

INDEPENDENT REVIEW PANEL

In the matter of:

Worldwide Marketing & Services Ltd

(Applicant)

v/s

Police Department

(Respondent)

(Cause Nos. 07/10/IRP, 08/10/IRP, 10/10/IRP)

Decision

A. Background

1. The Police Department using the Request for Sealed Quotations method of procurement invited bids from suppliers registered with it for the supply of:
 - (i) Blankets: Quotation No. 80 of 2009
The invitation to quote for the supply of blankets was launched on 14 December 2009 and the deadline for the submission of bids was 20 January 2010 up to 13.30 hrs at latest. Thirteen registered suppliers were invited to quote.
 - (ii) Dark Military Green Socks for SMF, Quotation No. 24 of 2010
Fifteen registered suppliers were invited to quote on 05 February 2010 for the supply of socks and the deadline for the submission of quotations was 24 February 2010 up to 13.30 hrs at latest.

- (iii) Brooms, Brushes and others, Quotation No. 92 of 2010
Eleven registered suppliers were invited to quote for the supply of petty stores (Brooms, Brushes, Buckets, Bins, etc.) on 22 March 2010. The deadline for the submission of quotations was 07 April 2010 up to 13.30 hrs at latest.
- 2. The Public Body set up a Bid Evaluation Committee to evaluate the respective quotations received and to make appropriate recommendations to the Police Tender Unit.
- 3. Worldwide Marketing & Services Ltd as an aggrieved bidder challenged the decisions of the Public Body as follows:
 - (i) supply of Blankets on 29 April 2010
 - (ii) supply of Socks on 29 April 2010
 - (iii) supply of petty stores on 29 April 2010
- 4. As no reply was received by the aggrieved bidder, it submitted an application for review to the Panel on 25 May 2010 for all three procurements. The Panel informed the Public Body that the procurement proceedings for 3(i)-(iii) above had been suspended until the appeal was heard and determined.
- 5. The Public Body informed the Panel that:
 - (i) An award for the supply of blankets had been made to Excelsior Ltd on 17 June 2010 for a total contract value of Rs985,000.
 - (ii) An award had been made to Bawamia Co. Ltd on 26 May 2010 for the supply of socks for a total contract value of Rs331,062.
 - (iii) Regarding the supply of petty stores the award had been suspended.

B. Grounds for Review

The Grounds for Review for all the three cases are as follows:

“No open advertised bid has been carried out. No reply for our challenge dated 29 May 2010. Breach of Section 15, 19, 20, 49, 50, 51 of the Public Procurement Act.”

C. The Evaluation Process

The Public Body set up Bid Evaluation Committees to evaluate the different sealed quotations received and make appropriate recommendations to its Tender Committee.

D. Submissions and Findings

1. The Public Body explained to the Panel that through a press notice in May 2009 it had invited potential suppliers to register themselves with its tender unit. The following information is requested from firms/person willing to register as a potential suppliers:
 - (i) full name of company
 - (ii) address
 - (iii) telephone no and fax no.
 - (iv) e-mail address
 - (v) products/services supplied.
2. The Public Body keeps all the information pertaining to the potential bidders in a data base known as Tender Unit Record System (TURS) and they consult same whenever the need arises. They added that the list of bidders for a particular tender exercise is used continuously for two similar tenders and thereafter the list is revised.
3. The Public Body informed the Panel that Worldwide Marketing & Services Ltd never registered as a potential bidder for the following items:
 - (i) petty stores
 - (ii) socks
 - (iii) blankets
4. At the hearing held on 02 July 2010, the aggrieved bidder submitted two unsigned letters dated 14 July 2009 and 31 December 2009 to the Panel as proof that it had applied for registration with the Public Body for a series of products. Petty stores, socks and blankets are included in the list of products that Worldwide Marketing & Services Ltd claims it had submitted.
5. Based on the information provided by the Public Body on the method it uses to register potential bidders and the averments

made by the aggrieved bidder, the Panel considers that the latter should have been invited to quote.

6. The Panel requested the Public body to verify from its data base whether it had received the faxes dated 14 July 2009 and 31 December 2009 respectively.

The aggrieved bidder was requested to provide documentary evidence to the Panel that these faxes had been sent to the Police Department.

7. The Public body confirmed to the Panel in a letter dated 22 July 2010 that it had not received the faxes dated 14 July 2009 and 31 December 2009 respectively from Worldwide Marketing & Services Ltd.

The aggrieved bidder wrote to the Director of Mauritius Telecom on 08 July 2010 requesting details of bills for telephone no. 696 5191 for the following months: March 2009, April 2009, July 2009 and October 2009. The Panel notes that no request was made for the month of December 2009 though the aggrieved bidder claimed that a fax had been sent to the Public Body on 31 December 2009. The aggrieved bidder is yet to submit the required information to the Panel.

8. In these circumstances, the aggrieved bidder is invited to submit the requested information to the Panel at latest 31 August 2010 otherwise the Panel should have no alternative than to determine on evidence presently available on record.
9. The Panel in the meantime maintains the suspension order on the procurement of petty stores.
10. In its application for review, the aggrieved bidder made serious allegations to the effect that “only protected bidders have been invited to bid”. The Panel considers these allegations with great concern and recommends that the Procurement Policy Office carries out an in-depth investigation into the matter with a view to take appropriate measures.

(Dr. M. Allybokus)
Chairperson

(H. D. Vellien)
Member

(Mrs. E. Hanoomanjee)
Member

Dated 20 August 2010