

## **PROCUREMENT POLICY OFFICE**

### **Directive No 21**

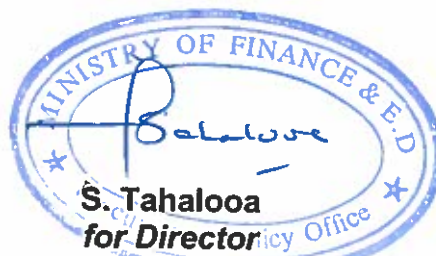
(issued pursuant to section 7 of the Public Procurement Act)

#### **Amendment of Standard Bidding Documents to comply with CIDB Act regarding registration of Consultants and Contractors for the construction sector in Mauritius**

***Directive No. 19 is herewith repealed and replaced.***

1. Following the coming into force on **01 August 2014** of the Construction Industry Development Board (Registration of Consultants and Contractors) Regulations 2014, Consultants and Contractors undertaking assignments or works in the construction sector have the statutory obligation to be registered with the Construction Industry Development Board (CIDB) accordingly.
2. A transitional period of six months, was initially provided for all consultants and contractors to register with the CIDB. That transitional period has expired on 31 January 2015. Consequently, the Construction Industry Development Board Act has been amended in March 2015 to provide for the extension of the transitional period. The new deadline will be prescribed and communicated in due course
3. Foreign Consultants and Contractors, as defined in the CIDB Act, will have to apply for and obtain a Provisional Registration prior to submitting proposals for a consultancy assignment or bidding for any works contract. If a contract is awarded to a foreign Consultant or Contractor, the latter shall apply for and obtain a Temporary Registration before starting the assignment or executing the project.
4. Notwithstanding paragraphs 1 and 3 above, a firm or person that was providing consultancy services, or undertaking construction works, in Mauritius immediately before 1 August 2014 may continue to provide consultancy services or undertake construction works for such period as may be prescribed, without being registered as a consultant, contractor, foreign consultant or foreign contractor, as the case may be. They may thus participate in public procurement and be awarded a public contract during that period.
5. Public bodies should however, ensure that bids are acceptable only from bidders duly registered with the CIDB, as the case may be.
6. It is to be noted that any person undertaking construction works of less than Rs 500,000 (VAT exclusive) is not required to be registered under the provisions of the CIDB Act.

7. Consultants as defined under the CIDB Act relate to the field of Architecture, Civil Engineering, Mechanical Engineering, Electrical Engineering, Project Management in Construction and Quantity Surveying.
8. The registration of Contractors provide for a grade and class defining the size and type of construction works the contractors may undertake and the categories in respect of their areas of specialisation, if any.
9. Consultants and Contractors, whether local or foreign, under joint venture (existing or intended) will be eligible as a joint venture if, in addition to their respective individual registration, they obtain a Provisional Registration for the joint venture prior to submitting a proposal or bidding for a project.
10. Sub-Consultants and sub-Contractors undertaking assignments or works for a main Consultant or Contractor respectively are also subject to registration under the CIDB Act and the Regulations thereof.
11. With the enforcement of the CIDB Regulations, the Procurement Policy Office has brought changes to the related SBDs. However, some criteria although considered under the CIDB registration process, have still been retained in the SBDs as they need to be also valid at the time of award of contract.
12. The SBDs for Works and the Standard Prequalification Document for Large and Complex Works have thus been amended to take into consideration the technical and financial capabilities of Contractors as per their allocated grade, class of works and areas of specialisation, where applicable.
13. Some clauses in the SBDs will however, not be applicable in the following cases:
  - (i) after the new deadline of the transitional period to be prescribed; or
  - (ii) when assessing the technical and financial capabilities of registered Contractors during the transitional period as indicated in the annexed Table.



**Procurement Policy Office**  
**28 April 2015**

Sn	Standard Criteria in SBDs for Works & Consultancy Services	Validity of the criteria during transitional period (01 Aug 2014 – new date to be prescribed)	Validity of the criteria after the transitional period
1	Eligibility, History of non-Performance and litigation history	These clauses in the SBDs will continue to apply	These clauses will continue to apply as there may be a change in the status of the bidder from the time it has been assessed for registration purpose and the time it is about to be awarded a contract
2	General experience	This clause in the SBDs will still apply to those local contractors who are yet to be registered.	This clause in the SBDs shall cease to be valid for all bidders
3	Specific experience and Key activities	These clauses in the SBDs may be maintained where the public body considers that the works require a type of specialization which is not adequately covered in the areas of specialization defined by CIDB	These clauses in the SBDs may be maintained where the public body considers that the works require a type of specialization which is not adequately covered in the areas of specialization defined by CIDB
4	Evidence of financial capacity for cash flow in the execution of a project.	This clause in the SBDs will apply	This clause in the SBDs will continue to apply as it is a requirement that a contractor has to fulfill at a point in time when he is about to be awarded a contract.
5.	On-going project in hand at time of award of contract for assessment of work load and capacity of selected contractor to execute new contract	This clause in the SBD will apply as it establishes the capacity of a contractor to undertake new works in a specific situation.	This clause in the SBD will continue to apply as it establishes the capacity of a contractor to undertake new works in a specific situation.
6.	Mobilization of plant and equipment for a particular project	This clause will be applicable as defined in the SBDs as the Employer has to ensure that the contractor has indeed secured the requirements prior to be awarded a contract.	This clause will continue to apply as the Employer has to ensure that the contractor has indeed secured the requirements prior to be awarded a contract.
7	Contractor's Key personnel to manage the contract	Applicable as defined in the SBDs as availability of personnel has to be secured for the particular contract to be awarded.	This clause will continue to apply as availability of personnel has to be secured for the particular contract to be awarded.