

## **INDEPENDENT REVIEW PANEL**

**In the matter of:**

**Les Versailles Ltd**

**(Applicant)**

**v/s**

**Police Department**

**(Respondent)**

**(Cause No. 11/08/IRP)**

### **Decision**

#### **A. Background**

On 06 May 2008 the Police Department invited quotations from suppliers for the supply of 47 items of foodstuffs for a period of 12 months starting from 1<sup>st</sup> July 2008 to 30 June 2009. Out of the six bids, the Departmental Tender Committee approved offers from only four bidders as recommended by the Evaluation Committee.

On 14 July 2008, the office of the Commissioner of Police informed the Applicant that its offer has not been retained. The latter, feeling unsatisfied with that decision, challenged the procurement proceedings on the ground that its prices are the lowest for several items of the quotation.

On 11 August 2008, since there was no decision emanating from the office of the Commissioner of Police, the Applicant applied for a review of the decision to the Independent Review Panel.

**B. Grounds for Review**

- “1. Against Section 43(1) and Section 43(4), *our prices are the lowest for following items: Items Nos. 9, 11, 22, 28, 30, 39, 40, 44 and 45. According to the quotation request documents the best evaluated bid shall be the lowest priced quotation.*
2. *No decision given for our challenge Section 43(4).”*

**C. Submissions and Findings**

At the hearing of the present application, Mr S. Ramrachheya, Director of the Applicant repeated the contentions of the Applicant as revealed in the grounds for review. He added that it was not proper for the Evaluation Committee to take into account, the alleged failure of the Applicant to honour its past contractual obligations. The representative of the Police Department, Mr Y. Nahaboo stated that the Police Department has contacted the State Law Office for advice and the latter has advised that the bidding process be cancelled and a fresh bidding exercise be undertaken.

After having taken into consideration all the documents produced and the submissions of both parties, we agree with the State Law Office that the bidding process should be cancelled. We shall therefore recommend the annulment in whole of the decision of the Police Department dated 14 July 2008 retaining for the supply of foodstuffs the offers of the following:

- (1) Messrs. Mauritius Biscuit Making Co. Ltd
- (2) Messrs. A.A.R Oosman Co. Ltd
- (3) Messrs. M. C. Moreea
- (4) Messrs. I. Edoe & Sons Ltd

**(Dr. M. Allybokus)**  
***Chairperson***

**(H. D. Vellien)**  
***Member***

**(Mrs E. Hanoomanjee)**  
***Member***

**Dated this 10<sup>th</sup> of October 2008**