from Table 5 above clearly indicate that public bodies have yet to endeavour towards moving from paper procurement to e-procurement (Budget 2020/2021 provided for e-procurement to be used mandatorily).

## 2.0 The Procurement Legal Framework

2.1 Public procurement in Mauritius is governed by the Public Procurement Act (PPA) 2006, which is based on the earlier version of the United Nations Commission on International Trade Law (UNCITRAL) on Public Procurement, and its accompanying regulations, comprising:

- a) Public Procurement Regulations 2008;
- b) Public Procurement (Suspension and Debarment) Regulations 2008;
- c) Public Procurement (Disqualification) Regulations 2009;
- d) Public Procurement (Framework Agreement) Regulations 2013;
- e) Public Procurement (Diplomatic Missions Mauritius) Regulations 2014;
- f) Public Procurement (Electronic Bidding System) Regulations 2015; and
- g) Public Procurement (Cancellation of Bidding Process) Regulations 2016

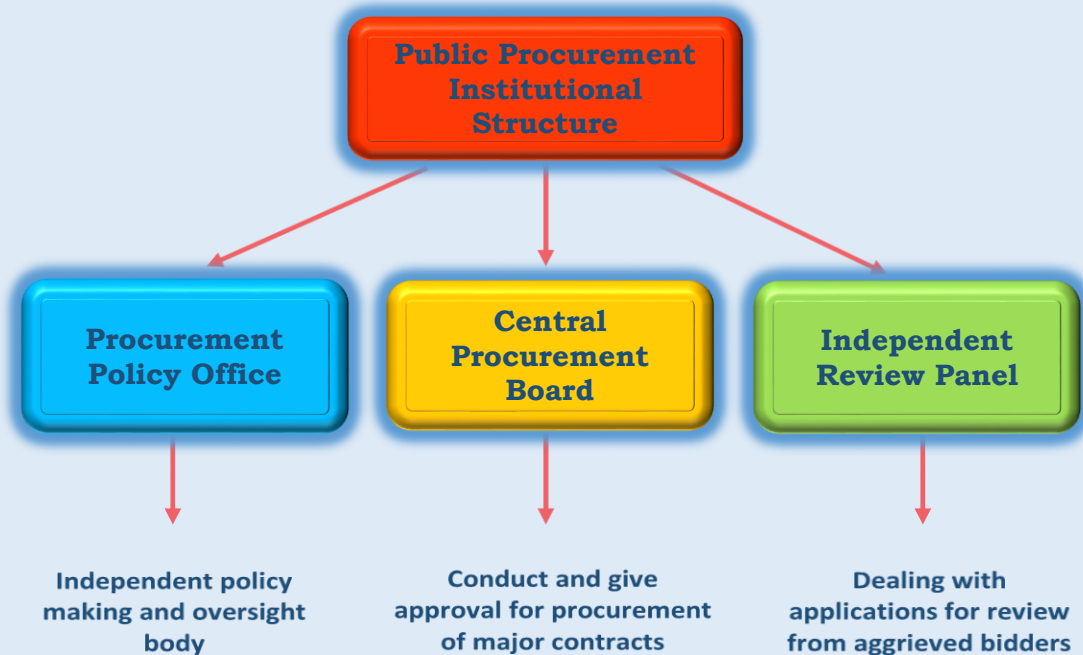
2.2 The PPO has, *inter alia*, the responsibility to formulate policies relating to public procurement, including directives, procedures, instructions, technical notes, and manuals, for the implementation of the Act and to act as a focal point to guide the Central Procurement Board (CPB), and public bodies to ensure consistency in the application of the Act and any regulations made under it. The PPO continuously reviews the Act and Regulations and makes recommendations to the Minister for any amendments required to facilitate the implementation of new policies usually announced through the budget.

2.3 The Procurement Legal Framework also comprises the Build Operate Transfer (BOT) Projects Act 2016 and the Public Private Partnership (PPP) Projects Act 2004. These regulate projects carried out under the BOT/PPP concepts. It is an arrangement whereby the private sector designs, builds, finances, operates, and maintains a facility for a fixed tenure and at the end of which it may be transferred to the government.



## 3.0 Public Procurement Institutional Structure

3.1 The Public Procurement legal framework provides for a triple-tier institutional framework comprising the Procurement Policy Office (PPO), the Central Procurement Board (CPB), and the Independent Review Panel (IRP) to support the Public procurement system in Mauritius.



### Procurement Policy Office

3.2 The PPO, established under Section 4 of the PPA, is administered by a Director and two members. The Office serves as an independent procurement policy and monitoring body but is not operationally involved in conducting procurement proceedings or resolving procurement disputes.

3.3 The functions of this Office are:

- a) issue instructions to public bodies concerning the coordination of their actions with the Policy Office, the Board and the Review Panel;
- b) where appropriate, designate a public body to enter into and manage a framework agreement on its own behalf and that of other public bodies, or on behalf of other public bodies;
- c) formulate policies relating to procurement and issue directives, procedures, technical notes and manuals, for the implementation of this Act;
- d) issue standard forms of contracts, bidding documents, pre-qualification documents, requests for proposals and other similar documents for mandatory use by every public body implementing procurement;
- e) collect from the Board, the Review Panel and public bodies information on procurement activities and monitor their compliance with this Act;
- f) act as a focal point to guide the Board and public bodies with a view to ensuring consistency in the application of this Act and any regulations made under this Act;



- g) attend to complaints from bidders or suppliers and advise the Board or public bodies on the appropriate course of action;
- h) recommend, and facilitate the implementation of, measures to improve the functioning of the procurement system, including the operation of annual procurement planning, the introduction of information and communications technology and the dissemination of publications and the setting up of websites dedicated to procurement;
- i) prepare and conduct training programmes for public officials, contractors and suppliers concerning procurement;
- j) solicit the views of the business community on the effectiveness of the procurement system;
- k) present an annual report to the Minister regarding the overall functioning of the procurement system;
- l) communicate and cooperate with international institutions and other foreign entities on matters of procurement;
- m) advise on and monitor foreign technical assistance in the field of procurement;
- n) advises the Financial Secretary regarding delegation of financial authority to public officers enabling them to approve contract awards and changes to contracts of a financial nature and the annual review of such delegations; and
- o) perform such other functions as may be assigned to it by the Financial Secretary.

### Central Procurement Board

3.4 The CPB is established pursuant to Section 8 of the Act. It is composed of one chairperson, two vice-chairpersons, and three other persons. An overview of the functions of the CPB in respect to major contracts is as follows:

- i. establish appropriate internal procedures for the operations of the Board and ensure compliance with them;
- ii. vet bidding documents and notices submitted to it by public bodies;
- iii. receive and publicly open bids;
- iv. select evaluators, set up bid evaluation committees and oversee the examination and evaluation of bids;
- v. review the recommendations of a bid evaluation committee and will either approve the award of major contracts or will require the evaluation committee to make a fresh or further evaluation on specific grounds; and
- vi. in respect to amendment regarding variation in contract value as recommended by a public body, the board may approve or reject the recommendation or require the public body to make a fresh recommendation.

## Independent Review Panel

3.5 Section 44 of the PPA establishes an Independent Review Panel consisting of a chairperson, a vice chairperson, and four other persons appointed to review procurement proceedings following the application of an unsatisfied bidder as per Section 45 of the Act.

3.6 The IRP may sit in either one or two divisions to determine cases expeditiously within a specified 30-day period, in the absence of which the contract may be awarded by a public body.

## Public Bodies

3.7 The PPA defines a “public body” as any Ministry or Government department, a local authority, a parastatal body, or any such other bodies as specified in the First Schedule of the Act.

3.8 Public bodies are bound to carry out their procurement activities in compliance with the Act. As mentioned previously, contracts with values above defined prescribed amounts, as per schedule to the Act, have to be vetted by the CPB. Also, the CPB is responsible for the evaluation and award for such contracts.

## Exempt Organisations and Excluded Procurements

3.9 “Exempt organisation” is defined, as per Section 2 of the PPA, as a body which is, by regulations, excluded from the application of the Act. Even though these organisations are excluded from the provisions of the Act, they have to define their own governance procedures. A list of these bodies with regards to the specified type of contract for which they are exempted can be consulted in the First Schedule of the Public Procurement Regulations 2008

## Procurement Operations: Procurement and Supply Cadre

3.10 The operational functions of public procurement in ministries and departments fall under the responsibility of the officers of the Procurement and Supply Cadre. This Cadre, headed by a Director and assisted by a Deputy Director, consists of some 450 officers, posted in different Ministries and Departments.

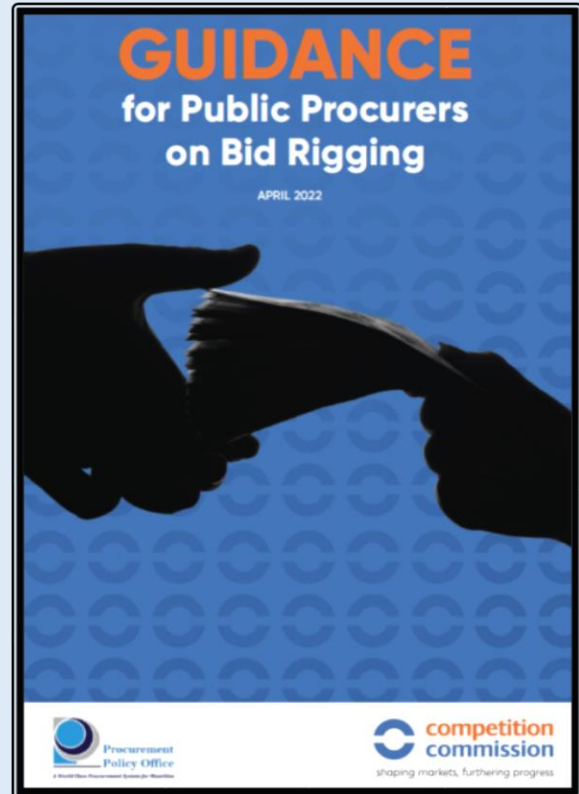
3.11 The responsibility of the Cadre is to promote efficient and effective public procurement and supply systems based on international best practices; review and maintain an efficient process of warehousing and disposal; contribute to Mauritius’ economic development; provide all suppliers and bidders with equal opportunity/treatment; and ensure transparency in procedures, processes and decisions.

## 4.0 Institutional Collaboration

4.1 As rightly said by Rigoberta Menchú Tum, “Without strong watchdog institutions, impunity becomes the very foundation upon which systems of corruption are built”. Together with the different institutions, this Office has to develop preventive anti-corruption policies to ensure that all such behaviours are sanctioned. The Competition Commission is mandated to ensure market competitiveness and to take action with regard to any anti-competitive behaviour in the bidding process.

4.2 This Office in collaboration with the Competition Commission has prepared and launched on 27 April 2022, a ‘Guidance for Public Procurers on Bid Rigging’ at the Caudan Art Centre, Port Louis.

4.3 In the spirit of accountability and transparency with regard to the taxpayers’ money, public officials shall ensure that contracts awarded shall be fair and transparent and as such this guidance has for purpose to raise awareness of procurement officials at all levels of their respective hierarchies, on possible signs of bid rigging, price fixing, collusion, and any other misconduct in relation to procurement. This document is to be an integral part of the public procurers’ toolkit and serves as a referral point.





4.4 With the objective to enhance transparency, competition, accountability and fairness, the PPA and its complementing Regulations upon recommendation of this Office, have been subject to amendments over the years.

4.5 Simultaneously, to ensure the proper application of the legislation, the PPO not only formulates policies in relation to Public Procurement but issues directives, circulars, procedures, instructions, technical notes, and manuals for their implementation. To disseminate this information to all its stakeholders, a meeting/workshop is conducted every year. Since the above-mentioned event was co-organised by the PPO

and the Competition Commission and taking into consideration that all Accounting Officers of Min/Dept were invited, the second half of the workshop constituted a presentation by Mr. B. Dabeasing on all the changes made to the legislation for the fiscal year 2021/2022.

## 5.0 Procurement Policy Measures in 2021/2022

### 5.1 Public Procurement Act

5.1.1 Over time, there have been a number of revisions made to the PPA with the objective to facilitate government policies and improve operational efficiency, the PPA has again been amended through the Finance (Miscellaneous Provisions) Act 2021 as follows:

- section 15: Choice of Procurement Method - Competitive Negotiations and Electronic Reverse Auction have been included.
- section 21: Emergency Procurement - has been amended to specify the procurement methods to be used in case of extreme urgency.
- two new sections have been added:
  - section 25B - Competitive Negotiations and
  - section 25C - Electronic Reverse Auction.
- Section 40: Award of procurement contract – has been amended to allow negotiations where selected procurement methods provide so.
- section 46: Contents of Contracts – S46(i) the provisions for termination of the contract, has been amended to include the grounds on which the contract may be terminated and the procedures applicable on termination.
- section 48: Termination and Breach – has been amended to provide for termination of contracts by either party where there is a fundamental breach of contract.
- section 51: Conduct of Public Officials – has been amended to allow sharing of information relating to procurement proceedings to an investigatory body with powers of investigation, including ICAC, CC or Police.

