

PROCUREMENT POLICY OFFICE

Directive No 19 (issued pursuant to section 7 of the Public Procurement Act)

Amendments to Standard Bidding Documents to comply with CIDB Act regarding Registration of Consultants and Contractors for the construction sector in Mauritius

- 1 Consultants and Contractors undertaking assignments or works in the construction sector have to be registered with the Construction Industry Development Board (CIDB) in accordance with the Construction Industry Development Board (Registration of Consultants and Contractors) Regulations 2014 which has come into force on 1st August 2014.
- 2 The Regulations provides for a transition period of six months as from 01 August 2014 for Consultants and Contractors presently operating in Mauritius to register themselves accordingly.
- 3 However, any person undertaking construction works of less than Rs 500,000 (VAT exclusive) is not required to be registered under the provisions of the Construction Industry Development Board Act.
- 4 Sub-Consultants and sub-Contractors undertaking assignments or works for a main Consultant or Contractor respectively are also subject to registration as per the Regulations.
- 5 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 area(s) of specialisation. In view of the transition period of registration, contractors who have not yet registered can participate in public procurement proceeding, subject to the contractor obtaining a Certificate of Registration prior to award of contract, if selected.
- 6 With the enforcement of CIDB Regulations, PPO has brought changes to the related SBDs (as more fully described in the *Annex*) excluding those requirements that have already been taken care of in the registration process by CIDB. However, some criteria although considered at the registration process, have still been retained in the SBDs as they need to be equally valid at the time of award of contract.
- 7 For procurement proceedings to be conducted henceforth, public bodies should ensure that bidders comply with the registration requirements of the CIDB as prerequisites for eligibility to bid and to meet the qualification criteria contained in the SBDs.



Note: When undertaking a procurement exercise, please make sure you are using the latest version of the appropriate Standard Bidding Document available on the website of the Procurement Policy Office (ppo.govmu.org). You may also consult on the site the updated version of the Public Procurement Act and the Regulations made thereunder, as well as circulars issued by the Office

Consequential Changes in the Procedures and the Standard Bidding Documents

To comply with the Regulations issued under the CIDB Act, the Procurement Policy Office draws the attention of public bodies on the following:

1 Consultants and Contractors undertaking works in Mauritius have to be duly registered with the CIDB.

2 Consultants referred to in paragraph (1) above relate to the field of Architecture, Mechanical Engineering, Civil Engineering, Electrical Engineering, Project Management in construction and Quantity Surveying.

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 Consultant or Contractor shall have to apply for and obtain a **Temporary Registration** before starting the assignment or executing the project.

3 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.

If a joint venture is awarded a contract it shall have to apply for a **Temporary Registration** prior to executing the contract or the project.

4 The SBDs for Works and the Standard Prequalification Document for Large and Complex Works have been amended to take into consideration the technical and financial capabilities of Contractors as per their allocated grade, class of registration and area(s) of specialisation.

5 Some clauses in the SBDs will thus not be applicable after the transition period or when assessing the technical and financial capabilities of registered Contractors during the transition period as mentioned in the table hereunder.

Sn	Standard Criteria in SBDs for Works & Consultancy Services	Validity of the criteria during transition period (14 Aug 2014-31 Jan 2015)	Validity of the criteria as from 01 Feb 2015
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.