



Republic of Mauritius

ANNUAL REPORT 2013



PROCUREMENT POLICY OFFICE

MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT

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FOREWORD

I assumed Office on 21 May 2014, and in compliance with the statutory requirement under section 7B of the Public Procurement Act 2006, for the Procurement Policy Office to report on its activities; I submit herewith, the Annual Report of the Office for the year 2013.

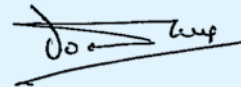
This Report highlights the statistical data on the value of public procurement contracts awarded during 2013 and its contribution to GDP, analyses the impact of Government policy directives to facilitate SMEs accessing public contracting, fielding of capacity building programmes aimed at sharpening the skills of public procurement practitioners, and some findings on public procurement compliance by selected Public Bodies.

Public Bodies function within the constraints of the public sector setting and transact with their counterpart, the suppliers who trade in a dynamic private sector market environment. Public Bodies aim at achieving value for money, while private sector is driven by profit maximization.

Reconciling these two objectives in public procurement market where Government does business with the tax paying private sector to serve tax paying citizen is a challenge. Within these paradigm limitations, Public Bodies are called upon to deliver at dot.com speed to meet public expectation.

Bringing improvement in public procurement system being also a constant challenge and frustration, there is need to deepen the use of technology in doing Government business.

The Office will collaborate further with all its stakeholders with the goal to deliver superior public procurement performance.



Mohit Dhoorundhur
Director, Procurement Policy Office

26 June 2014

Vision, Mission and Strategic Objectives

The Vision of the Procurement Policy Office is to attain:

"A world class procurement system for Mauritius"

It has set itself as Mission 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"; and

Deliver on the following Strategic Objectives:

- Maximize economy and efficiency in public procurement and obtain best value for public expenditures.
- Contribute to the economic development of Mauritius through an efficient public procurement system and capacity building.
- Promote competition and foster participation in public procurement proceedings.
- Provide equal opportunity and fair and equitable treatment to all suppliers and bidders.
- Promote integrity, fairness, accountability and public confidence in the public procurement process.
- Ensure transparency in the procedures, process and decisions relating to public procurement.

Public Procurement Quick Facts

Description	2011	2012	2013
Value of Contracts Awarded Through Public Procurement	Rs B	Rs B	Rs B
Works	5.89	3.10	6.14
Goods	2.26	4.82	5.34
Consultancy Services	0.07	0.16	0.58
Other Services	0.38	1.63	1.54
Total Procurement Amount	8.60	9.71	13.6
Total Procurement Amount as a % of GDP	3.0%	3.2%	4.2%

TOTAL VALUE OF CONTRACTS AWARDED TO SMALL AND MEDIUM ENTERPRISES (SMEs)			
Year	Total Contract Value Approved for Rs100,000 and above	Contract Value Approved for SMEs for Rs100,000 and above	Contract Value Approved for SMEs as percentage of Total Contract Value Approved
2012	Rs. 9,707,090,742	Rs. 473,527,233	4.88 %
2013	Rs. 14,665,887,866	Rs. 1,633,842,172	11.14 %

BREAK DOWN OF THE VALUE OF CONTRACTS AWARDED TO SMEs AS PER CATEGORY OF PROCUREMENT		
	(Rs)	(Rs)
Description	Year 2012	Year 2013
Goods	211,689,770	757,719,521
Works	187,323,378	650,123,939
Services	38,662,644	47,653,545
Consultancy Services	4,160,000	26,952,210
Non-Consultancy Services	27,142,583	146,728,069

INDEPENDENT REVIEW PANEL			
Description	2011	2012	2013
No. of cases lodged with IRP	35	40	35
No. of cases with "Merits"	9	7	7
No. of cases with "No Merits"	10	15	13
No. of cases withdrawn by aggrieved bidder	9	6	11
No. of application dismissed	1	5	1
No. of cases with Conflict of Interest at IRP	0	0	2

1.0 Public Procurement Institutional Structure

1.1 The Stakeholders

There are 204 Public Bodies comprising Ministries, Departments, Parastatals, and Local Authorities in which government has interest, and whose procurement activities are regulated under the provisions of the Public Procurement Act, 2006. Being public expenditure, their procurement processes are standardized under the Act to comply with procurement best practices aimed at achieving value for money, promoting good governance, and contributing effectively to economic growth, and private sector development. Otherwise, such expenditures can turn into irreversible economic liabilities resulting into waste and additional cost.

