

INDEPENDENT REVIEW PANEL

In the matter of:

Interface Tourism

(Applicant)

v/s

Mauritius Tourism Promotion Authority

(Respondent)

(Cause No. 16/11/IRP)

Decision

A. Background

1. The Mauritius Tourism Promotion Authority invited bids on 01 April 2011 from twenty-four short listed bidders for the provision of services for Mauritius Tourism Promotion Authority Public Relations Representative in France. The deadline for the submission of Bid was Friday 29 April 2011 at noon and the public opening of Bid received was scheduled for the same day at 14.00 hours.
2. The Public Body appointed a Bid Evaluation Committee to evaluate the six bids received by the closing date of 29 April 2011. As per the provisions of the bidding documents the bidders were invited to make a presentation of their proposals before the evaluation committee on 30 May 2011.
3. Following the evaluation exercise the Bid Evaluation Committee submitted its report on 08 June 2011. It recommended the firm Cohn and Wolfe for an award as it had scored the highest mark and was substantially responsive to the technical and financial

requirements of the Mauritius Tourism Promotion Authority. The budget allocated to the evaluated bidder was Rs 12,500,000.

4. The Mauritius Tourism Promotion Authority informed all bidders of the outcome, of the bidding exercise on 29 June 2011. Interface Tourism, a French Firm, as an aggrieved bidder challenged the decision of the Public Body on 11 July 2011 and it was informed on 22 July 2011 that the Board of the Mauritius Tourism Promotion Authority maintained the decision to award the tender to Cohn and Wolfe.

The aggrieved bidder still dissatisfied with the decision of the Public Body made an application for review to the Panel on 05 August 2011.

5. The Panel pursuant to Section 45(4) of the Public Procurement Act informed all parties concerned on 08 August 2011 that the procurement proceedings had been suspended until the appeal had been heard and determined.

A hearing was scheduled for 30 August 2011 to allow the aggrieved bidder to delegate a representative to attend.

B. Grounds for Review

The Grounds for Review are as follows:

- “1. Interface Tourism expresses doubts about the marks and points received by our main competitor and ourselves as we have totally fulfilled the specific requirements mentioned in the bid document. (see annex One – Criteria of evaluation). Our answers presented in the proposal and oral presentation (see annex Three – Proposal and oral presentation) totally match you 5 criteria and we don’t understand how we did not score the maximum number of points. In addition, we would be interested to check and make sure that no mistake was made in the calculation of final marks.*
- 2. We insist on a very important matter which seems, in your answer, not have been taken into consideration. The successful bidder could not be qualified to compete in the bid no 12 of 2011 and to represent the Mauritius Tourism Promotion Authority on*

the French market if refer to age 12 of your Bid document. It is requested 3 elements.

- We would like to obtain the proof of the fact that Cohn & Wolfe France has been representing tourism destination for a minimum of 3 years in public Relations (in its broad meaning, including not only media but promotion to the trade) for destination promotion. It has to be proven via an official contract.*
- The website of Cohn & Wolfe France shows that the company doesn't have significant experience in tourism destination marketing. Tourism is a tiny part of their areas of expertise which include energy, health, distribution and retail plus their activities only include brand construction, reputation, sustainable development, digital PR and crisis communication. Their corporate experience as a company, (as mentioned on their website), in tourism trade activities is very poor, if not inexistent. Their Website shows that they only rely on the individual experience of one staff member who would have in the past worked punctually and partially for a few tourism destinations*
- The specialisation of the staff is also a key component that should be taken into account. At Interface Tourism, the staff is specialised in communication and tourism and whole staff dedicated to the promotion of Mauritius (from the highest strategically position to operational staff) has a strong expertise and knowledge of the Indian Ocean. We would like to be proven that the situation is similar at Cohn & Wolfe France.*

So additionally to our original challenge, we consider that the Independent Review Panel has to check all the information needed and may ask for the proof of the requested qualifications of Cohn & Wolfe and Interface Tourism as well, of needed.”

