



Independent Review Panel

Decision No.13/25

In the matter of:

RSL Security Services Ltd

(Applicant)

v/s

Mauritius Cane Industry Authority

(Respondent)

(Cause No. 20/25/IRP)

Decision



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A. History of the case

On 24 April 2025, the Mauritius Cane Industry (Respondent) proceeded with an open national bidding for the Procurement for Provision of Security Services for MCIA for a period of Twelve (12) months – Procurement Reference No.: MCIA/ONB/S/38/24-25 – e-Proc Reference No.: MCIA/IFB/2025/206.

The closing date for submission of bids was fixed for 20 May 2025. Eight (8) bids were received, of which the Applicant, RSL Security Services was one Bidder.

B. Evaluation

A Bid Evaluation Committee (BEC) was set up to evaluate the bids received and to identify the lowest evaluated substantially responsive bid.

C. Notification of Award

On 11 November 2025, the Respondent informed all bidders that an evaluation of the bids received had been carried out and the particulars of the Successful Bidder are as given hereunder:

Item	Name of Bidder	Address	Contract Price
(1) Provision of Security Services for MCIA for a period of 12 Months	Top Security Service Ltd	Port Louis	Rs34,950,542.40 (Incl. VAT)

D. Challenge

On 14 November 2025, the Applicant challenged the Public Body's Decision on the following grounds:

Bidder's grounds for challenge:

1. The bid of RSL Security Services Ltd meets all the requirements of the bidding documents and all the minimum qualifying criteria, including the calculated minimum labour costs estimates of Rs.26,796,719.72 excluding VAT based on applicable Remuneration Order. The calculations are herewith enclosed and marked as Annex A.
2. The bid of RSL Security Services Ltd, whose bid price is Rs.28,292,314.80, excluding VAT, was substantially responsive as found by the Public Body and its bid was lower than that of Top Security Service Ltd, the selected bidder at the opening of bids by Rs.2,099,461.20, excluding VAT. (Rs.30,391,776.00 excluding VAT for Top Security Service Ltd as against Rs. 28,292,314.80, excluding VAT for RSL Security Services Ltd).
3. The bid of RSL Security Services Ltd should thus have been preferred to the bid of Top Security Service Ltd, the selected bidder since the bid of RSL Security Services Ltd bid was found to be substantially responsive and cheaper than that of the selected bidder's bid price.

E. Reply to Challenge:

On 14 November 2025, the Respondent, in reply to the challenge of the Applicant, stated that:-

2. Part 1: Specific Act or Omission in relation to the procurement**Query/ Statement No.1**

The public body failed to carry out a proper evaluation and assessment of the bids received when it did not retain the bid of RSL Security Services Ltd for award, in as much as the bid of RSL Security Services Ltd meets all the requirements of the bidding documents and all the minimum qualifying criteria and its bid is the lowest evaluated substantially responsive one.

Reply No.1:

The evaluation process was carried out in line with the provisions of the evaluation criteria, established guidelines from the PPO and recommendations of previous IRP rulings, in all fairness. Based on these parameters, the bid from RSL was not found to be the lowest evaluated substantially responsive one.

3. Part 2: Bidder's Ground for Challenge**Query/ Statement No.1**

The bid of RSL Security Services Ltd meets all the requirements of the bidding documents and all the minimum qualifying criteria, including the calculated minimum labour costs estimates of Rs.26,796,719.72 excluding VAT based on applicable Remuneration Order. The calculations are herewith enclosed and marked as Annex A.

Reply No.1:

The bid submission of RSL Security Services Ltd, has successfully passed the eligibility, qualification and technical criteria; however, failed to meet the financial criteria and align itself with recommendations from previous IRP rulings.

Query/ Statement No.2

The bid of RSL Security Services Ltd, whose bid price is Rs.28,292,314.80, excluding VAT, was substantially responsive as found by the Public Body and its bid was lower than that of Top Security Service Ltd, the selected bidder at the opening of bids by Rs.2,099,461.20, excluding VAT. (Rs.30,391,776.00 excluding VAT for Top Security Service Ltd as against Rs. 28,292,314.80, excluding VAT for RSL Security Services Ltd).



Reply No.2

The Public Body has not found the bid submission from RSL Security Services Ltd as being substantially responsive. We confirm that the bid base price of RSL Security Services Ltd was lower than that of Top Security Service Ltd.

Query/ Statement No.3

The bid of RSL Security Services Ltd should thus have been preferred to the bid of Top Security Service Ltd, the selected bidder since the bid of RSL Security Services Ltd bid was found to be substantially responsive and cheaper than that of the selected bidder's bid price.

Reply No.3

The bid of RSL Security Services Ltd despite being lower on the base price compared to that of the Selected Bidder, was not found to be substantially responsive when carrying out the financial evaluation.