1.2 The Institutional Structure

It is now in its fifth year, under government's drive to reform public contracting, that public procurement is being carried under the provisions of the Public Procurement Act 2006, and that also within the constraints of an island economy that imports most of its needs.¹ The reformed public procurement institutional framework under the Act is one that is based on a three tier structure with a Procurement Policy Office (PPO), that makes the policy recommendations and also acts as a regulator; a Central Procurement Board (CPB), having the responsibility to approve awards of public contracts above respective prescribed thresholds, and an Independent Review Panel (IRP) to expeditiously settle administratively procurement grievances within set time frames.

By design, these three institutions, with independent but complementary functions, are to collectively serve Procurement and Supply Officials, and the Chief Executives of the 204 Public Bodies, the trustees of public funds, to use the standardised procedures to procure from the private sector. The process aims to achieve value for money, and above all, deliver quality public service with equity, integrity, accountability, legality, and transparency anchored within the principles of good governance.

1.3 Procurement Facilitation

To facilitate all Public Bodies to carry out procurement, PPO has issued, and made available as downloads on its portal/website, some 30 standard procurement documents for goods, works, and consultancy services and other services, as well as guidelines on how to fill procurement activity template and carry out bid evaluation. The PPO's portal/website also hosts Annual Procurement Plans of Public Bodies, summary of Bid Evaluation Reports, decisions of IRP on grievance resolution, PPO Directives, Notices of Procurement Awards, and Procurement Notices flagging calls for bids that are nearing date limits for submission.

The use of these procurement documents, in compliance with the procedures of the Procurement Regulations together with the PPO Directives, set the standard operating process and procedures for public procurement ranging from simple to complex procurement. As standards, they have brought certainty, predictability, uniformity, transparency and equity in the procurement exercise.

These standards are to treat both Public Bodies and Suppliers with probity. Yet, by the very nature of public procurement, there will always be bidder dissatisfaction on the "how of public procurement". In any procurement exercise, independent of the number of participants submitting bids, a contract is awarded only to a single bidder, causing frustration to all other bidders. This is so since each non selected bidder considers his bid to be the best proposal. To address such situations, the Act provides a mechanism for an aggrieved bidder to seek administrative redress through the IRP.

2.0 Public Procurement Expenditure Analysis

2.1 Why Government Spends ?

Government expenditure is driven by its operational requirements to perform its primary legislative, executive and administrative functions. The other categories of expenditure are in the form of transfers and investment expenditure to foster the socio economic development goals of the State. Public resources being capped to revenue generating limits, and prudential debt ceiling, there is always a political trade off to be made between high public expectations of what government should do, and what government can realistically achieve in the short term.

¹ Current trade deficit statistic

2.2 Business Opportunities

Within these limitations, public procurement provides the platform for Government to do business with the private sector. As per the Public Procurement Act 2006, and generally in international procurement nomenclature, acquisitions by Public Bodies from the private sector are classified in four categories of public contracts, namely Works, Goods, Consultancy Services and Other Services.

Table 1 provides a breakdown of the value of procurement contracts awarded in these four categories for the period 2011 to 2013.