The Second Schedule of the Act was also amended by way of Regulation on 02 December 2021.

5.1.2 The Public Procurement (Regulations 2008) underwent revisions during the 2021–2022 fiscal year. The primary adjustments were:

- Two new regulations:
  - 5B – Competitive Negotiations and
  - 5C – Emergency Procurement were added;
- Regulation 30 – Bid Validity Period was amended by revoking and replacing paragraph (4A);
- Regulation 68 – Disclosure was amended; and
- Regulation 71 – Notice of Procurement Contract Award, paragraph (1) was amended.

5.1.3 Furthermore, this Office issued the following directives to facilitate the implementation of budgetary measures announced for the year 2021-2022:

- Directive No. 54 - Clearance of bidding documents for Framework Agreements
- Directive No. 55 - Procedures for dealing with contracts affected by the Covid-19 pandemic
- Directive No. 56 - Third Party Liability on Contractor All Risks (CAR) Insurance Policy
- Directive No 57 - Bill of Quantities in the Procurement of Works
- Directive No 58 - Application of Margin of Preference to Goods Contracts
- Directive No 59 - Bill of Quantities in the Procurement of Works
- Directive No 60 - Emergency Procurement
- Directive No 61 - Procedures for Negotiations



- Directive No 62 - Report in respect of Works Contract
- Directive No 63 - Payment claims for works projects
- Directive No 64 - Setting Up of Performance Review Committee

5.1.4 The Policy Office has also issued a number of circulars throughout the fiscal year 2021–2022 to inform public bodies of decisions taken with regard to particular issues. Some of them had to do with:

- Extension of Suspension of Application for Margin of Preference for Works in all Invitations for Bids;
- Debarment of Kisten Enterprise Co. Ltd;
- Appointment of Ministry of Finance, Economic Planning and Development (MOFEPD) as “Lead Organisation” for procurement of Photocopy Paper A4 and Toilet Paper under Framework Agreement;
- e-Procurement Help Desk;
- Amendments to Public Procurement Act 2006 and Public Procurement Regulations 2008;
- Return on Procurement Activities;
- Amendments to Standard Bidding Documents;
- Framework Agreement for Works Projects;
- Prevention of frequent errors in the preparation of Bidding Documents; and
- Debarment of Messrs. J&J HEALTH CARE LTD and ENNAR HEALTHCARE LTD.

## 5.2 Build Operate Transfer (BOT) Projects Act and Public Private Partnership Act.

5.2.1 The BOT and the PPP legal frameworks have been amended as follows:

- (a) BOT Projects Act and PPP Act have been amended through the Finance (Miscellaneous Provisions) Act 2021; and
- (b) New BOT Projects (Prescribed Threshold) Regulations 2021 and PPP (Prescribed Threshold) Regulations 2021 have been made on 15 November 2021.

5.2.2 The main amendments to the BOT and PPP legal frameworks relate to the following:

- (i) The procurement for the selection of a private party for a BOT project with a commercial component exceeding 80 per cent of the estimated project value may be carried out using a transparent procurement process at the level of the contracting authority;
- (ii) The BOT Projects Unit may hire the services of a technical advisory firm to be remunerated by the BOT Projects Unit, the private party or both the BOT Projects Unit and the private party;
- (iii) For a project requiring a Government upfront financial contribution to the capital cost exceeding an amount of Rs 300 M, a contracting authority is required to carry out the procurement for the selection of the technical advisory firm or the private party through the Central Procurement Board (CPB); Otherwise, the procurement may be carried out at the level of the contracting authority;
- (iv) The powers of the BOT Projects Unit as provided for under the BOT Projects Act will also be applicable under the PPP Act; and
- (v) The procurement methods for the selection of a private party as provided for in the BOT Projects Act will also apply for the PPP Act.

## 6.0 MAPS II – Validation Workshop

6.1 The procurement legislation of many countries is based on the UNCITRAL Model Law on Public Procurement of 1994, which had to be realigned to the 2011 revised version. Thus, over the past 3 decades, most countries have undertaken substantial reforms of their procurement regulatory and institutional frameworks. These reforms have been driven and continue to be driven by the belief that sound procurement systems are essential for state-building and good governance. Reform programs have intensified in recent years in developing economies.

6.2 In Mauritius, in line with Government (GOM) vision 2030 to transform the government business landscape towards smart, efficient and technology driven public sector, many actions have been initiated including the implementation of the electronic procurement system since 2015. Presently, GOM is focusing on building Public Sector capacity to achieve competition, transparency and value for money through efficient procurement processes. In order to achieve such objectives, in-depth reforms and transformation are required.

6.3 In line with the objective to continuously improve, MAPS assessment was undertaken to revamp our legal and regulatory framework and to align our law with the electronic procurement system. Moreover, in Mauritius initiatives were taken to: -

- Improve the methodology for calculation of estimates.
- Strengthen accountability, competition and transparency when undertaking procurement in emergency situations.
- Introduce a sustainable public procurement framework to ensure public bodies consider the environmental and social impact of their procurement decisions.

6.4 The MAPS assessment for weaknesses and gaps in the procurement system was based on four pillars namely:

- Pillar I: Legal, Regulatory and policy framework
- Pillar II: Institutional framework and management capacity
- Pillar III: Public procurement operation and market practice
- Pillar IV: Accountability, integrity and transparency.

These were covered under 14 indicators, 55 sub-indicators applying a defined set of 210 criteria both quantitative and qualitative. Data were collected through surveys conducted by one to one meetings, workshops with the public bodies, private sector and civil society. This approach demarcates the MAPS from the implementation of law following the UNCITRAL Model. While extensive consultations are held for both the implementation of reforms based on the UNCITRAL Model Law and the MAPS assessment, the fundamental difference is that the latter focusses on the adequacy of the institutional structure to ensure the effectiveness of the operations.

6.5 The data collected were analysed and the strengths, weaknesses and gaps were identified. Few of the weaknesses were: -

- gaps and ease of reference in the legal, regulatory and policy framework;
- non-recognition of procurement as a profession due to absence of a professional body; and
- inadequate and weak data collection and management.

When all the recommendations are implemented and all 4 pillars are balanced, the procurement process will certainly meet the expected goals.

6.6 Having been apprised of the weaknesses and gaps in the draft report, GOM has already initiated budgetary measures to address some of them including the review of the electronic procurement system with the possibility to incorporate an appropriate data collection application. The review of the legal, regulatory and policy framework for public procurement to make it more user-friendly has started. More measures have also been announced in the budget of 2022-2023 to consider sustainable procurement for some items and to start working on sustainable construction of buildings.

6.7 With the implementation of the MAPS recommendations made for short, medium and long term, it is believed that the public procurement system in Mauritius will show clear signs of enhancement.



**Part B**  
**Procurement Trend – 2021/22**



- ❑ Public Procurement Trend
- ❑ Share of SMEs in Public Contracts
- ❑ Cases filed at the Independent Review Panel

## 7.0 Public Procurement Trend

**7.1** This report provides an analysis of procurement data based on the Returns on Procurement Activities (ROPA) submitted by public bodies. For this period, analysis of figures is however limited to returns received from 164 out of 205 public bodies which fall under the purview of the PPA (2006). The remaining public bodies not having submitted their returns are mainly those with no significant procurement activities.

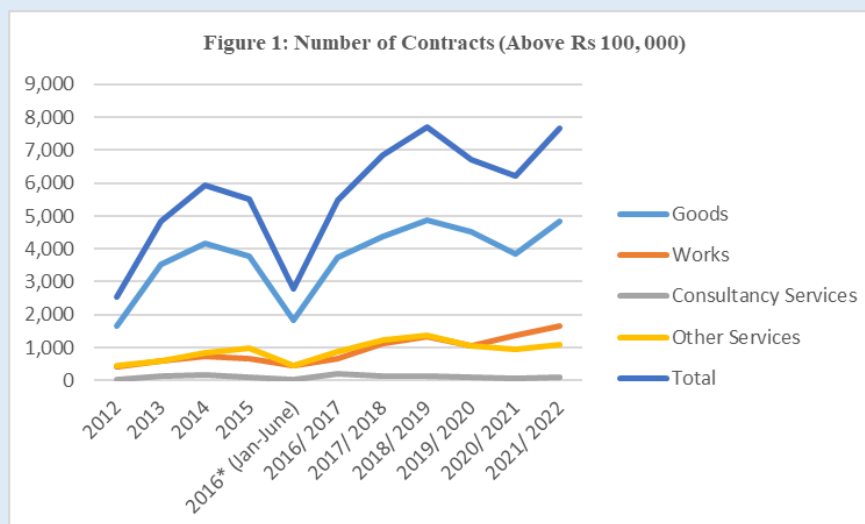
### 7.2 Number of Contracts Awarded above Rs 100,000

During the financial year 2021/2022, a total number of 7685 contracts for procurement value above Rs 100,000 was awarded by public bodies as compared to 6214 contracts awarded in the financial year 2020/2021. This represents an overall increase of 23.7% of the total number of contracts awarded. The number of contracts awarded increased for all procurement categories; works 20%, goods 26%, consultancy services 47% and other services i.e. non consultancy services 16%. A breakdown of the total number of public procurement contracts, by category, awarded since year 2012 is shown in Table 6 and same is depicted in Figure 1.

**Table 6 : Number of Public Procurement Contracts Awarded (above Rs 100,000)**

Category of Procurement	2012	2013	2014	2015	2016* (Jan-June)	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Goods	1,666	3,525	4,184	3,792	1,825	3,739	4,366	4,875	4,504	3,831	4,842
Works	422	596	725	651	462	664	1,135	1,323	1,036	1,371	1,645
Consultancy Services	26	139	175	113	36	217	133	140	98	74	109
Other Services	436	579	856	973	465	868	1,224	1,385	1,068	938	1,089
Total	2,550	4,839	5,940	5,529	2,788	5,488	6,858	7,723	6,706	6,214	7,685

Source: Figures computed from returns submitted by public bodies (e & oe)



7.3 **Value of Public Procurement Contracts Awarded above Rs 100,000**

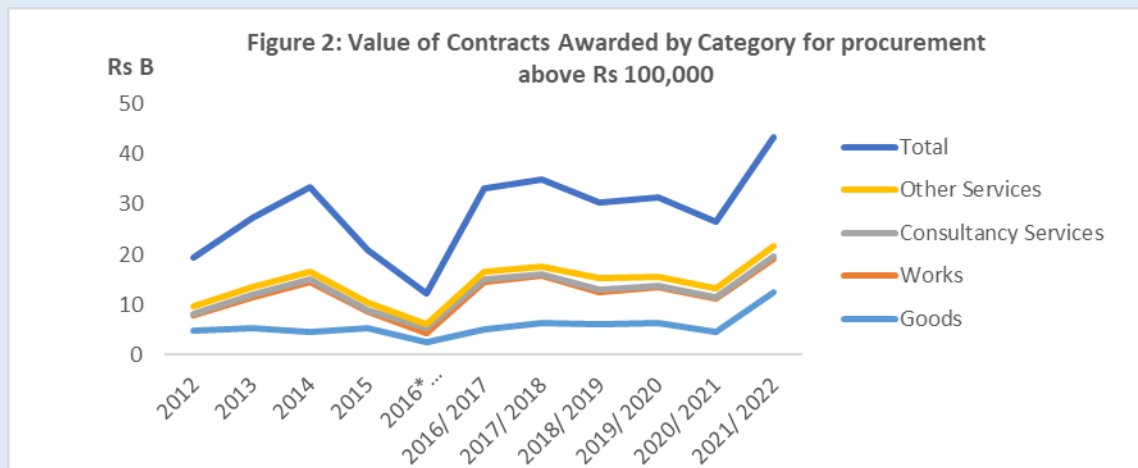
The total value of contracts awarded during the reported period has registered an overall 64% increase as compared to a general decrease of 15% in the previous year. This correlates with the 23.7% increase in the total number of contracts above Rs 100,000. This rise in total value of procurement is accounted for by the significant increase in the value of contracts awarded for goods, works, consultancy services and other services by 169%, 3%, 27% and 16% respectively.

Table 7 provides a breakdown of the value of contracts above Rs 100,000 awarded per category. Same is depicted in Figure 2.