F. Grounds for Review:

On 19 November 2025, the Applicant seized the Independent Review Panel for review on the following grounds:-

1. The Public Body failed to carry out a proper evaluation and assessment of the bids received when it did not retain the bid of RSL Security Services Ltd for award, inasmuch as the bid of RSL Security Services Ltd meets all the requirements of the bidding documents and all the minimum qualifying criteria and its bid is the lowest evaluated substantially responsive one.
2. The bid of RSL Security Services Ltd meets all the requirements of the bidding documents and all the minimum qualifying criteria, including the calculated minimum labour costs estimates of Rs. 26,796,719.72 excluding VAT based on applicable Remuneration Order. The calculations are herewith enclosed and marked as Annex A.
3. The bid of RSL Security Services Ltd, whose bid price is Rs.28,292,314.80, excluding VAT, was substantially responsive as found by the Public Body and its bid was lower than that of Top Security Service Ltd, the selected bidder at the opening of bids by Rs.2,099,461.20, excluding VAT. (Rs.30,391,776.00 excluding VAT for Top Security Service Ltd as against Rs. 28,292,314.80, excluding VAT for RSL Security Services Ltd).
4. The bid of RSL Security Services Ltd should thus have been preferred to the bid of Top Security Service Ltd, the selected bidder since the bid of RSL Security Services Ltd bid was found to be substantially responsive and cheaper than that of the selected bidder's bid price.
5. In response to the reply of the Public Body dated 14th November 2025 to the Applicant's challenge dated 14th November 2025, the Applicant states that the Public Body's replies do not





hold water and do not demonstrate how the bid of the Applicant failed to meet the financial criteria and align with recommendations with previous IRP Rulings.

6. The Applicant states that the Public Body having found that the bid submission of the Applicant has successfully passed the eligibility, qualification and technical criteria as outlined in Reply No.1, the Public Body erred in thereafter stating that it has not found the bid submission of RSL Security Services Ltd as being substantially responsive as mentioned in Reply No.2 and Reply No.3. These are contradictory statements. The Applicant maintains that its bid complies with all the requirements of the bidding documents and all the minimum qualifying criteria and its bid is the lowest evaluated substantially responsive one. The Applicant further states that its bid price meets the financial criteria and complies with the relevant labour laws and remuneration orders.
7. The Applicant reiterates all its ground of challenge and maintains that the Public Body failed to carry out a proper evaluation and assessment of the bid of Top Security Service Ltd, whose bid should not have been selected for award as it was not the lowest evaluated substantially responsive bidder. The Bid of the Applicant, being the lowest evaluated substantially responsive, should have been retained for award.

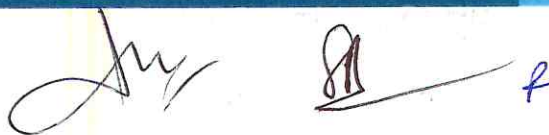
G. The Hearing

The hearing was held on 08 December 2025. There is on record a Statement of Case and a Statement of Defence filed by the Applicant and Respondent respectively. The IRP has further received a Statement of Reply from the Respondent as well as Written Submissions from the Applicant.

The Applicant was represented by Ms. S. Chuong, Counsel, whilst Mr S. Bhoyroo, Principal State Counsel appeared for the Respondent. Mr Yanish Bissessur, Project officer and member of the BEC deposed as witness for the Respondent.

H. Findings

1. The Scope of the contract requires provision of Security Services at the AMU Complex, Plaine Lauzun-(Day shift and Night Shift) and at approximately 30 AMU sites (Day shift and Night Shift) all over the island from Monday to Sunday, over a period of twelve months.
2. The rounded off amounts tendered under the eight bids received ranged from Rs2.49 Million (Excl.VAT) to Rs30.40 Million (Excl Vat). However only three bids respectively in the rounded off amount of Rs27.67 Million, Rs28.30 Million (RSL Security Services Ltd) and Rs30.40 Million (Top Security Services Ltd), all Excl.VAT are nearer the Public Body's contract estimated cost.
3. The Bid Documents provides for a combined technical (70%) and financial (30%) marking. Under section VI - Schedules (Evaluation Criteria), there is a very detailed markingsystem for arriving at



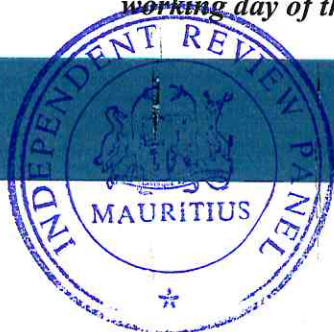
the marks on the technical aspects, but as regards the marking for financial evaluation there is only mention that the financial evaluation carries a weightage of 30%.