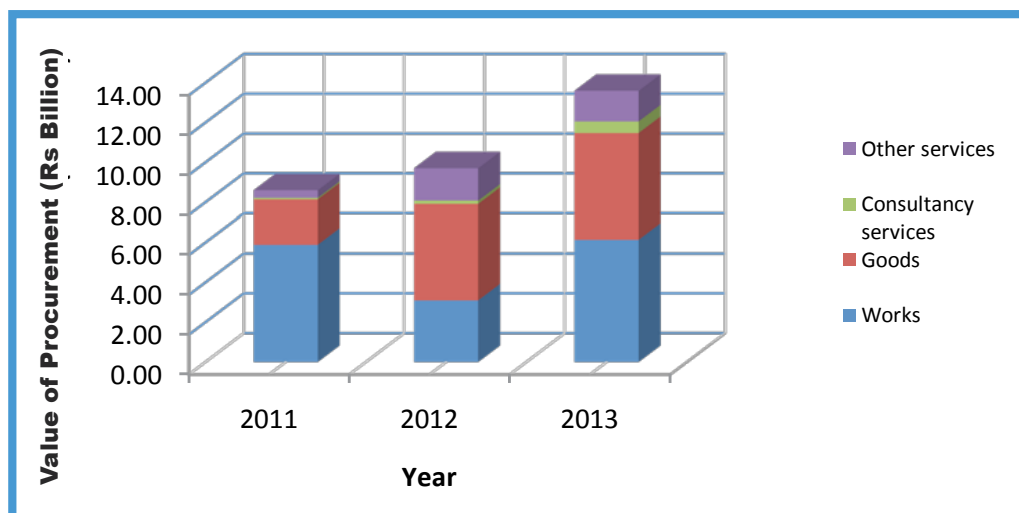
Table 1: Value of Public Contracts Awarded during FY 2011 to 2013

Category of Procurement Contracts	2011	2012	2013
	Rs B	Rs B	Rs B
Works	5.89	3.10	6.14
Goods	2.26	4.82	5.34
Consultancy services	0.07	0.16	0.58
Other services	0.38	1.63	1.54
Total value of contracts awarded	8.60	9.71	13.6
Total value of contracts awarded as a % of GDP	3.0%	3.2%	4.2%

The total value of public contracts awarded for the year 2013 amounted to Rs 13.6 billion. On a year to year basis, total value of public contracts has grown at an average rate of 26.45% per annum since 2011. This rising trend is also reflected by an increase in the contract value of all categories of public contracts; except for works, which dropped from Rs 5.89 billion in 2011 to Rs 3.1 billion in 2012, but picked up to Rs 6.14 billion in 2013. Expenditure for works contract generally rolls over successive budget periods. In this respect, it is worth recording that the value of public works contracts awarded cumulatively over the last three years reached a significant amount of Rs 15.13 billion that was injected into the economy. It also partly reflects increased works undertaken under the Stimulus Package as countercyclical measures during the economic downturn period.

Chart 1 illustrates the trend in the contract value of public expenditure in the each of the four categories of procurement over the last three years.

Chart 1: Procurement Amount per Category of Procurement



On the other hand, Table 2 indicates the number of contracts awarded per category of public procurement over the same period.

Table 2: Number of Contracts Awarded through Public Procurement over the period 2011 to 2013

Category of Public Procurement	Year		
	2011	2012	2013
Works	557	422	596
Goods	2171	1666	3525
Consultancy Services	54	26	139
Other Services	347	436	579
TOTAL	3129	2550	4839

For the year 2013, with respect to public procurement, the private sector thus benefited from 4839 public contracts valued at Rs 13.6 billion. Of these, 596 contracts were for works valued at Rs 6.14 billion, and 3525 contracts for goods worth Rs 5.34 billion. Most of the contracts awarded by Public Bodies related to goods, but in terms of value, the contract value for works exceeded those for goods except for the year 2012.²

3.0 Contribution of Public Procurement Expenditure to GDP

Public procurement being government expenditure by the 204 Public Bodies for goods, works, consultancy services and services, it has a direct impact on economic growth and employment. The share of public procurement expenditure in the economy has been growing year to year over the reference period starting 2011. The total amount of public procurement expenditure as a percentage of Gross Domestic Product (GDP) increased from 3% in 2011 to 3.4% in 2012, and was 4.5% in 2013. The largest contribution to GDP originated from public procurement expenditure for works, and goods as shown in Table 3.

