



Independent Review Panel

Decision No. 01/26

In the matter of:

MSJ Ltd (Unicorn)

(Applicant)

v/s

Ministry of Health & Wellness

(Respondent)

(Cause No. 01/26/IRP)

Decision



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A. History of the case

The Ministry of Health and Wellness (Respondent) invited bids through Open National Bidding Procedure on the e-procurement system for the "Procurement of Implant for Pacemaker for Cathlab-Victoria Hospital bearing Procurement Reference No. MHPQ/MDSP/24-25/Q15 ONB-HEALTH/IFB/2025/2225.

Four (4) bids were received and MSJ Ltd (Unicorn), the Applicant, was one of the bidders.

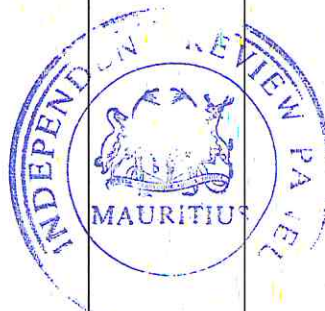
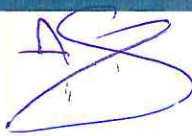
B. Evaluation

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

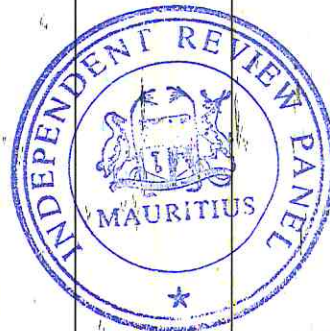
On 18 December 2025, the Respondent informed all the bidders that an evaluation of the bids received had been carried out and the particulars of the successful bidder are as given hereunder:

Item No.	Description	Quantity	Name Of Bidder	Address	Total Amount (Excluding Vat) (Rs)
1	Rate Responsive Single Chamber Pacemaker of MRI Safe with corresponding ventricular pacing leads 58 cms with active fixation (25% of ventricular lead with passive fixation) Model: PM1152 Endurity core MRI SR and TENDRIL STS LEAD 58 cm	100 units			3,026,000.00
2	Rate Responsive Double Chamber pacemaker MRI safe with corresponding Atrial pacing leads 53 cms (Active fixation) and Ventricular pacing leads 58 cms active fixation (25% of which will be passive fixation)	200 units			7,800,000.00



	Model: PM 2152 Endurity core MRI DR and TENDRIL STS LEAD 52 cm and TENDRIL STS LEAD 58 cm / isolex passive leads 52cm and 58cm		IBLLtd	15, Des Reserves Street Port Louis	
3	Implantable Double Chamber Cardioverter Defibrillator of MRI safe with Atrial pacing active fixation lead 52 +_1 cm and Ventricular pacing (single coil) and defibrillating active fixation lead 62cm -65cm, introduction and Implantation kit -1 peel away size 7F (Atrial lead) -1 peel away size 8F or 9F (Ventricular lead) Model: CDHFA30 0Q Entrant DR ICD DF-4 and Durata HV Lead Active single coil DF4 58 cm, Ref: 7122Q/58 and Tendril STS Pacing Lead 52cm, Ref: 2088TC/ 52 and Peel away 7F introducer kit and Peel away 8F/9F introducer kit	15 Units			2,850,000 .00
4	Biventricular pacemaker for Resynchronization therapy MRI (CRT -P) with active fixation atrial and corresponding ventricular pacing leads, introduction and implantation kit. -1 Peel away size 7F atrial lead -1 Peel away size 7f right ventricular lead -1 Peel away size 9F left ventricular lead	25 units			3,625,000.00






For **Items 1 and 2**, we believe this represents a major deviation from the tender specifications, which explicitly require **latest-generation** devices. As confirmed by our manufacturer, our offered products are the latest generation for our region.

Item 3

The specification required a **defibrillating active fixation lead of 62 cm-65 cm**. However, we note that, according to the notification of unsuccessful bidder, the awarded product was the **Durata active single-coil DF4 lead, 58 cm**, which constitutes a major deviation from the stated specifications.