**Table 7: Value of Public Procurement Contracts (above Rs 100,000) awarded (Rs B)**

Category of Procurement	2012	2013	2014	2015	2016* (Jan-June)	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Goods	4.82	5.34	4.64	5.24	2.53	5.03	6.33	5.99	6.26	4.65	12.50
Works	3.1	6.14	9.92	3.36	1.9	9.61	9.37	6.6	7.23	6.44	6.63
Consultancy Services	0.16	0.58	0.52	0.29	0.8	0.32	0.29	0.53	0.16	0.34	0.43
Other Services	1.63	1.54	1.61	1.6	0.89	1.64	1.52	2.08	1.97	1.82	2.11
<b>Total</b>	<b>9.71</b>	<b>13.6</b>	<b>16.69</b>	<b>10.49</b>	<b>6.12</b>	<b>16.61</b>	<b>17.51</b>	<b>15.19</b>	<b>15.63</b>	<b>13.24</b>	<b>21.67</b>

Source: Figures computed from returns submitted by public bodies (e & oe)



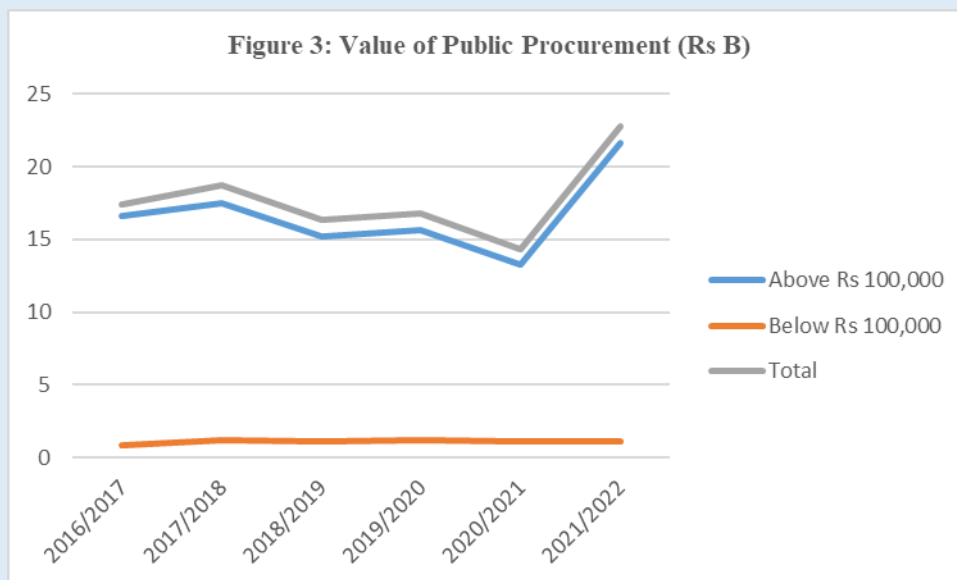
**Total value of all contracts awarded under PPA**

7.4 The total value of all contracts awarded through public procurement has increased by 59% over the reported period which is explained by a significant increase of 64% in the value of procurement of contracts above Rs 100,000 and a minor increase of 5% in the value of procurement contracts below Rs 100,000. This is detailed in Table 8 and depicted in Figure 3.

**Table 8: Value of Public Procurement (Rs B)**

Contract Amount Approved	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022
Above Rs 100,000	16.61	17.51	15.19	15.63	13.24	21.67
Below Rs 100,000	0.81	1.23	1.12	1.16	1.09	1.15
Total	17.42	18.74	16.32	16.8	14.34	22.82

Source: Figures computed from returns submitted by public bodies (e & oe)



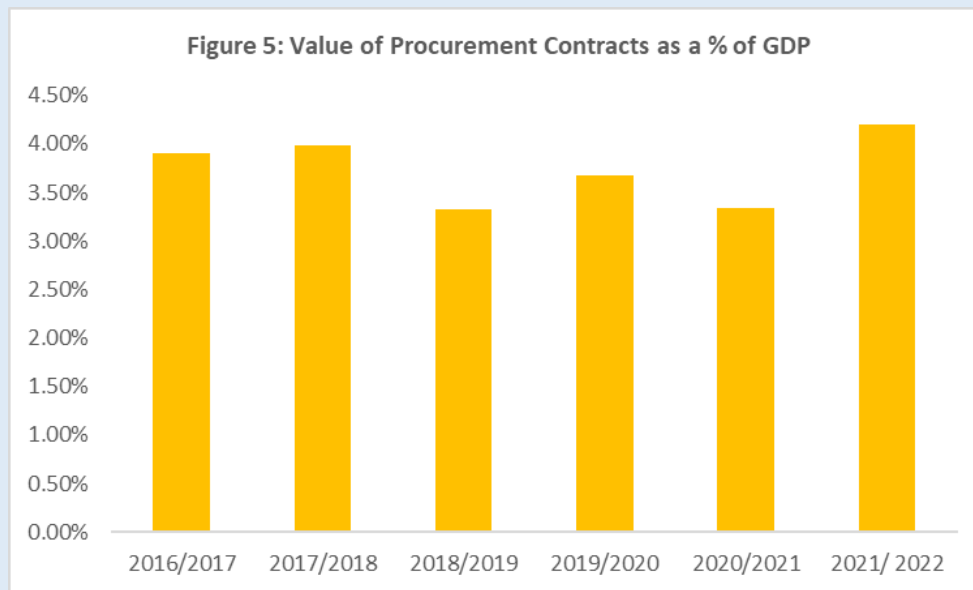
7.5 The share of the value of public procurement contracts awarded of the Gross Domestic Product (GDP) at Current Market Price has increased from 3.34% to 4.19% from financial year 2020/2021 to 2021/2022 after a general downward trend over a four-year period from 3.99 % in 2017/2018 to 3.34% in 2020/2021. The compilation of these figures is shown in Table 9 and illustrated in Figure 4 below.

**Table 9: Value of Public Procurement Contracts Awarded as a percentage\* of Gross Domestic Product (at Market Price)**

Procurement Category	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/ 2022
Value of contracts awarded	17.42	18.74	16.31	16.8	14.34	22.82
GDP at current market prices	446.4	469.7	490.6	457.9	429.69	544.04
Value of contracts as a % of GDP	3.90%	3.99%	3.33%	3.67%	3.34%	4.19%

*Source: Figures computed from returns submitted by public bodies and from Statistics Mauritius' National Accounts (e & oe)*

*\*This percentage represents only public procurement made under the Act. It therefore excludes the expenses of exempt organisations.*



## 8.0 Share of SMEs in Public Contracts

8.1 The Participation of Small and Medium Enterprises (SMEs) in Procurement contracts above Rs 100, 000 for the reporting period is estimated around 2397 out of 7685 procurement contracts as shown in Table 10.

**Table 10: Number of Procurement Contracts (above Rs 100,000) awarded to SMEs**

Procurement Category	No. of Procurement Contracts
CS	24
G	1206
OS	289
W	878
<b>Total</b>	<b>2397</b>

The total value of contracts to SMEs represents by Rs 2, 145 M. for year 2021/22 which is an overall increase of 29% as compared to Rs 1, 657 M for year 2020/21 as shown in Table 11.

**Table 11: Value of Public Contracts awarded to SMEs (above Rs 100,000)**

Category of Procurement	2012	2013	2014	2015	2016 * (Jan-June)	2016 /2017	2017 /2018	2018 /2019	2019/ 2020	2020/2 021	2021/ 2022
Goods	211.7	757.7	654.7	747.9	498.1	516.9	730.2	787.4	582.8	462.1	712.1
Works	187.3	650.1	432.7	813.3	321.7	676.6	1,356.2	1,685.8	667.3	1013.7	1,240.5
Consultancy Services	4.1	27	17.2	12.9	6.7	13.6	13.3	24.7	62.9	13.8	16.6
Other Services	70	221.3	252.3	189.1	144.1	226.7	366.7	426.4	251.3	167.6	175.4
Total	473.	1,656	1,357	1,763	971	1,434	2,466	2,924	1,564	1,657.	2,145

*Source: Figures computed from returns submitted by public bodies (e & oe)*

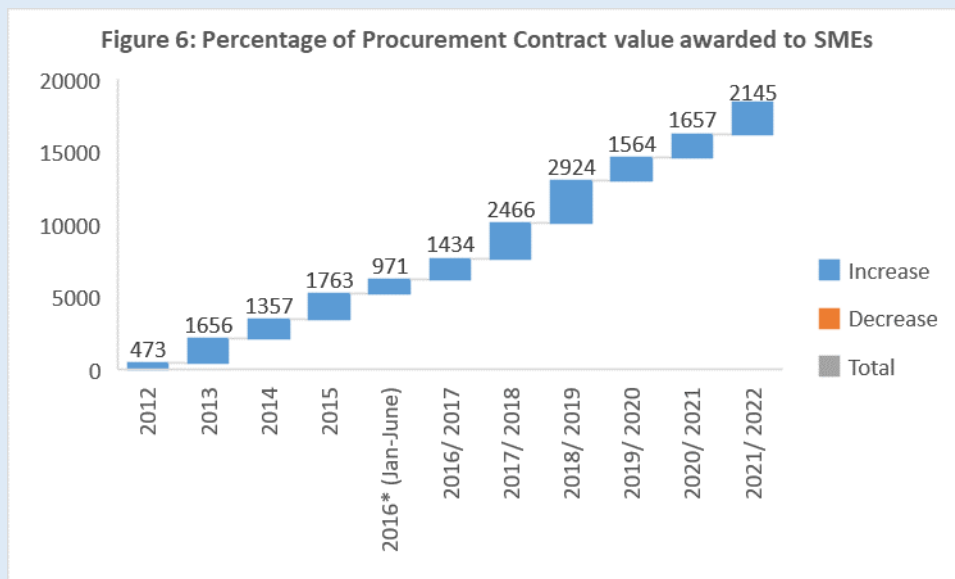
8.2 The share in the value of public procurement contracts awarded to SMEs over the total value of all procurement contracts was 9.40% in the reported period as compared to 12.51% in the financial year 2020/2021.

Table 12 shows details of these figures with a trend analysis in Figure 6.

**Table 12: Value of Contracts awarded to SMEs (above Rs 100,000) as a percentage of Total Value of all Contracts**

Value of Contracts	2012	2013	2014	2015	2016* (Jan-June)	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
SMEs only (Rs M)	473	1,656	1,357	1,763	971	1,434	2,466	2,924	1,564	1,657	2,145
All Contracts (Rs M)	9,707	14,666	16,685	10,496	5,412	16,606	17,506	15,194	15,634	13,244	21,667
Percentage of Contracts to SMEs	4.90	11.30	8.10	16.80	17.90	8.64	14.09	19.24	10.01	12.51	9.40

Source: Figures computed from returns submitted by public bodies (e & oe)



## 9.0 Cases filed at the Independent Review Panel

Details	2012	2013	2014	2015	2016 (Jan-June)	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022
No. of cases	40	35	44	35	15	32	25	16	22	21	33
Merit	10	7	20	15	3	12	11	8	4	7	11
No Merit	22	15	20	15	5	12	10	4	13	14	20
Withdrawn	6	13	4	5	6	8	3	4	5	-	1
Cancelled by Public Body	1	-	-	-	-	-	-	-	-	-	-
Outside delay	1	-	-	-	1	-	-	-	-	-	-
Application not entertained	-	-	-	-	-	-	1	-	-	-	1

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
1	Rapid Security Services Ltd v/s WMA  Decision No. 11/21	Security services at WMA Sub Offices and Outstations (24 sites, subdivided into 3 lots) for a period of 2 years	As per the Applicant: <ul style="list-style-type: none"> <li>the selected bidder will fail to comply with the workers 'rights act in terms of salary payable to the workers vis-a-vis the quoted amount</li> <li>the bidding document lacked instructions for bidders</li> </ul>	<ul style="list-style-type: none"> <li>The challenge was not made within 5 days as per Regulation 48 of the PPR.</li> <li>The PB failed to comply with Directive No. 52 issued by the PPO with regard to Abnormally Low Bid. The successful bidder quoted 29% lower than the cost estimate.</li> </ul>	The Panel recommends a re-evaluation of the bids by a newly constituted BEC  06 July 2021
2	Serveng Ltd v/s CWA  Decision No. 12/21	Renewal of Pumping Main from New Plaine Lauzun to Upper Monneron Reservoir	<ul style="list-style-type: none"> <li>The Respondent did not entertain the applicant request and maintained all the conditions in the contract.</li> <li>The Respondent averred that the Applicant is not a bidder as he has not participated in the procurement exercise.</li> </ul>	Under Clause 4.17- Particular Conditions of Contract, the Panel observed that the conditions of contract are not unfavourable but some sub clauses should be revisited i.c.w the CPB.	The Panel, under section 45(10)(a) of the PPA recommends the Public Body to review some of the sub clauses which according to the Panel should be clearer and fairer.  23 July 2021
3	Banker Shoes Ltd v/s National Transport Corporation	Black leather shoes for Ladies and Gents	he PB failed to take into consideration that the applicant is the lowest	<ul style="list-style-type: none"> <li>The applicant failed to comply with:</li> </ul>	The application was set aside  19 August 2021



Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
	Decision No. 13/21		<p>quoted bidder despite taking into account the margin of preference of 40</p> <ul style="list-style-type: none"> <li>to comply with Regulation 48(4) - "Unless the challenge is resolved by mutual agreement, the Chief Executive Officer of the Public Body shall issue a written decision stating his reasons within 7 days of the filing of the application."</li> <li>was wrong not to have retained the Applicant's bid for further evaluation after the technical evaluation of bid.</li> </ul>	<ul style="list-style-type: none"> <li>S45(2B) (a)-(b), at the time of its application for review.</li> <li>section 43 to 45 of the Act as application was made outside prescribed time.</li> </ul>	
4	Proximed Ltd v/s Ministry of Health and Wellness Decision No. 14/21	Supply, installation and commissioning of Radiology Equipment for Radiology Dept of 5 hospitals	<ul style="list-style-type: none"> <li>Addendum was made 9 days prior to the closing date, leaving to room for challenges;</li> <li>With the specifications, the Applicant argues that there are only 3 brands which have printers being FDA certified.</li> <li>The 8 years criteria is too long in view of the evolving, hence the use of films will become obsolete in a few years.</li> </ul>	The applicant did not comply with S45 (2B) of the Act	The application was set aside but half of the security deposit be reimbursed. 24 August 2021
5	Purpleblue Medical Ltd v/s Ministry of Health and Wellness Decision No. 15/21	Procurement of laboratory equipment for Central Health Laboratory and other laboratories.	<ul style="list-style-type: none"> <li>That the applicant complies with all the criteria as per the bidding document</li> <li>The applicant quoted the lowest price</li> <li>The PB was wrong to treat the applicant bid as donation</li> </ul>	<ul style="list-style-type: none"> <li>The applicant failed to abide by Regulations 48 (7).</li> <li>The Panel is of the opinion that the applicant chose for a debriefing instead of making an application for review within the prescribed delay as</li> </ul>	Application for review is dismissed in breach of S45 (2). 31 August 2021

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
				per the PPA under S 45 (2).	
6	Ducray Lenoir Ltd v/s Trust Fund for Specialised Medical Care Cardiac Centre  Decision No. 16/21	Supply, installation, testing and commissioning of Angiography machine with all necessary accessories for Cardiac Centre, Pamplemousses	Equipment proposed by the Successful Bidder does not comply with: <ul style="list-style-type: none"> <li>ITB 19.3 of the Bidding Data Sheet.</li> <li>item of the Specification and Compliance Sheet of the Bidding Document</li> </ul>	Panel is of the view that the Successful Bidder follows the requirements of the Bidding Document and therefore does not accept the contention of the Applicant.	The Panel finds no merit in the present application for review and therefore dismissed same. 09 September 2021
7	Royal Haskoning DHV (Pty) Ltd v/s Airport of Rodrigues Ltd  Decision No. 17/21.	Consultancy Services for the Detailed Design and Supervision for the Construction of a New Runway at Plaine Corail, Rodrigues.	<ul style="list-style-type: none"> <li>Conflict of interest that entails the disqualification of the consultant.</li> <li>Abnormally low price of the offer of the selected consultant</li> <li>The Respondent raised the issue of jurisdiction whereby they stated that the IRP does not have jurisdiction in this matter.</li> </ul>	As per the S(2) of the PPA and S (2) of the PPR, the respondent does not fall under the category of Public Body hence the IRP does not have jurisdiction to make a review.	Application is not found to be a frivolous one. Half of the security deposit shall be reimbursed to the applicant Panel finds that it has no jurisdiction to entertain this Application for Review and case is set aside. 30 September 2021
8	Top Security Service Ltd v/s Wastewater Management Authority  Decision No. 18/21	Security Services at WMA - Sub-Offices and out stations	<ul style="list-style-type: none"> <li>Applicant avers that in awarding the bids, the Respondent has failed to take into consideration the excess in price with regards to each lot basis.</li> <li>The respondent was wrong to have retained the selected bidder whose bid price was higher than that of applicant.</li> <li>Applicant's bid was substantially responsive to all intents and purposes.</li> </ul>	<ul style="list-style-type: none"> <li>Panel shall reimburse full security deposit to Applicant.</li> <li>Section 39 of PPA; the word "may" 'PPO circulars from 2008 and 2010 are worded in somehow imperative fashion.</li> </ul>	Application for Review is deemed not to be devoid of merit. 09th November 2021

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
9	JV Kalis Technologies Ltd and Keep Clean Ltd v/s Open University of Mauritius  Decision No. 19/21	Tablet PC	<ul style="list-style-type: none"> <li>The bid of the successful bidder is abnormally low and as such, it was incumbent on the Public Body to comply with Section 37(10A) of PPA 2006 and with Directive No.52. The quoted price would not enable it to fully comply with the requirements of ITH 12.1 (h)</li> <li>The successful bidder did not have required specific experience of 5 years of supply and/or sale of Pc Tablets to Public Bodies.</li> </ul>	<ul style="list-style-type: none"> <li>Panel is of the opinion that a body corporate cannot participate in a public procurement under its trade name or using abbreviation of its legal entity.</li> <li>Panel has observed that the Successful Bidder had failed to prove that it had 5 years of experience.</li> </ul>	Panel recommends the annulment in whole of the decision of the Public Body. 12th November 2021.
10	Rapid Security Services Ltd v/s The Municipal City Council of Port Louis  Decision No. 20/21	Security Services for Municipal Sites and Locations throughout Port Louis	<p>Public Body failed to:</p> <ul style="list-style-type: none"> <li>ensure that the successful Bidder will comply with the provisions of the law and with respect to Worker's Right Act.</li> <li>act in accordance with established decisions and practice.</li> <li>ensure that the selection process was done in a fair and transparent manner in connection with the bid and that proper detailed breakdown was carried out in order to determine the selection.</li> </ul>	Matter is remitted back to PB for a re-evaluation or for any action it deems fit in the circumstances	Panel comes with the view of annulment of the decision to award the contract to the successful bidder and issues an order prohibiting the PB from relying on correspondence dated 21st July 2021 and 4th August 2021.
11	RSL Security Services Ltd v/s The Municipal City Council of Port Louis  Decision No. 21/21	Security Services for Municipal Sites and Locations throughout Port Louis	<ul style="list-style-type: none"> <li>The bid of the successful bidder should have been rejected given that its contract price would not allow it to meet its contractual obligations as the labour costs</li> </ul>	<ul style="list-style-type: none"> <li>A re-evaluation has been recommended.</li> <li>Security deposit will be reimbursed to Applicant by Panel.</li> </ul>	A re-evaluation has been recommended and judgment is entered in favour of Applicant. 12th November 2021

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
			<p>estimates exceed the contract price.</p> <ul style="list-style-type: none"> <li>The financial soundness and capability of the successful bidder is doubtful.</li> <li>The PB has failed to issue a written decision within 7 days of the filing of its challenge.</li> </ul>		
12	Very Clean Contracting Service Ltd v/s The Municipal City Council of Port Louis  Decision No. 22/21	Cleaning of Sanitary Public Convenience in Municipal Sites	<ul style="list-style-type: none"> <li>The PB failed to carry out a proper evaluation and comparison of the bids when awarding the contract to the successful bidder. The selected bidder was not the lowest bidder.</li> <li>The PB failed to give valid reasons to the challenge made by the Applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Panel was of opinion that no explicit reasons were given in reply to the Challenge.</li> <li>Panel recommends that the deposit be refunded to Applicant.</li> </ul>	Panel annuls the decision of the PB to award the Bid to the Successful Bidder and recommends a re-evaluation of the bids including that of Applicant. 23rd November 2021
13	BN Safety Ltd v/s Ministry of Land Transport and Light Rail  Decision No. 23/21	Road Signs Traffic	<ul style="list-style-type: none"> <li>Applicant was the lowest evaluated bidder with the most responsive bid as compared to preferred bidder.</li> <li>The PB failed to appreciate that the applicant has satisfied all the Technical Requirements set out in the Bidding Documents.</li> </ul>	<ul style="list-style-type: none"> <li>Panel therefore finds that the Bid of BN Safety was not in conformity with the Bidding Conditions.</li> <li>Panel further finds that the Respondent did not apply non-existent criteria to disqualify the Applicant.</li> </ul>	Panel finds no merit on the Application for Review and therefore dismisses the same. 24th November 2021
14	Mechanization Company Ltd v/s Mauritius Cane Industry Authority  Decision No. 24/21	New Equipment Crawler Tractor with Accessories.	<ul style="list-style-type: none"> <li>The PB failed and neglected to comply with Regulation 48(4).</li> <li>The PB has failed to – award the bid to the Applicant which was the lowest bidder and was substantially responsive as there was no major</li> </ul>	Applicant's bid despite being the lowest bid, It was not compliant with the required specifications of the bidding documents and did not meet the Technical requirements.	Panel finds no merit in the Application and is set aside. 22nd December 2021

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
			<p>deviation in Bidder's proposal.</p> <p>– consider that the applicant was responsive to all requirements set out in the bidding documents including applicable qualification, evaluation criteria and Technical Requirements.</p>		
15	SN Ramsaha Ltd v/s Central Water Authority  Decision No. 25/21	Fixing of New Supplies and Road Reinstatement in Six Water Supply Zones	<ul style="list-style-type: none"> <li>The PB was wrongly stated in its letter that the Applicant's Challenge is not valid as it has not filled in the Form under Section 43 of the PPA.</li> <li>As per letter dated 26th November 2021, the BEC wrongly concluded that the Applicant had participated and had specific experience in only one pipe laying project.</li> <li>The Applicant submitted separate Completion Certificates of Contracts from the CWA that satisfies the Mandatory Criterion under Clause 1.4 "Technical Compliance", S.No.1 of the Section II of the Bid Data Sheet.</li> </ul>	After having perused the Bid Evaluation Report, The Panel took note that the BEC appointed by the CPB carried out the evaluation thoroughly and diligently and to high standard, however since CWA was the employer for the previous contracts of the applicant, it should have supplied details of its contract to the BEC.	Application is dismissed for being devoid of merits, not for being frivolous and panel recommends half of the security deposit shall be reimbursed to the Applicant. 30th December 2021
16	J.Dookhun & Sons Ltd v/s Municipal Council Of Quatre Bornes	Construction of New Roads within the Township of Quatre Bornes	<ul style="list-style-type: none"> <li>Applicant had submitted the lowest bid, and which was the best bid, having regard for the criteria "value for money".</li> </ul>	<ul style="list-style-type: none"> <li>PB was wrong to have called the Applicant for a debriefing session.</li> <li>Panel consulted the Bid Evaluation Report wherein the Technical</li> </ul>	Application for Review is set aside. 31st January 2022.

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
	Decision No. 01/22		<ul style="list-style-type: none"> <li>The PB had failed to notify the bidder, promptly and diligently, of the award of the contract to Gamma Construction Ltd, thereby depriving the Applicant from its right to lodge a challenge to the PB in flagrant breach of section 40(7) of the PPA.</li> <li>The PB invited the Applicant for a debriefing session, where debriefing was never requested by Applicant, which is in flagrant breach of Act 33 of 2006.</li> </ul>	Analysis of the Bid of the Applicant the BEC found that the Applicant was not the owner of an Asphalt Paver but will hire the equipment from Beemanique Stone Crusher Ltd, therefore not compliant with the proof of ownership at Clause 10 of the ITB	
17	Safety Construction Ltd v/s The Municipal City Council of Port Louis  Decision No. 02/22	Desilting of St Louis River	<ul style="list-style-type: none"> <li>Applicant has quoted in accordance with the contents required in the Bill of Quantities provided on the e-Procurement System by PB and therefore the PB erred in considering the Applicant's offer as "abnormally low".</li> <li>In the alternative, should Applicant's offer be indeed "abnormally low", the PB has failed to comply with the requirements and exigencies of Directive No.52 issued by PPA.</li> </ul>	<ul style="list-style-type: none"> <li>BOQ given in the Bid Document is misleading, leading to different interpretations by different bidders, as evidenced by the pattern of bids received.</li> <li>Although the bid of the Successful Bidder falls under the definition of a potential abnormally low bid, the BEC has not examined and commented on the issue as required under Directive 52 of the PPA.</li> <li>Bidding exercise has been flawed.</li> </ul>	In terms of the provisions of Section 45 (10) (b) of the PPA, the Panel recommends the annulment in whole of the decision of the PB.  16th February 2022.
18	Rapid Security Services Ltd v/s The Municipal City Council of Port Louis	Security Services for Municipal Sites and Locations	<ul style="list-style-type: none"> <li>Following hearing of 12 November 2021 where a re-evaluation was recommended, the PB maintained its</li> </ul>	The respondent did not comply with directive 39- Re Evaluation of Bids that requires the setup of new members	Panel orders that a re-evaluation be carried out considering the provisions of

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
	Decision No. 03/22	throughout Port Louis	decision. The applicant is contesting on the ground that directive 39 has not been followed.	including the secretariat part.	Directive 39 issued by the PPA and that such re-evaluation be carried out within 15 days as from 10th March 2022.
19	Top Security Service Ltd v/s Food and Agricultural Research and Extension Institute  Decision No. 04/22	Security Services on Food and Agricultural Research and Extention Institute's Compounds	<ul style="list-style-type: none"> <li>The Contract price of the successful bidder is abnormally low.</li> <li>The labour cost estimate as per the applicable remuneration order exceed the contract price of the successful</li> <li>The PB failed to ensure that the selection process was done in a fair and transparent manner in connection with the bid and whether clarifications regarding the breakdown of prices in the activity schedule was carried out in a proper way.</li> </ul>	<ul style="list-style-type: none"> <li>Successful bidder price was 10.5% higher after negotiation with respondent to which PB had no objection. Hence the question of abnormally low' price does not arise.</li> <li>Respondent explained the BEC and bidding process to which panel has no objection.</li> <li>Successful bidder has given its calculations regarding to guard deployment scenario which is compliant with all the legal provisions.</li> </ul>	Panel finds no merit in the Application and same is set aside. 29th March 2022
20	ABC Motors Company Ltd v/s Office of the Commissioner of Police.  Decision No. 05/22	Supply & Commissioning of Double Cab Vans.	<ul style="list-style-type: none"> <li>The tender exercise was found to be in breach of section 32 of the PPA.</li> <li>There is no logical reason for the engine specification to be set as being 2701 cc to 3300 cc</li> <li>It is alleged that the tender specifications are designed to unduly limit entries by favouring TOYOTA which is the usual supplier of Double Cab Pickups of the MPF.</li> </ul>	There is no provision defining the conditions under which a bidder's failure to submit a bid "due to technical problems" is a ground to cancel the entire exercise	Panel orders the Office of the Commissioner of Police to review its technical specifications regarding engines and to add suitable factors over and above engine capacity. 31st March 2022