Table 3: Public Procurement Expenditure as a % of GDP

Category of Procurement	2011	2012	2013
	% of GDP	% of GDP	% of GDP
Works	2.1	1.1	1.8
Goods	0.8	1.7	1.9
Consultancy services	0.0	0.1	0.2
Other services	0.1	0.6	0.6
Total	3.0	3.4	4.5

4.0 Public Procurement as an Instrument for Implementing Socio-Economic and Environmental Policies of Government

The role of public procurement has evolved transcending the conventional view of public sector procuring simple goods, works and services of the right quality, the right quantity, at the right price, at the right place and at the right time. In the past, what was acceptable for the low volume of public procurement is no longer sustainable for the current quantum leaps in public procurement expenditure. Governments are now using public procurement expenditure as an instrument to implement their Socio-Economic and Environmental Policies such as job creation, developing specific economic segments, like SMEs, protecting the vulnerable groups, and the environment, amongst others.

4.1 Promoting SMEs through Public Procurement

The SME sector represents a significant segment of the economy in Mauritius. In 2013, SMEs generated around 40% of the GDP, and as main drivers of job creation they provided a living to 54 % of the total working population.³

² Refer to Table 1 for respective contract values

³ Statistic Mauritius 2013

Government commitment towards developing further the SME sector is demonstrated in the following measures, announced in the recent Budget Speeches, all aimed at increasing SME access to public procurement market by reducing supply side constraints in the area of public contracting:

- SMEs now benefit from Price Preference Margin during Evaluation Process.
- Bidding process has been simplified and transaction costs reduced
 - For contracts of up to Rs 200 million, bid security has been replaced by a bid securing declaration.
 - For contracts of up to Rs 5 million, Performance Security is no longer a requirement from suppliers.
- For all contracts below Rs 5 million when using Restricted Bidding, Request for Sealed Quotations, and Direct Procurement, Public Bodies are required to include at least 2 SMEs in the short list of potential suppliers.
- Complex bidding documents relating to Request for Sealed Quotations have been simplified, and the number of pages has been reduced from 15 pages to 2-3 pages.
- Unbundling of contracts awarded on district-wise basis to ensure that a larger number of SMEs become eligible.
- To increase transparency, outcomes of all tender exercises for contracts of Rs 5 million and above, instead of previously Rs 15 million, have to be displayed on the procurement portal.

Furthermore, to ramp up SME participation in public procurement through the foregoing SME-enabling measures, PPO has conducted a series of out-reach awareness sessions targeting 150 SMEs. In terms of impact of these measures, Table 4 below indicates that there has been a significant growth in the value of contract awarded to SMEs in 2013 as compared to 2012.

Table 4: Total Contract Value Approved for SMEs in 2012 and 2013

Year	Total Contract Value Approved for Rs 100,000 and above ⁴	Contract Value Approved for SMEs for Rs 100,000 and above	Contract Value approved for SMEs as a % of Total Contract Value Approved
2012	9,707,090,742	473,527,233	4.88
2013	14,665,887,866	1,633,842,172	11.14

Source: Return of Procurement Activities from Public Bodies (2013)

The value of procurement contracts of Rs 100,000 and above awarded to SMEs increased from Rs 473 million in 2012 to Rs 1,633 million in 2013. As a proportion of total contract value awarded, this represents an increase in SME's share from 4.88 % in 2012 to 11.14 % in 2013. Additionally, in 2013 for contracts below Rs 100,000 an amount of Rs 363 million was paid to SMEs from a total amount of Rs 712 million paid in that category of contracts.

