



Independent Review Panel

Decision No. 01/19

In the matter of:

Wison Engineering Ltd

(Applicant)

v/s

Central Electricity Board

(Respondent)

(Cause No. 16/18/IRP)

Decision

A. History of the case

In early February 2018, the Respondent, the Central Electricity Board (“CEB”) called for bids, through open international bidding, for a contract for the ‘Design, Supply, Installation, Testing and Commissioning of a Combined-Cycle Gas Turbine Power Plant at Fort George (Mauritius) bearing reference number CPB/76/2017.

Since it is a major contract, the Central Procurement Board (“CPB”) was the Public Body called upon to determine the suitable candidate to be awarded the procurement contract, as per the relevant laws.

The Applicant, Wison Engineering Ltd was one of the bidders which submitted bids by the deadline of 06 June 2018 when the bids were opened publicly.

B. Notification of Award

The Central Electricity Board through a letter dated 22 November 2018, informed the Applicant of the particulars of the successful bidder as follows:

Name & Address of Selected Bidder	Item No.	Description	Total Amount Excl. VAT (MUR)	Total Amount (EUR)
Mytilineos Holdings S.A METKA-EPC Business Unit 8 Artemidos Street Maroussi 151 25 Athens - Greece	1	Section 1	505,115,730.00	75,943,500.00
	2	Section 2	340,974,270.00	52,556,500.00
		Total Lump Sum Bid Price for Section 1 & 2	846,090,000.00	128,500,000.00
	3	Declared Deviations: Section 1 Section 2		590,500.00 205,000.00
		Grand Total Fixed Lump Sum- Bid Price	846,090,000.00	129,295,500.00

Plus Long Term Maintenance Service contract based on the bidder's quoted rates.

C. The Challenge

On 29 November 2018, the Applicant challenged the procurement on the following grounds:

- “1. Breach of section 40 PPA 2006.
2. No reason(s) given for not awarding to Wison.
3. Failure to consider litigation for METKA.”

D. The Reply to Challenge

On 03 December 2018, the Public Body made the following reply to the challenge:

“We wish to inform you that your challenge cannot be entertained inasmuch as it has not been received within 7 days of the date of the notice.”

E. Grounds for Review

On 06 December 2018, the Applicant seized the Independent Review Panel for review on the following grounds:

- “1. CEB’s erroneous interpretation of delay.
2. Breach of section 40 PPA 2006
3. CEB’s failure to take into account that successful bidder was subject to inquiries
4. Appearance of bias.
5. Breach of rule of natural justice.”

F. The Hearing

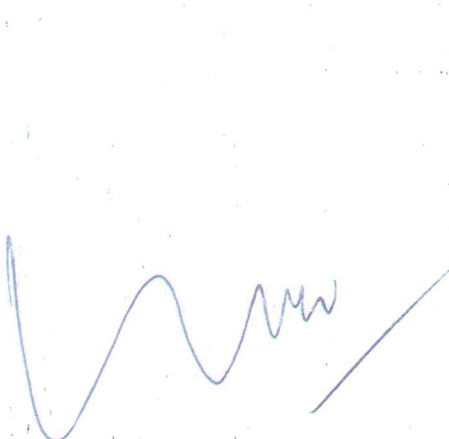
The above Application was heard on 17 December 2018 and determination was reserved. The Applicant was represented by Counsel Mr R. Doomun whereas the Respondent was represented by Mr R. Chetty, Senior Counsel. The Central Procurement Board was represented by Mrs G. Topsy-Sonoo, Assistant Solicitor General.

G. Determination

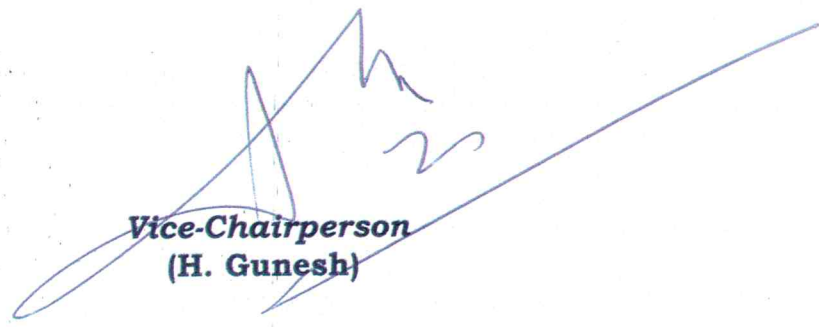
Following the determination of Independent Review Panel in the case of TSK Electronica Y Electricidad S.A. v/s Central Electricity Board (CN/15/18/IRP) wherein a re-evaluation order was issued on 27 December

2018, the present Application was scheduled for 04 January 2019 Pro Forma for all parties to be present and to take a stand in the light of the determination in the case of TSK Electronica Y Electricidad S.A. v/s Central Electricity Board.

As Counsel R. Doomun, appearing for the Applicant moved to withdraw the Application and all the other parties present not objecting to the motion of withdrawal, this Panel has no other alternative than to agree to the withdrawal of the Application.



Member
(V. Mulloo)



Vice-Chairperson
(H. Gunesh)



Member
(R. Mungra)

Dated 04 January 2019