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
21	Smart Security Services Ltd v/s Mauritius Institute of Training and Development.  Decision No. 06/22	Procurement of Security Services for the MITD Head Office and Training Centres	<ul style="list-style-type: none"> <li>The Bid amount quoted by the successful bidder is not responsive as it is less than minimum wage and, the price quoted is unlawful, illegal and fraudulent.</li> <li>The decision of the PB is not fair and reasonable as the bid of the successful bidder was not the lowest evaluated substantially responsive bidder.</li> </ul>	<p>The IRP notified the parties that the application had been maintained for the specified date and time, but that there would be no hearing but rather a Pro Forma to take a stand.</p> <p>Respondent has decided to cancel the procurement proceedings.</p>	<p>The panel grants the motion of Applicant's Attorney to withdraw the application. 19 April 2022</p>
22	Rapid Security Services Ltd v/s Central Water Authority  Decision No. 07/22	Security services for a period of 24 months with an initial period of 12 months from the intended commencement date to CWA sites island wide.	<ul style="list-style-type: none"> <li>No clear instruction in the bid document due to which the appellant has been penalized.</li> <li>The calculation of the service requirement is found to be erroneous.</li> <li>Requesting for mandatory submission of valid registration certificates of security guards at the bidding stage and for the certificate of character of guards 2 months after the contract start date, is irrational and against the provision of the bid document.</li> <li>There is no legal justification for awarding the contract to the highest bidder</li> <li>The bid exercise is alleged to be rigged with legal irregularity and procedural regularity.</li> </ul>	<ul style="list-style-type: none"> <li>As per the Panel, the BEC was fair and reasonable with regard to the terms and conditions contained in the bid document.</li> <li>The Applicant was to be blamed for the unresponsiveness and rejection of its bid.</li> </ul>	<p>The application is set aside for being devoid of merit. 26 April 2022</p>
23	IBL Health Activ Ltd v/s Ministry of Health and Wellness	Orthopaedic Implants and Instruments for 2 years.	<ul style="list-style-type: none"> <li>The bid of the applicant was incorrectly denied on the grounds that the</li> </ul>	<ul style="list-style-type: none"> <li>The panel does not find that the BEC has acted unreasonably when considering that</li> </ul>	<p>The panel sets aside the Application for Review for being</p>



Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
	Decision No. 08/22		<p>documents provided covered experience as of May 2021, even though it had more experience than the requisite 2 years.</p> <ul style="list-style-type: none"> <li>Without proper instruction with regard to the experience required, the bid was rejected as the product specialist has a three months course in India from April to June 2021.</li> <li>With regard to the issue of decontamination, a visit to its visit and decontamination could have been carried out for more information.</li> </ul>	<p>the Applicant has failed to provide suitable documentary evidence of a Quality Management System for orthopaedic implants.</p>	<p>devoid of merit. 4th May 2022</p>
24	Desmi Ro-Clean v/s Mauritius Ports Authority  Decision No. 09/22	Supply, Testing, and Commissioning of Anti-Pollution Equipment for MPA	<ul style="list-style-type: none"> <li>The applicant is an approved distributor for a number of well-known and quality manufacturers of oil-absorbent material while also supplying biodegradable wood fibre and peat-based absorbents.</li> <li>If indeed the PB found the applicant non-responsive to technical requirements, the applicant should have been eliminated before the need for MPA to request any financial clarification.</li> <li>Applicant believes that its bid should have been retained in the evaluation process and that Directive 51 of PPO has not been respected by the PB.</li> </ul>	<ul style="list-style-type: none"> <li>The panel is directed by statute (section 44(4) of the PPA to seek to avoid formality but this is made subject to section 45.</li> <li>Regulation 56 of the PPR should be applied on the causes for 'dismissal'. Failure to comply with section 45 is one of the causes.</li> <li>Panel finds that the breaches are not of a nature so as to make the application frivolous (Regulation 51(2) of PPR)</li> </ul>	<p>Application for Review is dismissed for being devoid of merit and half of the security deposit entered by the Applicant is to be reimbursed. 17th May 2022</p>

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
			<ul style="list-style-type: none"> <li>The applicant highlights that they submitted the lowest bid price as compared to the selected bidder.</li> </ul>		
25	GIBB(Mauritius) Ltd v/s Ministry of Environment, Solid Waste Management and Climate Change. (Environment and Climate Change Division)  Decision No. 10/22	Consultancy Services for Coastal Protection, Landscaping Infrastructural Works in Mauritius.	<p>According to the applicant:</p> <ul style="list-style-type: none"> <li>It should have been selected for award as it is the lowest evaluated substantially responsive bidder.</li> <li>It is significantly more experienced and competent than the successful bidder in the fields of engineering and since 2012, consultancy services for major coastal protection projects in Mauritius have been awarded to it.</li> <li>The selected evaluators of the BEC lack the required competence and expertise.</li> <li>The BEC lacks independence and impartiality in as much as one of the evaluators of the BEC is closely connected with the successful bidder.</li> <li>The PB has acted in breach of Section 24 (6) and (7) of the PPA 2006.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant is only proving that the successful bidder could not have scored more than it on the technical side.</li> <li>On the composition of the BEC, the CPB's selection was not wrong, in law.</li> </ul>	<p>The Panel sets aside the application for being devoid of merit.</p> <p>17th May 2022</p>
26	Akuo Energy Solutions v/s Central Electricity Board  Decision No. 11/22	Design, Manufacture, Supply, Installation, Testing and Commissioning of a 20 MW Battery Energy Storage System	<ul style="list-style-type: none"> <li>PB acted in strict defiance of section 43(4) of the PPA which provides for an automatic suspension of all procurement proceedings and the PB has acted illegally.</li> <li>Breach of Section 37 of the PPA read in</li> </ul>	<ul style="list-style-type: none"> <li>Applicant has failed to challenge within the delay.</li> <li>Applicant still has a right to challenge and apply for review, if it so wishes, after the letter of notification that the PB will issue</li> </ul>	<p>Panel upholds the preliminary objections raised by the Respondent and sets aside the Application.</p> <p>19th May 2022</p>

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
			<p>conjunction with the bidding documents and Directive No.3 of 30 April 2010 of the PPO.</p> <ul style="list-style-type: none"> <li>The PB has breached this legitimate expectation and acted in a way which is procedurally unfair.</li> </ul>	<p>under Section 40(3) of the PPA.</p>	
27	Atics Ltd v/s Mauritius Ports Authority  Decision No. 12/22	Supply, Testing, and Commissioning of Anti-Pollution Equipment for MPA	<ul style="list-style-type: none"> <li>According to the Appellant, the selected bidder lacks the required qualification, experience and technical capacity in providing anti-pollution equipment and related services, contrary to it.</li> <li>The PB has therefore acted in contravention with Section 14(1) of the PPA.</li> <li>The averment that the equipment proposed should be a vessel side mounted system is extraneous to the tender requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Panel finds that Applicant’s bid allegedly failed on two specific requirements of the procurement exercise.</li> <li>The successful bidder met all the qualification and experience requirements.</li> </ul>	Panel sets aside the application for being devoid of merit.  19th May 2022
28	I.M Bawamia Co. Ltd v/s Central Water Authority  Decision No. 13/22	Purchase of 15,000 Cold Potable Meters of diameters of 15 mm to be used for billing of its consumers.	<ul style="list-style-type: none"> <li>The Applicant feels aggrieved by the decision of the Public Body to cancel the bidding proceedings inasmuch as its bid was substantially responsive.</li> <li>PB was wrong to have cancelled the bidding process on the ground that all the bids were non-responsive.</li> </ul>	<p>Since S39 (5) is applicable hence challenge made under S 43 and review under S 45, shall not be applicable.</p>	Panel sets aside the application.  16 June 2022
29	Rapid Services Ltd v/s The Municipal Council of Port Louis	Provision of security services at municipal sites and locations throughout Port	<p>Public Body erred in its evaluation process:</p> <ul style="list-style-type: none"> <li>By considering financial soundness as a selection criterion</li> </ul>	<p>Applicant did not qualify on the basis of financial performance and BEC’s report concludes that the selected bidder’s bid was the lowest</p>	Application is set aside for being devoid of merit.  20 June 2022

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
	Decision No. 14/22	Louis for a period of 3 years.	<ul style="list-style-type: none"> <li>In failing to seek further information and/or clarification when it ought to have prior to make any award/decisions.</li> <li>In awarding the bid to a higher bidder and not ensuring that all the requirements of the law will be abided by</li> </ul>	evaluated substantially responsive bid and was accordingly selected.	
30	Indian Oil Mauritius Ltd v/s Central Electricity Board  Decision No. 15/22	Lubricating Oils for CEB's Thermal Power Stations	<ul style="list-style-type: none"> <li>Applicant bid was lowest and responsive. Applicant has been a long term reliable partner of CEB.</li> <li>Applicant is of the view that he has complied with all the requirements of the bid and documents submitted</li> </ul>	<ul style="list-style-type: none"> <li>Applicant was Non-compliant with BDs</li> <li>Failed to provide suitable references under Section E- Pages 51 and 52 of the Bidding Documents.</li> <li>Panel finds that it was legally unreasonable for the CEB to accept the CPB's recommendations on the basis of a bid evaluation report that accept the CEB as referee when the CEB was itself the client.</li> </ul>	<p>Panels orders to reject the bid of IOML on the basis of the specifications letter which is an unauthorised act.</p> <p>CEB is ordered to review its decision relating to the engines not marked with an (*) in favour of IOML pursuant to section 45(10)(c).</p> <p>The Panel ordered a re-evaluation by a newly-constituted bid evaluation committee</p>
31	Top Security Service Ltd v/s The Municipal Council of Port Louis  Decision No 16/22	Provision of security services at municipal sites and locations throughout Port Louis for a period of 3 years.	<ul style="list-style-type: none"> <li>Ambiguity in the bidding document. Under clause ITB 9.1 bidders have option to seek clarification if any.</li> <li>The BEC concluded that the applicant financial situation is not sound and that from its calculation and price quoted, it will not be able to honour the legal</li> </ul>	<ul style="list-style-type: none"> <li>The panel is of the view that the applicant is not unfamiliar with such types of bidding document that the ambiguity will cause any loss to him or the whole procurement process or other bidders.</li> <li>Contrary to applicants' grounds for review, it is the applicant who will not be able to comply</li> </ul>	Application is set aside for being devoid of merit. 20 June 2022

Sn	Case Name/ Ref no	Procurement Details	Grounds	Legal Reasoning	Outcome
			obligations regarding workers 'salary.	with the Workers' Rights Act and salary compensation.  • The BEC has rightly and fairly evaluated the bid.	
32	Softel Computer Services Ltd v/s Open University of Mauritius  Decision No 17/22	Procurement of 11000 units of Tablet PC	<ul style="list-style-type: none"> <li>• The price quoted by the successful bidder is "abnormally low"</li> <li>• PB failed under S 35 (1A) to disqualify successful bidder on the ability to perform the procurement contract as the successful bidder in a joint venture had failed to perform a public contract awarded to it by the PB</li> </ul>	<ul style="list-style-type: none"> <li>• The query carried out by the Respondent were somewhat in line with Directive 52 of PPA but the answers provided by the successful bidder were of general nature.</li> <li>• The application is procedurally flawed but an arguable one and Application for Review is allowed.</li> </ul>	The Panel therefore orders for a re-evaluation of the whole bid exercise.  21 June 2022
33	Mechanization Company Limited v/s Mauritius Cane Industry Authority  Decision 18/22	Supply and Delivery of Two Crawler Tractors with Accessories and one Wheel Tractor with Accessories	<ul style="list-style-type: none"> <li>• Applicant challenged the bidding document by contesting the split award of contracts and favoured a singular contract for both items.</li> <li>• The award for both Lots should have been granted to the applicant as it is the lowest substantially responsive bidder.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant has failed to justify his grounds for favouring one contract instead of split tender i.e. one exercise for 2 Trawler Tractors and 1 Wheel Tractor.</li> <li>• The applicant was not the lowest substantially responsive bidder for the contract awarded to the successful bidder.</li> </ul>	Both Grounds for review have failed, thus Application is set aside for being devoid of merit. 29 July 2022



