



MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT

Procurement Policy Office
Level 8, Emmanuel Anquetil Building,
Port Louis, Mauritius

Ref :F/PPO/4/1/V6

Circular No. 3 of 2013

From: Officer-in-Charge, Procurement Policy Office

To : Heads of Public Bodies

Amendments to Public Procurement (Regulations 2008)

(Challenge and Appeal)

Public Bodies are hereby informed that various sections of the Public Procurement Regulations 2008 have been amended to re-define the Challenge and Appeal process with effect from 28 March 2013. These amendments have been officialised in the Government Notice No.75 of 2013; see Annex 1 for explanatory notes.

2. The updated Public Procurement (Regulation 2008) may be consulted and downloaded from the website of this Office on: ppo.gov.mu.

3. A guidance to ease the understanding and application of the Challenge and Appeal process is currently under preparation and will be communicated to all stakeholders shortly.

4. You are kindly requested to disseminate the contents of this circular to all those concerned within your organisation.

**Procurement Policy Office
10 April 2013**

Amendment to the Public Procurement Regulations 2008

- (a) *Regulation 39* Paragraph 7 of the Regulation has been revoked as the period of 7 days allowed for Challenge prior to award of contract is covered under section 40 and subsection 4 of the Act.
- (b) *Regulation 48*
- (i) Amended paragraph 4 now provides for the Chief Executive Officer to respond to a challenge within 7 days instead of 15.
- (ii) Amended paragraph 5 now provides for the bidder to:
- submit an application for review to the Independent Review Panel if the public body fails to issue a written decision within 7 days (instead of 15 days) or if the bidder is not satisfied with the public body's decision,
 - file an application for review within 7 days (instead of 15 days) of receipt of the decision of the public body or the time when that decision should have been received.
- (c) *Regulation 51*
- (i) Heading amended to “**Security deposit and processing fee**”
- (ii) by revoking paragraph (1) and replacing it by:
- (1) The submission of an application for review shall be accompanied by –
- (a) a security deposit of an amount of –
 - (i) 100,000 rupees, in the case where the application relates to the bid opening process or the award of a major contract; or
 - (ii) 25,000 rupees, in any other case; and
 - (b) a non-refundable processing fee of 5,000 rupees.
- (d) *Regulation 52* This Regulation has been revoked.
- (e) *Regulation 55* This Regulation has been revoked and replaced to provide for:-

(1) the public body, to forward its reply and comments to the Review Panel with copy to the applicant for the purpose of section 45(2B) (b) of the Act within 7 days of receipt of the copy of application instead of 10 days.

(2) the applicant to submit his reply and comments to the Review Panel, with copy to the public body not later than 7 days of the date of receipt of the copy of reply and comments referred to in (1) above.

(f) *Regulation 57*

Paragraph (2) has been revoked and replaced to provide for a hearing to be completed:

(a) within 7 days from the date of receipt of the reply and comments, if any, made by the applicant pursuant to regulation 55(2); or

(b) in the absence of any reply and comments under subparagraph (a), within 14 days from the date of receipt of the reply and comments made by the public body pursuant to regulation 55(1).

(g) *Regulation 57A*

Regulation 57A – Decision of Review Panel

This Regulation has been added after Regulation 57 to provide for the Review Panel to make a decision within 9 days from the date of completion of the hearing, for the purpose of section 45(8) of the Act.