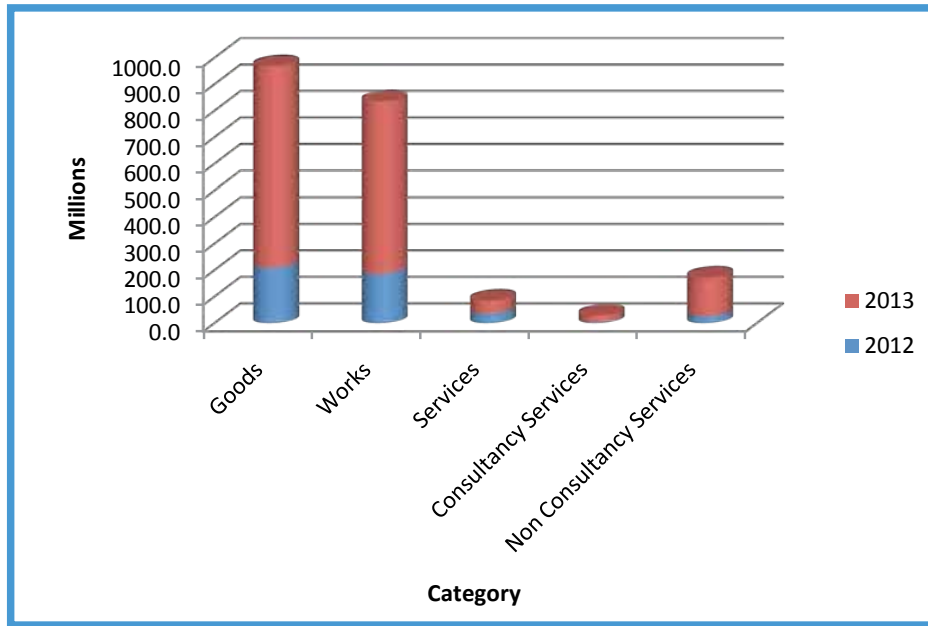
Table 5 provides a breakdown of the value of contracts in each category of procurement awarded to SMEs.

Table 5: Total Contract Value Approved for SMEs in each Procurement Category

Year	Goods	Works	Services	Consultancy Services	Non Consultancy Services
2012	211,689,770	187,323,378	38,662,644	4,160,000	27,142,583
2013	757,719,521	650,123,939	47,653,545	26,952,210	146,728,069

PPO will continue its SME awareness campaigns, and SME capacity building to enable more SMEs to participate in public procurement with a view to progressively increasing their share in public contracts to 25%.

Chart 2: Total Contract Value Approved for SMEs per Category of Procurement for 2011 and 2012



4.2 Sustainable Public Procurement

Since 2009, Sustainable Public Procurement (SPP) has been considered as an important policy to bring more innovation, buy smartly using techniques such as Life Cycle Costing Methodology, and align with Maurice Ile Durable principles.

“Sustainable procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money and a whole life basis in terms of generating benefit not only to the organization, but also to society and the economy whilst minimizing damage to the environment”.⁵

Government recognises that procurement decisions by Public Bodies have inherent social, public health, environmental and economic impacts locally, globally, both in the present and in the future. Since 2009, the United Nations Environment Programme (UNEP) has been running a project aimed at supporting the development and implementation of SPP policies in pilot countries, including one in Mauritius. The PPO has been identified as the enabler for implementing the SPP projects in Mauritius.

As part of the pilot programme, PPO hired in 2013, under assistance from UNEP, Environmental Management Centre LLP, a consulting firm to carry out capacity building of Public Bodies and suppliers. It was aimed at explaining to participants the importance and benefits of sustainable procurement, and to develop SPP criteria to be adopted in the local context. SPP would, in the first instance cover procurement of five items namely: Paper, ICT Equipment, Passenger Cars, Office Furniture, and Cleaning Services and Cleaning Materials.

For the implementation of SPP by willing Public Bodies a set of standard bidding documents for each of those categories of products/services has been prepared. They contain the specific evaluation criteria, and the methodology to be used for selecting the identified products and services in a sustainable manner.

5.0 e-Procurement in the context of e-Government Initiative

The improvement of the public procurement system can only be accelerated through innovative procurement methods supported by increased use of technology. It will enable delayering of decision making structures while still keeping past wisdom at work.

In the context of e-government initiative, the Ministry of Finance and Economic Development signed a supply contract in December 2013 with Nextenders (India) Pvt. Ltd in consortium with Sify Technologies Ltd of India for the supply, installation, testing and commissioning of an e-procurement application.

⁵ Definition by the Marrakech Task Force on Sustainable Development led by Switzerland.