In our offer, we quoted a **62 cm lead (Code: 6935M62)**, which is priced higher than a 58 cm lead. In view of the above, **we hereby challenge the award of the tender** and respectfully request that the tender evaluation and award decision be **reviewed**.

We further request that we be Informed of the **grounds and reasons** for not awarding the items to MSJ LTD, particularly given that our bid met all specifications and offered significant cost savings to the Ministry.

E. Reply to Challenge

On 30 December 2025, the Respondent, in reply to the challenge by the Applicant, stated that:

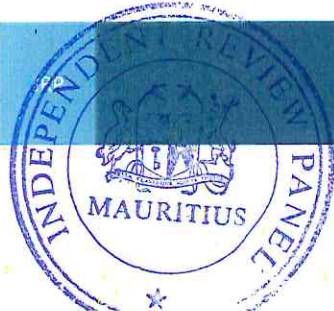
The Ministry has taken note of your observations concerning:

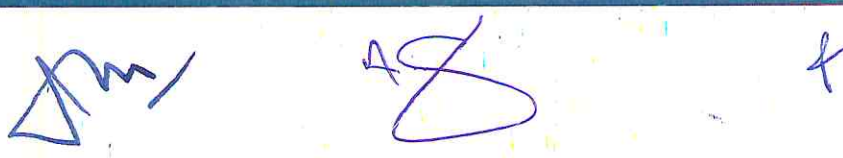
- Item 1: Rate Responsive Single Chamber Pacemaker, MRI-safe, with corresponding ventricular pacing leads of 58 cm with active fixation (25% of ventricular leads with passive fixation); and
- Item 2: Rate Responsive Double Chamber Pacemaker, MRI-safe, with corresponding atrial pacing leads of 53 cm (active fixation) and ventricular pacing leads of 58 cm with active fixation (25% of which are passive fixation)

The Ministry confirms that Items 1 and 2 are recommended for award to IBL Ltd, as their offer fully comply with the technical specifications outlined in the tender document. The offers submitted by IBL Ltd were also the lowest evaluated substantially responsive bids among all submissions for these items.

Regarding Item 3: Implantable Double Chamber Cardioverter Defibrillator, MRI-safe, with atrial pacing active fixation lead of 52 cm +/-1 cm and ventricular pacing (Single coil) defibrillating active fixation lead of 62—65 cm, together with the introduction and Implantation kits (one peel-away size 7F for atrial lead and one peel away size 8F or 9F for ventricular lead, this Item is also recommended for award to IBL Ltd.

The Ministry notes that IBL Ltd meets all technical specifications for item 3. The bidder has clarified that the ventricular lead proposed is 65 cm, and the earlier reference to 58 cm was an inadvertent



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typographical error. The offer submitted by IBL Ltd for item 3 is also the lowest evaluated substantially responsive bid.

F. Grounds for Review:

On 05 January 2026, the Applicant seized the Independent Review Panel for review on the following grounds: -

Our Offer for item 1 & 2 meet the specifications 7 of being latest generation. The letter of notification to unsuccessful bidders dated 18th December 2025 mentions proposed products to be awarded which are not the latest generation.

5.1 **Ground 1** – IBL Ltd failed to abide by the technical specifications 7 of the Tender (**'Specification 7'**), which was as follows:

'Pacemaker programmer and analysing cable to be provided free of charge for items 1 to 5. Latest generation devices are required for items 1 to 5. All pacemakers should be MRI safe and FDA and CE approved.'

5.2 **Ground 2** – As stated in the Applicant's challenge letter addressed to the Respondent dated 23 December 2025 (the **'Challenge Letter'**), the Appellant's offer is to furnish Sphera MRI compatible single chamber pacemaker (Code: SPSR01), which is among the latest generation pacemakers, as specified by the Appellant's supplier, Medtronic in Medtronic's letter submitted together with the Appellant's Bid.