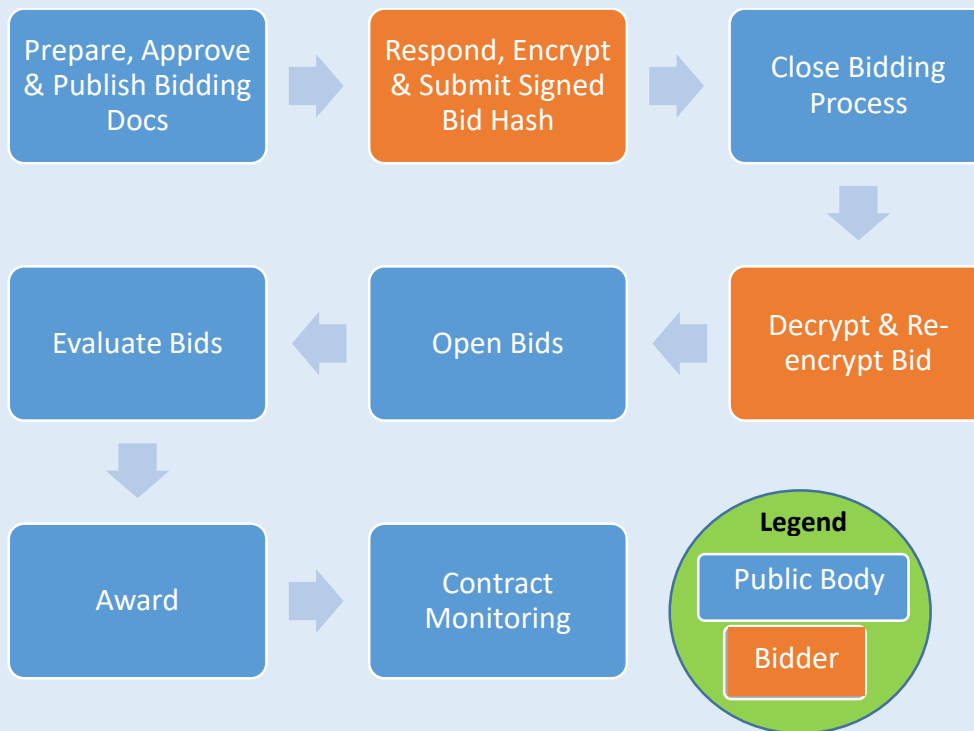
- ❑ Sustainable Procurement
- ❑ e-Procurement System
- ❑ Framework Agreement
- ❑ ISO 9001-2015 Certification
- ❑ Public-Private Partnership / Build Operate Transfer – Project Status

## 10.0 Sustainable Procurement

10.1 The PPO will introduce a legal framework for sustainable public procurement starting with vehicles and IT equipment. Furthermore, with regard to sustainable procurement for the construction sector, the PPO has initiated action to recruit a consultant to work on appropriate guidelines.

## 11.0 e-Procurement System

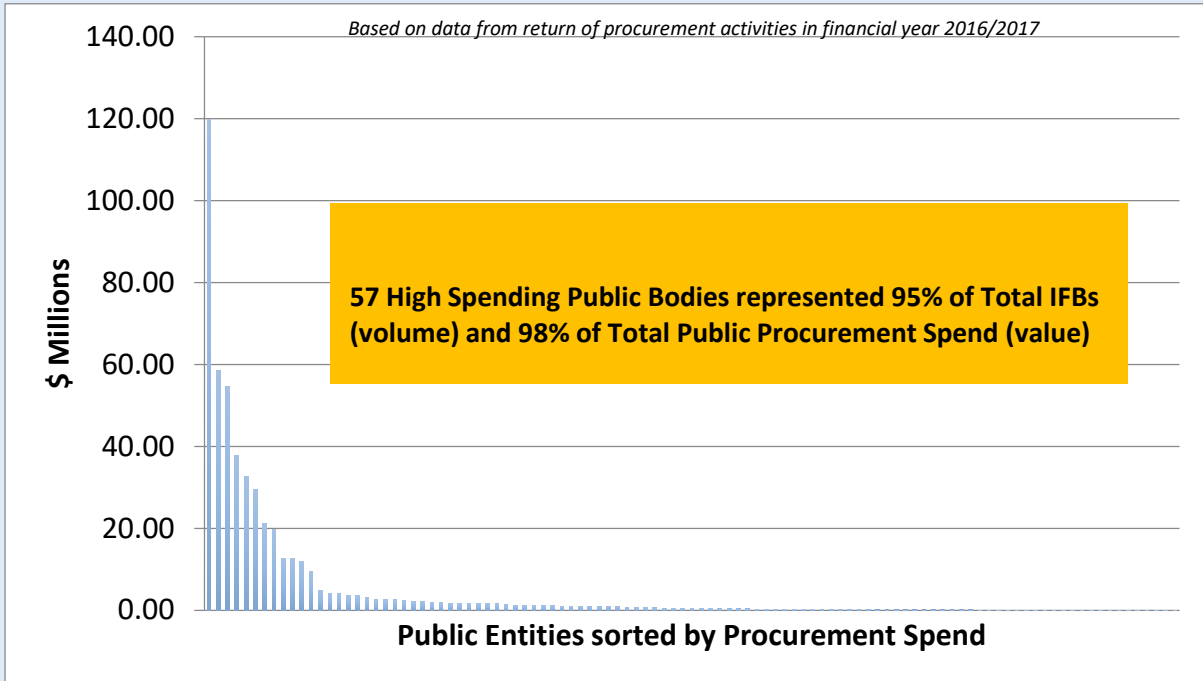
11.1 The current e-Procurement System is a web-based information system with template and workflow engines hosted in the Government Data Centre on the Government Cloud infrastructure which is easily amenable to horizontal and vertical scaling depending on load. The URL for e-PS is [eproc.publicprocurement.govmu.org](http://eproc.publicprocurement.govmu.org). e-PS covers all the public procurement processes under the current Public Procurement legislation.



11.2 Since it became operational in September 2015, public bodies were trained, supported and helped to on-board the system. There are presently 205 public bodies in the Republic of Mauritius that fall under the purview of the Public Procurement Act 2006. Given the limited resources available at the



Procurement Policy Office, in terms of training and support capacity, a strategy of on-boarding high spending public bodies was adopted. As public procurement spend follows a Pareto distribution of public bodies, high spending public bodies were initially on-boarded on the e-Procurement System. Such a strategy ensured a balance between the resources available at PPO and the volume and value of public procurement that would be under management through the e-Procurement System.



11.3 In July 2020, a government policy decision was announced through the Budget Speech of 2020-2021 requesting some 55 public bodies (heavy spenders) to mandatorily make use of the e-PS. Moreover, under the same Budget Speech announcement was made for the remaining public bodies to on-board the e-PS as from 1 January 2021.

11.4 The process for on-boarding and implementing e-PS at a public body was devised by PPO and this activity is controlled and audited as a process for PPO’s ISO 9001:2015 certification program. The process flow always starts with a kick-off meeting between the PPO and the public body where an e-PS Kit is provided to the management of the public body for guidance. The e-PS Kit provides information about the electronic system, hence, supporting the structures that the public body has to put in place. The detailed support program is presented as 10 steps to guide the public body in achieving sustained use of e-PS.

11.5 A metric, called the Procurement Transformation Index, PTI, was devised for measuring the adoption of e-PS.

$$PTI_{volume} = \frac{\text{Number of procurements processed by the Public Body on ePS}}{\text{Total number of procurements processed by the Public Body}}$$

PTI for ministries and departments is measured every quarter by Public Sector Business Transformation Bureau and reported to Cabinet.

11.6 Support to suppliers has been constantly provided through the e-Procurement Help Desk. There is a need to increase the Help Desk capacity. Support to public bodies were provided through SPOCs (Single Point of Contact) officers specifically recruited, trained, and assigned to public bodies for providing handholding support in the initial stages of on-boarding. Training on e-Procurement processes were provided by PPO through its dedicated training room equipped with 20 computers and other government training centres such as the Civil Service College and Mauritius Polytechnics. Further on-the-job training are provided by the SPOCs.

### Use of e-Procurement

11.7 Use of the e-Procurement among public bodies has been increasing gradually until July 2020. From July 2020 to June 2021, there has been a substantial increase in volume of transactions on e-PS as well as an increase of number of public bodies on-boarding the system as shown on the graphs below. This increase can be attributed to the government’s policy decision to make use of e-PS mandatory for public bodies. Since the announcement of the mandatory use of e-PS, there has been substantial increase in number of public bodies that used the system, number of electronic Invitation for Bids published, and number of electronic bid submissions and number of suppliers registered as shown from the graphs<sup>1</sup> below.

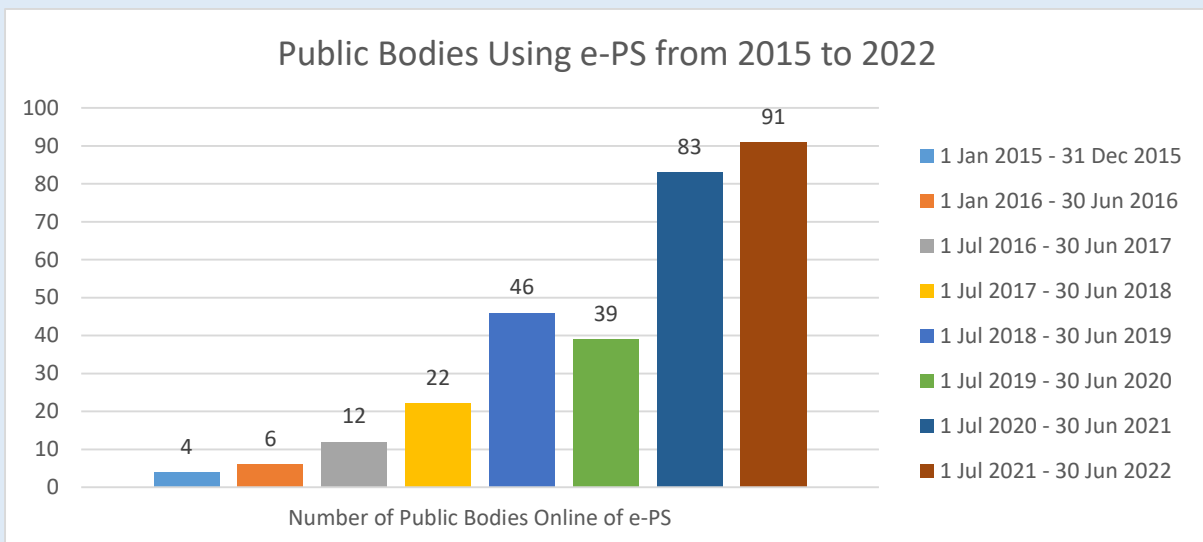


Figure 1 Public bodies using e-PS

11.8 In 2021/2022 Financial year, out of 205 public bodies, 91 public bodies on-boarded the e-Procurement System.

<sup>1</sup> The data for the graphs is grouped by financial year. 1 Jan 2016-30 Jun 2016 is a transition period as prior to that period, the financial year in Mauritius was from 1 January to 31 December.

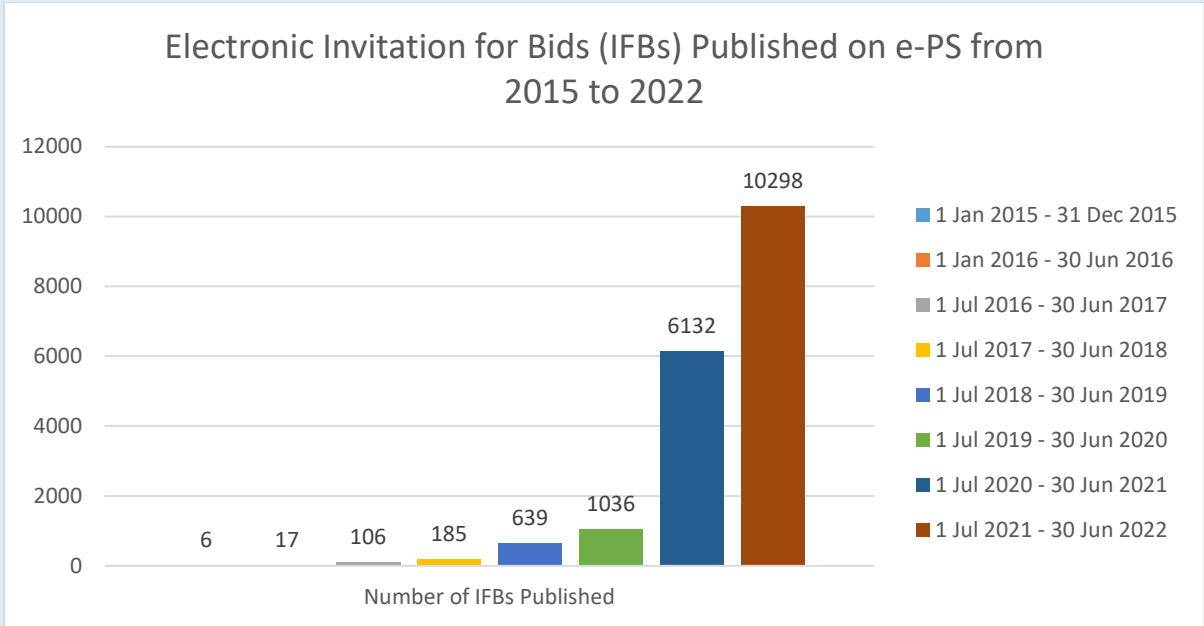


Figure 2 Electronic Invitation for Bids (IFBs) Published on e-PS from 2015-2022

11.9 The 91 public bodies that used the e-Procurement System in 2021/2022 financial year, published 10,298 electronic Invitation for Bids (IFBs) and received 25,215 electronic bid submissions.