Commissioning is expected in 18 months and will cover all Public Bodies, but will initially be implemented in phases. System bench testing will be conducted on pilot basis in a sample of Public Bodies comprising Ministry of Finance, Ministry of Information Technology, Local Government and National Development Unit. It will cover the whole procurement cycle. The system will be hosted by GOC, while content and management will be the responsibility of PPO.

As value enabler, the benefits of e-procurement are recognized for fostering quick decision making, increasing productivity, visibility and control, analysis of a complexity of data, and command on outcomes. The road is generally not easy as it requires commitment to break many established orthodoxies for the technology to bring transformative change requiring procurement personnel and suppliers adopting and utilizing digitalized platform for public procurement transactions.

To facilitate the transition from paper base to electronic transaction, the e-public procurement project will be supported by a change management strategy for Public Bodies and suppliers. The success factor will invariably be the commitment of these two stakeholders as e-drivers, and e-beneficiaries of the e-transformation processes enabling adoption of technology and web based public procurement.

6.0 Framework Agreement

Under a "Framework Agreement" (FA), there is an initial call for tender to select a set of multiple suppliers to enter into an agreement to supply specific goods, works, consultancy services and other services, over a set time period, at predetermined terms and conditions, including pricing. FAs have many variants, and depending on procurement jurisdictions they are referred to as "indefinite arrangement; panel arrangement, general umbrella contracts or still a list of pre-qualified suppliers."

In July 2013, PPO issued Regulations defining the process for implementing FAs by Public Bodies. Potential benefits of FAs as a dynamic and flexible procurement tool include the following:

- Lower contract prices
- Reduced cost of procurement transaction
- Reduced procurement lead time
- Mitigating risk of emergency procurement
- Efficient use of scarce capacity
- Enhanced governance
- Enhanced procurement planning and budgeting

Public Bodies have to establish a business case for an FA, assess its effectiveness at implementation stage, the expected benefits to be derived, the cost to be incurred, and the administrative arrangements for monitoring efficiency. However, implementing FAs as a new method of procurement still remains a challenge as compared to the perceived comfort of going through the traditional procurement routes.

To enable implementation of FAs, PPO has assisted the Ministry of Public Infrastructure (MPI) and four other Public Bodies to put in place FA structures for:

- (a) Maintenance and construction of Minor Road Works contracts for the Road Development Authority.
- (b) Selection of consultants for design of buildings for MPI.
- (c) Construction of Roads for NDU and Local Authorities.
- (d) Maintenance, Repairs and Rehabilitation of public buildings for MPI.
- (e) Construction, Maintenance and Repairs of underground cable networks for Central Electricity Board (CEB).
- (f) Construction, Maintenance and Repairs of CEB overhead networks.
- (g) Provision of a high speed sustainable Wide Area Network (WAN) for government in specific areas for the "Skygovnet" project of the Ministry of Information and Communications Technologies (under study stage of the project).

7.0 Skills Development of Procurement Practitioners

7.1 Advisory Services

The PPO has continued to provide, as part of its mandate, advisory services as and when solicited. In its quest to continuously improve its services, it has set up a Help Desk to better assist all Public Bodies in matters relating to procurement process and compliance.

7.2 Capacity Building

Also another function of the PPO is to continuously enhance the skills of public procurement practitioners. In this respect, PPO conducted the following training, workshops and awareness sessions:

(a) Departmental Tender Committee (DTC) Role and Functions

90 participants from different Public Bodies attended 3 half day training sessions on roles and functions of Departmental Tender Committees in March 2013.

(b) Dissemination of SME enabling Public Procurement Procedures

In collaboration with SMEDA, awareness sessions reaching 122 SMEs on ways to enhance their participation in public procurement were held in March 2013.

(c) Challenge and Appeal Procedure Guidance Sessions

Two guidance sessions on Challenge and Appeal procedures were held in April 2013, one with 300 participants from Public Bodies and the other was attended by 150 Suppliers. Both Public Bodies and Suppliers are direct parties in any Challenge and Appeal process for the resolution of supplier grievance.

(d) Training on Bid Evaluation

Bid evaluation exercise is crucial for the identification of the potential supplier in any tender process. To sharpen bid evaluation skills, 300 participants from different Public Bodies attended training sessions on Bid Evaluation during 2012 to 2013. PPO has also developed a Bid Evaluation Guide to assist bid evaluators in this key task.

