

INDEPENDENT REVIEW PANEL

In the matter of:

Airport Express Ltd

(Applicant)

v/s

Mauritius Examinations Syndicate

(Respondent)

(Cause No. 08/09/IRP)

Decision

A. Background

The Mauritius Examinations Syndicate invited tenders for the supply of bond paper on 10 February 2009 through the restricted bidding procurement process and the Standard Bidding Documents issued by the Procurement Policy Office were used for that purpose. Seventeen bidders were invited to tender and the list included the seven bidders that had participated in a first bidding process. The first bidding process was subsequently cancelled by the Public Body on 06 January 2009. The deadline for the submission of fresh bids was 24 February 2009 at noon and the bids were to be opened in public on the same day.

B. The Evaluation Process

Airport Express Ltd, which was invited to bid by the Public Body filed a challenge against the decision of the Public Body to re-invite bids for the procurement of Bond Paper on 11 February 2009. The aggrieved bidder made an application for review to the Panel on 09 March 2009.

The Mauritius Examinations Syndicate has suspended the opening of the bids, which were scheduled for 24 February 2009 until this present appeal is heard and determined. Thus, bids received have not been evaluated as at now.

C. Grounds for Review

The grounds for review are as follows:

“Breach of Section 39(3) and 39(4) of the Public Procurement Act 2006 and Breach of Section 34 of the Regulation.”

D. Submissions and Findings

1. The Independent Review Panel heard the appeal against the decision of the Public Body to cancel the bidding exercise of 15 October 2008 for the supply of Bond paper on 05 March 2009 and issued a determination on 02 April 2009.
2. The grounds for review given by the Applicant are not relevant with respect to this procurement process. Section 39 of the Public Procurement Act 2006 refers to cancellation of bidding process while Section 34 of the Regulations made under the Act deals with the time frame for examination and evaluation of bids.
3. As confirmed by the Mauritius Examinations Syndicate, the bids received by the closing date of 24 February 2009 for this procurement process were yet to be opened and evaluated.

The Panel considers that there is no merit in this application and sets it aside.

(Dr. M. Allybokus)
Chairperson

(H. D. Vellien)
Member

(Mrs. E. Hanoomanjee)
Member

Dated this 2nd of April 2009