5.3 **Ground 3** – With regard to Item 1 of the Specifications, the Appellant notes that in the Notification, the supply of item PM1152 Endurity Core MRI SR TENDRIL STS LEAD 58cm (the **'PM1152 Endurity'**) is proposed to be awarded to IBL Ltd. The PM1152 Endurity is an older generation of the Endurity series, the newer version being PM1172 Endurity, which is currently being supplied in private clinics in Mauritius. The PM1152 model was launched between 2015 and 2018, making it an older generation device compared to the Applicant's offer of the Sphera MRI compatible single chamber pacemaker (Code: SPSR01). Moreover, the acceptance of supply of PM1152 Endurity from the Other Bidder represents a major inappropriate deviation from Specification 7 which clearly states that *"...latest generation devices are required for items 1 to 5"*.

5.4 **Ground 4** – With regard to Item 2 of the Specifications, the Appellant notes that in the Notification, the supply of item PM2152 Endurity Core DR (**'PM2152 Endurity'**) was awarded to the Other Bidder. The PM2152 Endurity is an older generation of the Endurity series, the newer version being PM2172 Endurity, which is currently being supplied in private clinics in Mauritius. The PM2152 model was launched as far back as in 2014, making it an older generation device compared to the Applicant's offer of the Sphera MRI compatible double chamber pacemaker (Code: SPDR01). Moreover, the purported award of the bid to the Other Bidder on this item constitutes a major inappropriate deviation from Specification 7, which clearly states that *"...latest generation devices are required for items 1 to 5"*.



5.5 **Ground 5** – The reply from the Respondent to the Challenge Letter dated 30 December 2025 (the ‘Respondent’s Reply’) states that items 1 and 2 of the Bid which are proposed to be furnished by the Other Bidder fully comply with the Specifications and that the Other Bidder’s offer was the lowest evaluated substantially responsive bid. However, the Applicant is not satisfied to this particular reply from the Respondent since PM1152 Endurity and PM2152 Endurity are of older generation products launched as far back as 2015 and 2014 respectively. The Applicant states that the Respondent has failed to consider this particular technical specification and requirement for products of latest generation and constitutes a major deviation from the Specifications and a material breach in the evaluation exercise and proceedings in this matter.

G. The Hearing

The Hearing was held on 26 January 2026. There is on record a Statement of Case and a Statement of Defence filed by the Applicant and Respondent, respectively.

The Applicant was represented by Mr. N. Dreepaul, Counsel whilst Mrs. P Dunpath, Acting Assistant Solicitor General, instructed by the Chief State Attorney, represented the Respondent. Dr. R.K. Dabee, Sales Manager and Mr. P. Sewsagur, Sales Manager, Medtronic deposed as witness for the Applicant, whilst Dr. K. Indur, Specialist Cardiologist, deposed as witness for the Applicant.

H. Findings

- 1 The Applicant participated in a bidding exercise for the procurement of implant for Pacemaker for Cath Lab, Victoria Hospital.
- 2 The Public Body informed the Applicant by letter dated 18 December 2025 that the Applicant’s bid has not been retained for award and informed the latter that it can challenge the award. The Applicant lodged a challenge and the Public Body replied to the challenge.
- 3 In the reply to Challenge dated 30 December 2025, the Public Body noted that the Applicant has made observations under, viz:
 - (a) Item 1: Rate Responsive Single Chamber Pacemaker, MRI-safe, with corresponding ventricular pacing leads of 58 cm with active fixation (25% of ventricular leads with passive fixation and
 - (b) Item 2: Rate Responsive Double Chamber Pacemaker, MRI-safe, with corresponding atrial pacing leads of 53 cm (active fixation) and ventricular pacing leads of 83cm with active fixation (25% of which are passive fixation)
- 4 In reply the Public Body informed the Applicant that the successful bidder fully complied with the technical specifications outlined in the tender documents and were also the lowest evaluated substantially responsive bids among all submissions.



