

PROCUREMENT POLICY OFFICE

Directive No. 73 (Issued pursuant to section 7 of the Public Procurement Act)

Performance of Due Diligence Exercise on Bidders

1. The purpose of this Directive is to set procedures public bodies must follow to perform a due diligence exercise on bidders for all procurement contracts above Rs 200 million, pursuant to Section 28 (3) of the Public Procurement Act (2006) and Regulation 45(2) of the Public Procurement Regulations 2008.
2. The following procedures should be adopted:
 - a) The Bidding Documents must provide for the bidders to disclose the ultimate owner or main shareholders of the company.
 - b) During preliminary evaluation, the Bid Evaluation Committee shall verify the documents submitted to confirm that a bidder has no conflict of interest based on the following:
 - A Bidder shall not have conflict of interest. All Bidders found to have conflict of interest shall be disqualified. A Bidder may be considered to have conflict of interest with one or more parties in this bidding process, if:
 - i. they have a controlling partner in common; or
 - ii. they receive or have received any direct or indirect subsidy from any of them; or
 - iii. they have the same legal representative for purposes of the same bidding process; or
 - iv. they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the Bid of another Bidder, or influence the decisions of the Employer regarding the same bidding process; or
 - v. a Bidder participates in more than one bid in the same bidding process. Participation by a Bidder in more than one Bid will result in the disqualification of all Bids in which the party is involved. However, this does not limit the inclusion of the same subcontractor in more than one bid; or
 - vi. a Bidder or any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the contract that is the subject of the Bid; or
 - vii. a Bidder, or any of its affiliates has been hired (or is proposed to be hired) by the Employer as Engineer for the contract.
3. The bids from bidders who have been found to be in conflict or who have been declared ineligible by the Government of Mauritius or any multilateral funding agency shall be rejected and not further evaluated.

- 4 On receipt of the report of the Bid Evaluation Committee, the Accounting Officer shall perform a due diligence exercise on the preferred bidder as follows:
 - i) verify whether the bidder is under suspension or debarment;
 - ii) check and confirm that the name of any of the ultimate owner or main shareholders does not appear in any circular issued by the Financial Intelligence Unit; and
 - iii) if considered necessary, request the Financial Intelligence Unit to conduct a search on the owners.

5. This Directive shall have immediate effect.

Procurement Policy Office
06 November 2024