C. The Evaluation Process

1. The Public Body appointed a 5 member Bid Evaluation Committee to evaluate the six bids received and in accordance with a provision in the invitation to bid, bidders were invited to make a presentation before the Evaluation Committee on 30 May 2011. The technical and financial proposals of the bidders were thus evaluated according to the five criteria listed on page 7 of the bidding documents.

2. The Evaluation Committee under the signature of the chairperson, submitted one common sheet dated 08 June 2011, giving its “comments on strength of each firm” and “comments on weaknesses of each firm” and it is also indicated that “ce document confirme l’ensemble de nos observations sur toutes les presentations qui ont été faites.”

The Bid Evaluation Report indicates the following with respect to the outcome of the evaluation exercise.

| No | Firm | Total Score | Average Score |
|-----------|---|--------------------|----------------------|
| 1. | <i>RPCA</i> | 309.4 | 61.88 |
| 2. | <i>Angels Agency & Landscape Int. Consult</i> | 74 | 14.8 |
| 3. | <i>Article Onze</i> | 334 | 66.8 |
| 4. | <i>Interface Tourism</i> | 376 | 75.2 |
| 5. | <i>Cohn & Wolfe</i> | 378 | 75.6 |
| 6. | <i>Grayling France S.A.S</i> | 264.4 | 52.88 |

The Bid Evaluation Committee then went on to recommend that the firm Cohn and Wolfe which has scored the highest mark, be appointed as Mauritius Tourism Promotion Authority PR Representative in France, with a budget of Rs 12,500,000.

3. Following the challenge of Interface Tourism on 11 July 2011 the Director of the Mauritius Tourism Promotion Authority indicates in a letter dated 13 August 2011 to the Panel that, “all the marks given by the evaluators were checked by the management and it was found that there were two arithmetical discrepancies in one of the evaluator’s assessment sheet. The Tender Committee was informed accordingly through a memorandum issued on 12 July 2011 (copy attached). The Bid Evaluation Committee was apprised of the matter but had decided to maintain their initial rating for Cohn & Wolfe.”
4. In the memorandum dated 12 July 2011 to the Chairman Mauritius Tourism Promotion Authority Tender Committee the Director of the Public Body informed that he had set up an in-house committee to look into the challenge received and the “following arithmetical discrepancies were found in one of the evaluator’s marking sheet.
- a) Total Marks for Cohn & Wolfe should read 78 instead of 88.

b) *Total marks for Grayling France S.A.S should read 55.6 instead of 50.6.*

As a consequence of these arithmetical discrepancies there has been a change in the overall ranking with the firm Interface Tourism scoring the highest mark. A copy of the new ranking is enclosed.

It should be noted that the Evaluation Sheets and their totals were duly filled and signed by the independent evaluators themselves.”

5. A Special Meeting of the Mauritius Tourism Promotion Authority Tender Committee was convened on 14 July 2011 to discuss issues related to the challenge and two requests for debriefing that had been received with respect this contract. The Memorandum of 12 July 2011 from the Director to the Chairman was discussed and the notes of meetings indicate that following:

(i) *The Tender Committee based its decisions on the Bid Evaluation Committee recommendations and approved that award be made to the firm Cohn & Wolfe who scored the highest marks. Following a review of the marks, Interface Tourism now scores the highest marks. Members viewed the matter with serious concern and considered it more appropriate to convene the bid Evaluation Committee to apprise them of the issue for them to reconsider their recommendations, if any.*

(ii) *Board has delegated certain responsibilities to the Tender Committee and therefore, it would have been more appropriate to submit the challenge directly to the Tender Committee.*

(iii) *The committee which was set up by the Director to look into the challenge received, as stated in the memorandum of 12 July 2011, was not in order.*

6. The Mauritius Tourism Promotion Authority Tender Committee held a meeting on 15 July 2011 with members of the Evaluation Committee in attendance. The Chairman apprised all the present about the problem that has been identified following the challenge received and all relevant documents were circulated. One of the evaluators conceded that he had made arithmetical mistakes in computing the total marks for two of the bidders. Members of the Bid Evaluation Committee were then allowed to deliberate in private.