(e) Compliance and Capacity Building

A Capacity Building programme was conducted in June 2013 in the Rodrigues Island. It was organized by the Rodrigues Regional Assembly and the programme covered public procurement process and those aspects necessary to strengthen good governance at all levels of the Public Service in Rodrigues.

(f) Workshop on Sustainable Public Procurement

49 participants from different Public Bodies, and 48 Suppliers attended an SPP workshop held from 17th to 25th September 2013. The workshop aimed at adopting UNEP training Toolkits to facilitate procurement of the five identified products/services through SPP principles.

(g) Migration to Public Procurement Portal

150 participants attended training sessions on the migration of public procurement portal during August to October 2013. Participants had hands on practical sessions to navigate on the portal and upload procurement bid and procurement related documents.

(h) Town Hall Sessions Disseminating Improvements made in the Public Procurement System

To enable full compliance by procurement practitioners with the new policy directives announced in the 2014 Budget speech, five half-day Town Hall sessions were held in November 2013. The updating sessions were attended by 150 participants from the different Public Bodies.

8.0 Oversight and Compliance

Section 7 (d) of the Public Procurement Act enables the PPO to collect from the CPB, the IRP and the Public Bodies information on procurement activities to monitor compliance with the Act.

8.1 Compliance Monitoring

Section 70 (1) and (2) of the Public Procurement Regulations 2008, require a Public Body to keep record of every procurement proceeding. Such record shall include documentation relating to the proceeding such as the invitation to bid, decision of award, works take-over certificate and any other information on the supplier honouring his commitment.

In 2013, the Compliance Monitoring Unit of the PPO carried out 12 compliance monitoring exercises in respect of the following Public Bodies:

Municipal Council of Port Louis; Airport of Mauritius Ltd; National Development Unit; Water Resource Unit; Ministry of Education and Human Resources; National Transport Corporation; Ministry of Fisheries; Ministry of Youth and Sports; Irrigation Authority; Prime Minister's Office; Municipal Council of Beau Bassin/Rose Hill, and Mauritius Fire and Rescue Services

General Findings

- Inadequacies were noted in the recording of procurement proceedings.
- Value of the award of contract was incorrectly translated in contract documents
- The ICAC's Code of Conduct for Public Officials involved in Procurement was in some cases not being filled.
- Updated databases of suppliers were not being maintained.
- Bunching of contracts at the end of the financial year.
- Inadequate procurement planning. PPO noted that a procurement contract to be launched in February 2013 was eventually launched on Tuesday 12 November 2013 with closing date of Friday 15 November 2013 at 13.30 hrs.

To make optimum use of public sector resource, PPO will envisage entering into working arrangement with the Office of the Director of Audit to reinforce its oversight capabilities and spectrum of monitoring.

9.0 Suspension, Disqualification and Debarment

Regarding integrity in the conduct of bidders/suppliers, PPO may suspend or debar a bidder or supplier from participation in procurement on grounds of false information, collusion, and interference, misconduct, conviction or other procurement offence relating to dishonesty or fraud in professional activity.

In exercise of this function two suppliers were suspended/debarred in 2013 on the proposal of Public Bodies.

Whilst there are averments and "hue and cry" on out-sourced service providers, Public Bodies do report poor performance, yet fall short of making proposal for suspension/disqualification as per their obligations specified in the Act.

It is the responsibility of the Public Body to make a proposal to the Policy Office for the suspension/disqualification of a bidder or supplier. PPO not being thus solicited by Public Bodies cannot take over shunned responsibilities. To single out, less than a handful of Public Bodies have recommended sanctions, but most conveniently send letters to PPO "with appropriate action at your end", seemingly in discharge of their obligations.

But there are also countless pockets of invisible excellence in public procurement, otherwise public service delivery would have been dysfunctional. Examples abound, and credit goes to the unnamed CEOs and procurement officials.

□ □ □

**The Director
Procurement Policy Office**

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