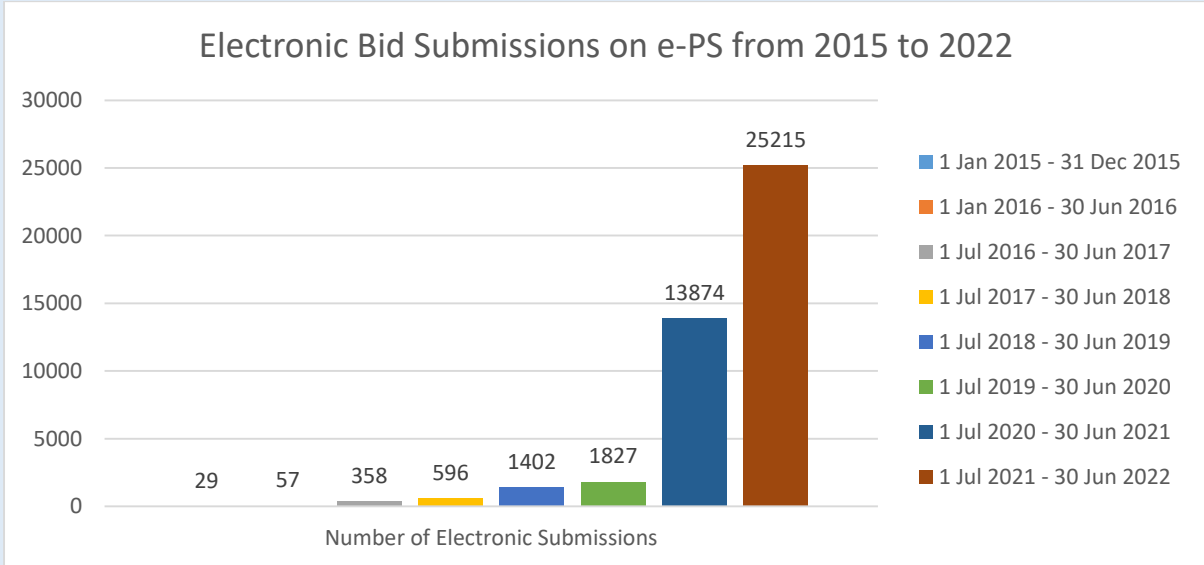


Figure 3 Electronic Bid Submissions on e-PS from 2015 to 2021

11.10 PPO has observed that most public bodies are using the e-Procurement System up to opening of bids whilst evaluation and award are still being done offline. This is a challenge as the benefits of e-Procurement cannot be fully realized until there is end-to-end usage of the system.

11.11 To improve the functionality of the e-Procurement System, PPO plans to enable three additional modules namely Challenge and Appeal, Contract Monitoring and Reverse Auction.

11.12 As part of Technical Assistance provided by AfDB, an e-Procurement Expert will be recruited in the next financial year to review the current e-Procurement System and make recommendations for its improvement.

11.13 Use of the e-Procurement System is very beneficial to bidders/suppliers. It reduces the cost of participation as there is no need to print copies of tender documents and deliver them to the public bodies. Apart from a computer and an Internet connection which are nowadays readily available, bidders only need to pay for Digital Signature Certificate which is mandatory for digital signing and encryption. Digital Signature Certificates are sold by MauSign Certification Authority and are available as from Rs500 for a 1 year certificate. The number of registered suppliers on the e-Procurement System has increased every year as shown below.

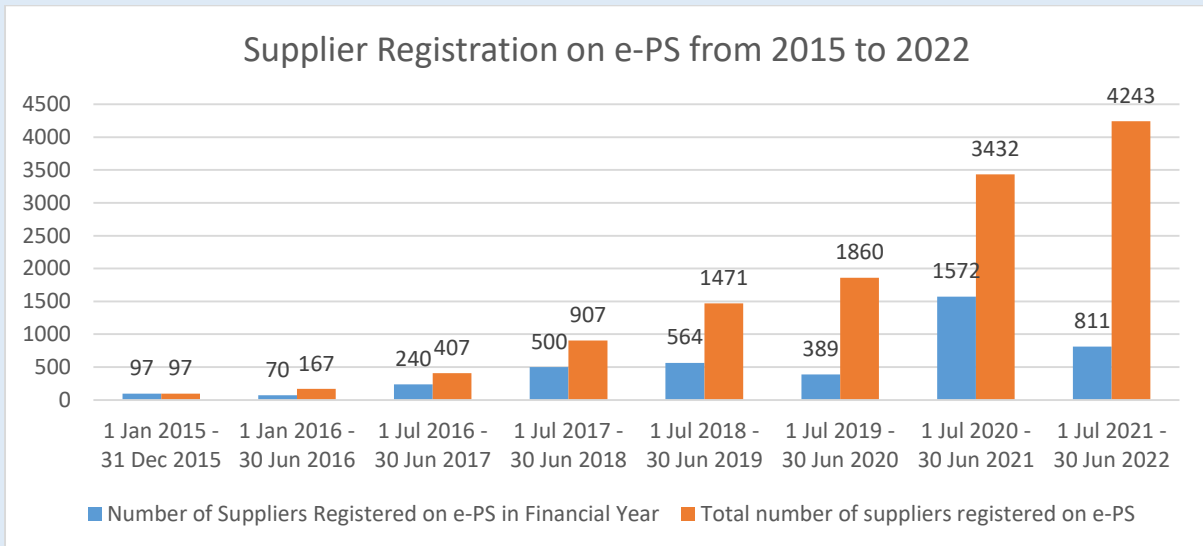


Figure 4 Supplier Registrations from 2015 to 2021

## 12.0 Framework Agreement

12.1 Framework Agreement is a streamlined mechanism that allows public bodies or lead organisations to conduct procurement that arise on a repetitive or urgent basis over a period of time. It reduces pressure on procurement administration and improves lead time.

12.2 Framework Agreements remain popular among public bodies in the utility sector and for procurement of minor and repetitive works. Provision of section 40 (2) (b) of the Act allows such organisations to invite participants in Framework Agreements with pre-determined rates. Contracts are awarded to prequalified and selected contractors based on a common rate. This helps the organisations to maintain a uniform price across the board for services that are chargeable to their customers.

12.3 A working session was organised in August 2021 with the National Audit Office and the Central Procurement Board to discuss the recourse to Framework Agreement to overcome poor performance of Watch and Security Services contracts at the Ministry of Education, Science and Technology as pointed out on page 248 of the Audit Report 2019-20. It was agreed that the latter is not the appropriate mechanism to address this issue. Public bodies should instead be directed to review their selection criteria and contractual terms, consider including Service Level Agreements and improve on contract management.

12.4 It has been observed that unstable market conditions are limiting the uptake of Framework Agreement in public bodies, particularly for procurement of goods. Suppliers are unwilling to commit on a fixed price throughout the duration of an agreement. Public bodies are now being encouraged to have recourse to Framework Agreement with second-stage competition.

12.5 This Office has been supporting public bodies to set up or renew their Framework Agreement since 2013. During the last financial year, assistance was provided as follows.

SN	Framework Agreement for	Public Body	Duration	Value (MUR)
1	Procurement of Toilet Paper	Ministry of Finance, Economic Planning and Development	12 Months	
2	Procurement of Photocopy Paper	Ministry of Finance, Economic Planning and Development	12 Months	
3	Supply and Installation of Electronic Time Recorders	Ministry of Public Service, Administrative and Institutional Reforms	12 Months	
4	Up-keeping and Associated Minor Routine Works	Road Development Authority	12 Months	80 Million
5	Overhead Line Works	Central Electricity Board	12 Months	80 Million

12.6 However, the first two initiatives had to be abandoned due to excessively hedged prices quoted. It was concluded that instead of planning for a long term framework agreement with fixed price, it would be more appropriate to proceed with one with mini competition to cope with the current dynamics of the market.

## 13.0 ISO 9001:2015 Certification

13.1 The Procurement Policy Office is holder of the ISO 9001:2015 certification valid until June 2024. The scope of registration covers the:

- Formulation of policies, regulations and bidding documents in respect to public procurement
- Recommendation and advice on public procurement and debarment of suppliers
- Implementation of e-Procurement System.

13.2 The annual surveillance audit was conducted by the Mauritius Standard Bureau (MSB) in June 2022. The Audit Report pointed out that:

- Top management is strongly committed in the Quality Management System
- There is good monitoring of quality objectives set for different operations
- The performance of external providers is properly assessed and presented

13.3 The Office is currently working on its risk assessment with regard to its internal and external issues as requested by the external auditor.

13.4 The Quality Management System sets the structure for effective running of the Office and improves control on the organisation. Standard operating procedures have been developed to address attrition of staff and ensure business continuity at all time.

## 14.0 Public Private Partnership / Build Operate Transfer Projects Status

14.1 A list of projects undertaken under the PPP/BOT framework is listed below:

SN	Contracting Authority	Title Project	Status
1	Min. of Arts and Cultural Heritage	Creation of a `Village Des Artistes` at Batterie de L`Harmonie, Black River	Request for Proposal (RFP) for the selection being finalised
2	National Land Transport Authority	Cashless Ticketing System for Public Transport (CTSPT)	National Land Transport Authority to recruit a Transaction Advisor.
3	Private Secondary Education Authority	Construction of New PSEA Building, Beau Bassin	The PSEA has signed a Memorandum of Understanding (MOU) with Kukuza Project Development Company (KPDC) to structure the project and assist in the procurement phase for the recruitment of a Promoter. Structuring phase ongoing.
4	Ministry of Health and Wellness	Modern warehouse for pharmaceutical products	The Ministry of Health and Wellness has selected a Transaction Advisor through a Request for Proposal (RFP) exercise, for structuring the Warehouse project and assist in the procurement phase for the recruitment of a Promoter. The Kukuza Project Development Company (KPDC) was awarded the contract for Consultancy Services. Structuring of the project is ongoing.
5	Ministry of Health and Wellness	Laboratory Project at Cote D'Or	The Ministry of Health and Wellness has selected a Transaction Advisor through a Request for Proposal (RFP) exercise, for structuring the Laboratory project and assist in the procurement phase for the recruitment of a Promoter. The Kukuza Project Development Company (KPDC) was awarded the contract for Consultancy Services. Structuring of the project is ongoing.



SN	Contracting Authority	Title Project	Status
6	Ministry of Health and Wellness	Design, Finance, Build & Maintain a State of the Art Cardiac Centre @ Cote D'Or, Mauritius	The Ministry of Health and Wellness has selected a Transaction Advisor through a Request for Proposal (RFP) exercise, for structuring the State of the Art Cardiac Centre project and assist in the procurement phase for the recruitment of a Promoter. The Kukuza Project Development Company (KPDC) was awarded the contract for Consultancy Services. Structuring of the project is ongoing.
7	Ministry of Health and Wellness	Construction of New Flacq Teaching Hospital-Phase II	Request for Proposal (RFP) for the recruitment of a Transaction Advisor to structure the project being finalised.
8	Ministry of Gender Equality and Family Welfare	Stand-alone building housing, the offices of the Ministry of Gender Equality and Family Welfare	The Evaluation Exercise is on-going for the recruitment of a Technical Expert. The Evaluation Exercise is on-going for the recruitment of a Technical Expert.
9	State Trading Corporation	Construction of Storage facility for Bunker Fuels in the port area	STC to recruit transaction advisor.
10	State Trading Corporation	Construction of storage tank for liquefied petroleum gas (LPG) in Mer Rouge/Port area	STC to recruit transaction advisor.
11	State Trading Corporation	Construction of storage tank for Jet A1	STC to recruit transaction advisor.
12	Central Water Authority	Upgrading of La Nicoliere Water Treatment Plant	RFP for Recruitment of a Transaction Advisor has been launched by the Development Bank of Southern Africa (DBSA).
13	Wastewater Management Authority	New Roche Bois Pumping Station and Baie du Tombeau Treatment Plant	The Transaction Advisor CCLM Joint venture is preparing feasibility study report and preparing RFP documentation.
14	Central Water Authority	Digitalisation of CWA Water Supply Infrastructure	The draft RFP to recruit a Transaction Advisor is being finalised by CWA for issue.
15	Fashion and Design Institute	Fashion and Design Institute ECO Campus at Cote D'Or	Draft RFP to recruit a Technical Consultant is being finalised by FDI

SN	Contracting Authority	Title Project	Status
16	Mauritius Multisports Infrastructure Limited	Pv Panel at Cote D'Or National Sports Complex	Procedures for the recruitment of a transaction advisory firm is underway.
17	University of Mauritius	Construction of a Hall of Residence at Reduit	The RFQ stage for the selection of a promoter has been completed. The University is in the process of launching a tender for the selection of a Technical Advisory Firm which will prepare the Output specifications for the project.
18	University of Technology Mauritius	Construction of a UTM Campus at Cote D'Or	The UTM is in the process of hiring the services of a Transaction Advisor for the project. The Bid Evaluation process is ongoing.
19	Ministry of Education, Tertiary Education, Science and Technology	Construction of an Education House at Cote D'Or	The RFP for the recruitment of a Transaction Advisor for the project is in the process of being finalised.
20	Road Development Authority (RDA)	Construction of Building to house the Head Office of the Road Development Authority	RDA finalising Request For Proposals for the recruitment of a Technical Expert
21	Mauritius Institute of Education (MIE)	MIE Campus at Cote D'Or Education Hub	Request for Proposals for Transaction Advisor has been launched. Bid Evaluation Committee is being constituted.
22	Institute of Technical Education and Technology	Construction of Technical Education Centre at Ebene (ex-Sir Rampersad Neerunjun Training Centre)	Institute of Technical Education and Technology
23	Mauritius Institute of Training and Development (MITD)	Revamping of Professional Drivers Training Centre	Request for Proposals for Transaction Advisor has been launched. Bid Evaluation Committee is being constituted.
24	Ministry of Environment, Solid Waste Management and Climate Change (Solid Waste Management Division)	Setting-up and operation of composting plant and sorting unit	Feasibility phase completed; procurement phase for the selection of developer(s) ongoing.
25	Ministry of Environment, Solid Waste Management and Climate Change (Solid Waste Management Division)	Setting up and Operating a Used Tyres Processing Facility in Mauritius	A letter of comfort has been issued to the preferred bidder.