7. When the Joint Meeting resumed the Chairperson of the Bid Evaluation Committee explained that according to the evaluator who had made the arithmetical mistake, *“his overall assessment of Cohn & Wolfe submission was that they made better impression than Interface Tourisme”* and *“added that he would like to maintain the total marks of 88 for Cohn & Wolfe as given in the initial evaluation exercise.”*

She informed that a common report would be submitted accordingly.

8. The information contained in the above paragraph was confirmed by the Bid Evaluation Committee in a Memorandum dated 18 July 2011 to the Chairman of the Mauritius Tourism Promotion Authority. The Bid Evaluation Committee also added that:

“However if the above points cause legal prejudice, the Bid Evaluation Committee will accept that Interface Tourism be appointed as PR Representative in France.”

The members of the Tender Committee discussed with the Procurement Policy Office on 20 July 2011 and the notes of meeting were approved by the Tender Committee on 21 July 2011. The Tender Committee based on the discussions it had with the PPO recommended that the award of the contract to the firm Cohn & Wolfe be maintained. The recommendation was approved on 21 July 2011 at a special meeting of the Board of the Mauritius Tourism Promotion Authority.

D. Submissions and Findings

1. The Panel was provided with the evaluation report of the Bid Evaluation Committee and the detailed assessment sheet of each evaluator. The evaluators assessed each bidder on five specific criteria for a total marks of 100. It is confirmed from the assessment sheet that:
 - a) The marks allocated to Cohn & Wolfe under each criteria by one of the evaluators should have added to 78 instead of 88 as recorded; and
 - b) The marks scored by Grayling France S.A.S should have been 55.6 instead of 50.6.

2. This arithmetical mistake which went unnoticed at the evaluation stage has caused serious prejudice to the bidder Interface Tourism as per details below:

(i) Before Challenge

| Firm | Total Score | Ranking |
|-----------------------|-------------|---------|
| Cohn & Wolfe | 378 | 1 |
| Interface Tourisme | 376 | 2 |

(ii) After challenge and correction of arithmetical mistake

| Firm | Total Score | Ranking |
|-----------------------|-------------|---------|
| Cohn & Wolfe | 368 | 2 |
| Interface Tourisme | 376 | 1 |

Thus without the arithmetical error Interface Tourisme was the lowest substantially responsive bidder and should have been selected for the award of the contract.

3. The Panel has reviewed all the documentary evidence submitted by the Public Body and considers that the whole evaluation process has been seriously vitiated once the arithmetical error had been noticed. The evaluator who made the mistake should never have been allowed to change the marks he had allocated to Cohn & Wolfe. The correct score should have been recorded and the new ranking established.
4. The Public Body should then have notified all bidders that following a challenge that it has received an arithmetical error had been found in the assessment sheets and that following correction of the error the lowest substantially responsive bidder is Interface Tourism. If any bidder, then felt aggrieved by the decision of the Public Body it could challenge same and eventually make an application for review to the Panel.
5. Moreover, it is clear in the provision of Section 43 of Public Procurement Act that it is the Chief Executive Office who has the statutory assignment to reply in case of challenge. In the teeth of such clear terms, it is rather surprising that other committee/or

party insisted to maintain the initial ranking after obvious and genuine corrections have been brought and even considered by evaluator concerned.

The Panel based on all the above considers finds is a merit in the application and pursuant to section 45 (10) (b) (c) recommends the annulment of the award of the contract to Cohn & Wolfe and a review of the decision reached.

(Dr. M. Allybokus)
Chairperson

(H. D. Vellien)
Member

(Mrs. E. Hanoomanjee)
Member

Dated 09 September 2011