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MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT

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

Directive No 27

(Issued pursuant to Section 7 of the Public Procurement Act 2006)

Implementation of Government Electronic Procurement System

1. Interpretation

In this Directive –

“Act” means the Public Procurement Act;

“common procurement vocabulary” means a single classification system to describe an item or a group of items;

“CRB” means the Central Registration Body referred to in paragraph 4(2);

“decryption” means the restoration of a bidding document or bid data to its unprotected original state;

“digital signature” has the same meaning as in the Electronic Transactions Act;

“encryption” means the application of a mathematical function that transforms characters of a file into other characters which renders the file unreadable by any person;

“e-Procurement system” means an electronic system operated by an organisation for the secure transmission of bidding documents, bid data and related documents in connection with the procurement of goods, works, consultancy services and other services and the award of contract by a public body;

“hash value” is analogous to a fingerprint of an individual being unique to that person;

“open category” means the category which permits suppliers to participate in the electronic bidding proceedings;

“registered supplier” means a supplier registered under paragraph 3;

“restricted category” means the category which allows suppliers to be registered in a particular common procurement vocabulary classification system.

2. Application of the Directive

(1) This Directive shall apply to procurement proceedings under the Act and regulations made under that Act.

(2) The Policy Office shall, from time to time, issue instructions to public bodies for the implementation of the electronic bidding system,

hereinafter referred to as e-Procurement system under this Directive within such dates as may be specified in the instructions. The Policy Office shall authorize public bodies that are ready, to proceed progressively with electronic bidding proceedings.

3. Registration of suppliers

- (1) Every supplier –
 - (a) in open category, shall make an electronic application for registration;
 - (b) in restricted category, may make an electronic application for registration,

with the Policy Office in such form as the Policy Office may determine.

(2) (a) The registration under paragraph (1) shall be operated and managed by a Central Registration Body (CRB) set up by the Policy Office.

(b) The application for registration by a supplier in the restricted category shall be subject to the approval of the CRB.

(c) The CRB shall keep and maintain an updated electronic register in respect of suppliers registered under this Directive.

4. Digital signature, encryption and decryption

(1) For security and integrity of data transmission, a digital signature shall be required by –

- (a) a public body to encrypt or decrypt and sign the bidding document and bid data prior to its publication and to release data in respect of the bidding documents; and
- (b) a supplier to encrypt or decrypt and sign bidding document and bid data prior to its submission through the e-Procurement system.

(2) Transactions processed through the e-Procurement system shall be binding on the parties using the e-Procurement system.

5. Confidentiality

Except for the purposes of administering the Act and the regulations made under that Act, every public body, the Board, a registered supplier or the CRB shall maintain the confidentiality of any bidding document or bid data processed through the e-Procurement system.

6. Common procurement vocabulary

There shall be a common procurement vocabulary for each category and subcategory of the goods, works, consultancy services and other services.

7. Procurement request

Every public body shall, as far as possible, manage all procurement requests through the e-Procurement system.

8. Annual procurement plan

(1) Every public body shall, not later than 30 June, prepare an annual procurement plan in respect of the following financial year.

(2) The annual procurement plan using the open advertised bidding shall, where appropriate, not later than 31 July, be posted on the e-Procurement System.

9. Electronic bidding document preparation

(1) Every public body shall prepare bidding documents and procurement notice through the e-Procurement system.

(2) The bidding documents and the procurement notice shall, in respect of a major contract, be forwarded to the Board through the e-Procurement system for vetting.

10. Release of bidding document

(1) Every public body shall post on the e-Procurement system –

- (a) the procurements undertaken using the open advertised bidding method;
- (b) the expression of interest; and
- (c) the prequalification proceedings.

(2) Bidding documents shall be made available on the e-Procurement system for suppliers to view and consider participation in the bidding exercise.

11. Bid preparation and submission

(1) Any electronic preparation of a bid shall remain in the e-Procurement system in an encrypted form accessible only to the bidder preparing the bid.

(2) Every bid shall be prepared and submitted through the e-Procurement system by the closing date and time set for submission of the bid.

(3) Any bidder who has submitted a bid may, at any time before the closing date and time set for submission of the bid, rework the bidding document or withdraw the bid.

(4) (a) Every bid submitted in an encrypted form by the closing date and time set for submission of the bid shall be decrypted and re-encrypted by the bidder within the time frame set by the public body.

(b) Where a bid is not decrypted and re-encrypted within the time frame referred to in paragraph (a), the bid shall not be available for opening and shall be deemed to have been withdrawn by the bidder.

(5) This Directive shall not apply to a direct procurement made by a public body.

12. Opening of electronic bids

(1) Every public body or the Central Procurement Board shall allow a reasonable time for bidders to decrypt and re-encrypt their bids after the closing date and time for submission of bids.

- (2) Every public body and the Board shall –
 - (a) open the electronic bid;
 - (b) match hash values and super hash values;
 - (c) download the bid submitted by the suppliers;
 - (d) generate comparison statements; and
 - (e) prepare a bid opening report.
- (3) The bidders concerned may attend the opening of bids.

13. Evaluation of bids and approval of award

(1) The evaluation of bids may be carried out through the e-Procurement system.

(2) (a) In respect of major contracts, a public body shall, with the approval of the Board, award the contract through the e-Procurement System.

(b) In respect of contracts, other than major contracts, the public body shall award the contract through the e-Procurement System.

14. Contract formation

(1) Every bid submitted by a bidder through the e-Procurement system shall represent an offer from the supplier.

(2) Once the public body selects the successful bidder, the offer is accepted and shall be communicated through the e-Procurement system by a letter of acceptance.

(3) Upon communication of the letter of acceptance, a formal contract agreement shall, as soon as practicable, be signed between the two parties.

15. Record keeping

(1) Every public body shall keep electronic records of procurement proceedings.

(2) The electronic records under paragraph (1) shall be kept for a period of at least 5 years after the completion of the procurement proceedings to which they relate.

16. Effectiveness of the Directive

This Directive takes effect immediately.

**Procurement Policy Office
25 September 2015**