4. During the Bid Evaluation, the bids from RSL Security Services Ltd and TOP Security Services Ltd passed the eligibility and qualification criteria and their bids were evaluated as per the technical evaluation criteria, following which both bidders became eligible for financial evaluation.
5. Following the financial evaluation, the BEC came to the conclusion that the Applicant's bid, although meeting all the technical requirements was not responsive under the financial component and thus had failed to meet the requirements in the bidding document. The BEC examined the "Labour price breakdown per Security Guard" for the AMU Head Office and the AMU sites across the island, as provided in the Templates at Annex 1a, Annex 1b and Annex 1c. The different line items in the Templates were grouped under two components; fixed cost elements (Salary, Bonus, CSG/NSF, PRGF, Overtime and Meal Allowance) and variable cost elements (including supervision, transport, overhead, mark up, etc). The BEC came to the conclusion that after applying the overall discount offered by the Applicant, to the total of the variable cost there would be negative resulting amounts which would have to be met from the statutory fixed cost total, which according to the BEC renders the financial offer not compliant.
6. In its financial offer, the Applicant has considered meal allowance as a variable cost element and this is reflected in its templates for Labour Price Breakdown. If the meal allowance is grouped under the variable cost component no negative resulting amounts arise after applying the overall discount offered by the Applicant. The total statutory fixed elements total cost would remain untouched.
7. During the hearing of 08 December 2025, the Respondent stated that it did not have any objection to the discount offered by the Applicant. However it came out that the main issue to be determined is whether meal allowance can be considered as a variable cost.
8. The Panel here refers to the applicable legislation at **Section 44 of the Workers Rights Act (WRA)** which states that :

"(1) A worker shall, in addition to any remuneration due, be provided by his employer with an adequate free meal or be paid a meal allowance in such amount as specified in the Fourth Schedule, where –

- (a) he is required to perform more than 2 hours extra work after having completed his normal day's work on any day of the week; or*
- (b) he is required to perform a normal day's work of at least 10 hours.*

(2) The meal allowance referred to in subsection (1) shall be paid not later than on the last working day of the pay period.





(3) Subsection (1) shall not apply to a migrant worker where the migrant worker is being paid a meal allowance or is being provided a free meal for a value higher than what he would be entitled under this section.

(4) In this section, a normal day shall be deemed to be of –

- (a) 8 hours for a worker employed on a 6-day week;**
- (b) 9 hours for a worker employed on 5-day week; or**
- (c) the number of stipulated hours specified in an agreement.”**

9. It is clear from the above, that when it comes to meal allowance entitlement under the situations arising as at 1(a) and 1(b) above, the Employer has the flexibility of either paying for the meal allowance or providing workers with an adequate free meal, contrary to items like basic Salary, Overtime, bonus, CSG/NSF, PRGF, etc where no such flexibility exists.
10. The Panel further notes that in the Templates at Annex 1b and Annex 1c of the bidding documents there is a line item for meal allowance. However, in Annex 1a there is no such provision although security services have to be provided over 12 hours for the AMU Head Office Day shift. This is inconsistent with the Respondent's insistence that meal allowance ought to be treated as a statutory fixed cost element whereas in its own template it omits such a provision. Under cross-examination the witness has acknowledged this omission but has stated that, if need be, meal allowance can still be added in the template by the bidder under the item for other allowances.
11. It is also pointed out that even the successful Bidder chose to enter a figure for a meal allowance in only one of the three templates mentioned earlier although there are 12 hours shifts in all of them. This is reflective of the flexibility allowed under the meal allowance legislation and how it is applied in day to day field operations.
12. Consequently, the Panel is of the view that meal allowance is to be considered as a variable cost, element.
13. The Applicant's bid amount stands at Rs 28,292,314.80 excluding VAT. The Applicant has contended that "In any event, it is submitted that the bid of the Applicant meets all the requirements of the bidding documents and all the minimum qualifying criteria, including the calculated minimum labour costs estimates of Rs 26,769,719.72 excluding VAT based on applicable Remuneration Order, as explained by Annex A. In fact, the Applicant submits that its bid price meets the financial criteria and complied with the relevant labour laws and remuneration orders. Hence, it is clear that the Applicant's bid quoted price is not below the labour costs estimates based on the applicable remuneration order." The Applicant has further stated that calculations are based on the Activity Schedule and are set at Annexes 4, 5 and 6 of it's statement of case. This contention of the Applicant has been denied by the Respondent. However, the Respondent has not substantiated its conclusion with evidence by way of detailed analysis of the Applicant's estimate of minimum compliant labour cost to demonstrate in what way it is not compliant to the law.

I. Conclusion

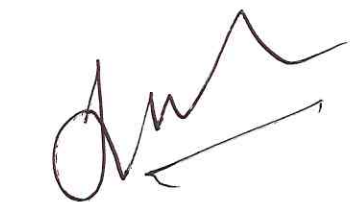
In view of the above, the Panel finds merit in this Application for Review and orders a fresh bid evaluation by a differently constituted Bid Evaluation Committee.



H. Gunesh
(Vice Chairperson)



R. Mungra
(Member)



S. Ragoobar
(Member)

Dated: 15 December 2025