## Part D

### Interaction



- ❑ **Advice to Stakeholders**
- ❑ **Compliance Monitoring**
- ❑ **Exclusion, Suspension, Disqualification and Debarment**
- ❑ **Membership of APPN / Knowledge Sharing**

## 15.0 Advice to Stakeholders

15.1 The PPO provides advice to stakeholders using different means including phone, email, letter and meetings with stakeholders.

15.2 267 written advices were provided to Ministries/Departments and parastatal bodies during financial year July 2021 to June 2022.

## 16.0 Compliance Monitoring in Public Bodies

16.1 In the discharge of its functions, the PPO has the power to;

- (a) request for such information, records and other documents as it may require from the Board or any public body;
- (b) examine such records or other documents; and
- (c) carry out procurement audit.

16.2 The main sources for the collection of procurement data were from Returns on Procurement Activities submitted by public bodies falling under the purview of the Public Procurement Act (2006), the Central Procurement Board and the Independent Review Panel. Data gathered from procurement were analysed to assess compliance with the Act and overall performance of the procurement process.

16.3 During Financial Year 2021/2022, the Office conducted ten (10) desk compliance monitoring exercises through analysis of Return on Procurement Activities and details are as follows:

SN	Name of Public Body	Period
1	Mauritius Broadcasting Corporation	July 2021
2	Airports of Mauritius Co Ltd	August 2021
3	Cargo Handling Corporation Ltd	August 2021
4	Central Water Authority	August 2021
5	Mauritius Revenue Authority	August 2021
6	Mauritius Ports Authority	August 2021
7	Ministry of Education, Tertiary Education, Science and Technology	September 2021
8	Ministry of Information Technology, Communication & Innovation	November 2021
9	Central Water Authority	November 2021
10	City Council of Port Louis	December 2021

16.4 Furthermore, ten (10) onsite compliance monitoring exercises were carried out by the PPO at the following public bodies:

SN	Name of Public Body	Period
1	Ministry of Education, Tertiary Education, Science and Technology	October 2021
2	Ministry of Youth Empowerment, Sports and Recreation	October 2021
3	District Council of Flacq	October 2021
4	Municipal Council of Beau Bassin Rose Hill	December 2021
5	Ministry of Social Integration, SS and National Solidarity	March 2022
6	Beach Authority	April 2022
7	Ministry of Foreign Affairs, RI and International Trade	April 2022
8	Ministry of Health and Wellness	April 2022
9	Rodrigues Regional Assembly	April 2022
10	Ministry of Health and Wellness	June 2022

## 17.0 Exclusion, Suspension, Disqualification and Debarment

17.1 Part VIII of the Act provides explanation on procurement integrity with particular attention to conduct of bidders and suppliers and the sanctions that await them in case of misconduct and subpar performance.

17.2 The PPA provides in section 53, the grounds under which the Director of the Policy Office may suspend, debar, or disqualify a bidder or supplier in order to protect the interests of public bodies and ensure that they do not act frivolously. According to the Act, the period of debarment or disqualification shall not exceed five years.

17.3 Depending on the application made by the Public Body to debar or to disqualify the bidder/supplier, action is initiated in compliance with either the Public Procurement (Suspension and Debarment) Regulations 2008 or Public Procurement (Disqualification) Regulations 2009.

17.4 The law also provides for suspension of the bidder/supplier pending completion of the debarment proceedings. Upon receipt of the written representation of the bidder/supplier and if the application of the Public Body proposed suspension of the defaulter, the director may suspend the bidder/supplier. During the suspension period, the bidder/supplier shall not be eligible to participate in any public procurement activities. However, the suspension end with the issue of a decision by the Director or at the end of the 50-day period for completing the disqualification/debarment proceedings.

17.5 On completion of the procedure for debarment or qualification, a circular is issued and e-mailed to all public bodies to ensure that no contract is awarded to these bidders/suppliers

during their debarment/disqualification period. A notice is also published in the Government Gazette in line with Section 35 of the PPA

17.6 For the Fiscal year 2021-2022, following bidders/suppliers were sanctioned under S53 of the Act:

Firm Name	Public Body making the request	Ineligibility Period	Grounds
Ennar Healthcare Ltd	Ministry of Health and Wellness	Three (3) years with effect 19 April 2022 to 18 April 2025	Collusion
J&J Health Care Ltd	Ministry of Health and Wellness	Three (3) years with effect 19 April 2022 to 18 April 2025	Collusion
Kisten Enterprise Co. Ltd	Ministry of Education	Three (3) years with effect 10 August 2021 to 09 August 2024	Misconduct relating to the submission of a bid.

*The above list can also be consulted on the website of the Policy Office.*

17.7 For the same period, two proposals were made for the disqualification of **PurpleBlue Medical Ltd** and **Le Pouce Contracting Ltd** from the Ministry of Health and Wellness and the District Council of Flacq, respectively. However, after considering the written representations of the contractors and the outcome of the hearings, it was decided that there was not enough material ground for a disqualification.

17.8 A defaulting bidder/supplier may also be sanctioned under section 35(1A) of the PPA. A public body may exclude a bidder/supplier from participating in its bidding exercises, on ground of deficient performance for a period not exceeding six months. The procedure to be followed for the exclusion of a bidder/supplier is as per Directive No. 35. Additionally, the Act and regulations have been amended to introduce the Performance Rating of bidders/suppliers to prevent public bodies from awarding contracts to suppliers and contractors who have poorly performed in other public bodies during the preceding 12 months.

17.9 In financial year 2021-2022, **Sofitel Computer Services Ltd** was excluded by the Prime Minister's Office (Defence and Home Affairs Div.)

## 18.0 Membership of APPN / Knowledge Sharing

18.1 The Technical Secretariat of the African Public Procurement Network (APPN), in collaboration with the APPN Chair, the Executive Committee, and the sub-regional Coordinator, organised via video knowledge and experience sharing session.

18.2 Mr B. Dabeesing, Member of this Office was invited by the above mentioned institution to make an online presentation on 10 November 2021 on “Professionalization of Public Procurement and Capacity Building”.





**Part E**

- **ESA 5 EU Negotiations**
- **Greening of the Public Sector**
- **e-PS Technical Assistance Procurement Project**
- **Training of Public Officials in Project Management and Contract Administration**

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## 19.0 ESA 5 EU Negotiations

19.1 On 29 August 2009, Mauritius and three other countries of the Eastern and Southern Africa (ESA) region signed an interim Economic Partnership Agreement with the European Union (hereafter, the “ESA-EU iEPA”). Mauritius is provisionally applying it since 14 May 2012. The countries involved in the agreement since the very onset are Mauritius, Seychelles, Madagascar, and Zimbabwe. Comoros Island, signed the agreement on 28 July 2017. This agreement remains open to other countries willing to join at a later stage.

19.2 The iEPA includes a clause allowing the parties to negotiate on more trade-related areas than what was originally signed for, such as services, public procurement, investment, sustainable development, and competition. This is called a “deepening” process. All parties have declared their readiness to move beyond trade in goods, towards a more comprehensive agreement, and deepening negotiations were launched on 2nd October 2019.

19.3 In the 5th Round of the negotiations, the ESA and the EU parties presented their draft articles on public procurement and had an initial exchange of views. They consulted further on the proposals and shared their comments in late 2021.

19.4 The EU is seeking to negotiate a chapter that builds on the *acquis* of the WTO Government Procurement Agreement (GPA). By contrast, the ESA countries, which are not contracting parties to the WTO GPA and are not intending to become such contracting parties in the near future, would only agree to ensure transparency of their public procurement systems and processes.

19.5 In the wake of further negotiations in the field of public procurement, the following work programme aims to provide the GoM with an analysis of the key differences between the rules and principles pertaining to public procurement contained in the WTO Government Procurement Agreement, the two proposals for the chapter on Public Procurement in the ESA-EU EPA, the legislation of Mauritius and possibly that of other ESA countries. The focus of attention will be on upcoming consultations between ESA-EU EPA. The work will also entail a full description of the legal principles pertaining to transparency in public procurement, considering best practices observed in other countries.

19.6 At the end of the different negotiation rounds, the GoM will be fully informed of the options regarding the chapter on Public Procurement in the ESA-EU EPA, as well as on the optimal contents of a chapter only dedicated to transparency in public procurement.

19.7 The 9th round of negotiation was held in Madagascar from the 19th September to 23rd September 2022.

## 20.0 Greening of the Public Sector

20.1 Making Mauritius greener and more sustainable is high on the agenda of the Government as spelled out in the Government Programme 2020-2024. Greening of the Public Sector is one of the areas where the government is committed to leading by example. As part of the project, supply chain and procurement is part of the five focus areas, that have been identified to green the public sector.

20.2 In fact the objective of this focus area aims at greening public procurement and developing a sustainable procurement strategic plan.

20.3 Among the proposed measures for greening the public sector under this focus area, the following measures are proposed:

- 1) Reviewing the legal framework to include sustainable procurement;
- 2) Awareness campaigns;
- 3) Capacity building of relevant stakeholders;
- 4) Implementation of review of specifications and criteria; and
- 5) Implementation of new purchasing policies, including guidelines.

## 21.0 e-PS Technical Assistance Procurement Project

21.1 Public procurement is a crucial component of good governance, aiming at value for money and sustainable development. Governments around the world spend approximately USD 9.5 trillion (*source AfDB*) in public contracts every year. This fact means that on average, public procurement constitutes around 12%-20% of a country's GDP (*source OECD*). Therefore, the strengthening of public procurement systems is central to achieving concrete and sustainable results and building effective institutions.

21.2 The implementation of the e-PS increases the efficiency of expenditure through an effective procurement system breaking down the physical barrier of location and time, allowing for more transparent procurement and wider market access for countries. e-PS provides opportunities for innovative measures using information and technology to streamline public procurement for greater efficiency and economy. It offers governments, the private sector, civil society, and citizens innumerable advantages across the procurement, payment, and contract management cycle. As you may already be aware, the existing e-PS is operational since 2015.

21.3 The African Development Bank (AfDB) in collaboration with the Government of the Republic of Mauritius (GoM), through the Ministry of Finance, Economic Planning and Development, the Procurement Policy Office shall intensify the government objective to boost accountability and transparency of the procurement system. Following the MAPS Assessment (financed and led by AfDB) which was conducted in 2021-2022, identified short-term gaps, opportunities and made recommendations for improving the public procurement legal framework and the e-PS.

21.4 Under the Middle Income Country –Technical Assistance Fund (MIC-TAF), a grant was received from the AfDB to finance the “e-Procurement System (e-PS) Technical Assistance Project” for the improvement of the e-Procurement System. The project involves

the services of an e-Procurement System (e-PS) Expert and a Legal Expert. The two Experts have already been identified and assigned their tasks as provided under the respective terms of reference.

## 22.0 Training of Public Officials in Project Management and Contract Administration

22.1 In line with the 2022-2023 Budget Speech and with a view to improving public procurement, bringing efficiency in public spending, and ensuring timely implementation of capital projects, the Policy Office in collaboration with the University of Technology Mauritius (UTM) shall provide training on Project Management and Contract Administration to officers involved in project management and contract administration.

22.2 One tailor-made course (Postgraduate Certificate in Project Management and Contract Administration) for officers involved in the management and contract administration of capital expenditure projects and three days' workshop for senior officials and Chairperson of DBCs have been proposed.

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