- 5 The Applicant still not being satisfied with the reply to challenge, applied before this Panel for a review and in its Statement of Case has, amongst others, mentioned that it submitted its bid in accordance with the instructions, requirements and technical specifications set out in the bidding documents; however, the bid of the Successful Bidder was not compliant with requirements set out in the bidding documents;
- 6 The applicant in support of its application for review filed 5 grounds, viz:
- (a) Under Ground 1, the Applicant has mentioned that the successful bidder failed to abide by the technical specification 7 of the tender document;
 - (b) Under Ground 2, the Applicant's offer is to furnish Sphera MRI compatible single chamber pacemaker which is amongst the latest generation pacemakers;
 - (c) The PM1152 Endurity is of an older generation and the newer version being PM1172;
 - (d) The PM2152 Endurity is of an older generation and the newer version being PM2172;
 - (e) The PM 1152 and PM 2152 are of older generation products launched as far back as in 2015 and 2014 respectively and the Public Body failed to consider the technical specifications and requirements of the latest generation and this constitutes a major deviation.
- 7 The Public Body in a reply to the Statement of Case has mentioned that the devices proposed by the Successful Bidder for Items 1 and 2 are of latest generation as it was one of the main criteria requirements and the successful bidder met all other technical criteria and both devices have almost the same features as Sphera (SPSR01 and SPDR01), proposed by the Applicant.
- 8 On the day of hearing of this Application for review the Applicant called two witnesses, first Dr Rana Kumar Dabee, who is a General Practitioner registered with the Medical Council since 2017 and presently is working for the account of the Applicant as Sales Manager for the medical equipment and consumables. The second witness was Mr Prakash Sewsagar working for the account of the Applicant as sales Manager. Mr Prakash Sewsagar is a qualified nurse.
- 9 Dr Rana Kumar Dabee explained to the Panel the applicant submitted its bid and complied with all the conditions laid down in the bidding document. He stressed that the applicant complied with specification 7 of the Tender Document whereas the successful bidder did not. The pacemakers proposed by the successful bidder were of the older generation, not of the latest generation and were not MRI safe. On the other hand, the Sphera models proposed by the Applicant were of the latest generation products of the manufacturer, obtainable and usable in Mauritius and Indian Islands zone and they are fully compliant with regards to MRI safety requirements.
- 10 At this stage the Panel quotes from the bidding documents as hereunder:



i) Specification 7 under Technical Responsiveness Check List of Goods read as follows:

(a) 'Pacemaker Programmer and analyzing cable free of charge for items 1 to 5. Note latest generation for items 1 to 5. All pacemakers should be MRI safe. Should be FDA and CE approved. (Underlining is ours)

- 11 The second witness called by the Applicant, Mr Prakash Sewsagar deponed in the same line as that of Dr Rana Kumar Dabee but further explained to the Panel that a pacemaker cannot be implanted and left like that. It has to be programmed after implantation. He explained that the Endurity PM1152 and PM2152 proposed by successful bidders are of an older generation. They are moreover conditionally compatible with 1.5 Tesla MRI scanning and cannot undergo MRI scanning at 3 Tesla. Since there are body exclusion zones for MRI scanning, they cannot be considered as MRI Safe. The latest generation pacemakers PM 1172 and PM 2172 were already being used in the Public and Private Sectors in Mauritius but have not been proposed by the Successful Bidder. As regards the Sphera Models proposed by the Applicant, they are of the latest obtainable and usable models available in the Mauritius and Indian Ocean zone. They are already being used in the Public and Private Sectors in Mauritius. Moreover, they can be used for scanning both at 1.5 and 1.3 Tesla, with full body scanning.
- 12 The Public Body called Mr K Indur, a Specialist Cardiologist and who was Chairman of the Bid Evaluation Committee. According to Dr K Indur, the Committee found through the net that none of the devices proposed by the bidders were of the latest generation. He explained that the Committee had two options, either to relaunch the bidding exercise, implying additional time needed or to consider the devices that were proposed. He informed the Panel that the stock of pacemakers at the Victoria Hospital were depleted and they are borrowing pacemakers from other hospitals. In the circumstances the Committee decided to continue considering devices proposed by Bidders. The Bid Evaluation Committee found the models proposed by the Successful Bidder to be the lowest responsive offers for Items 1 and 2.
- 13 In view of the requirements of specification 7 and in the light of all submissions the panel finds no difficulty in concluding that the pacemakers proposed by the Successful Bidder for Items 1 and 2 are not of the latest generation and therefore are not compliant with the requirements of the Bidding Document. The Panel moreover has doubts regarding the compliance as being MRI safe.

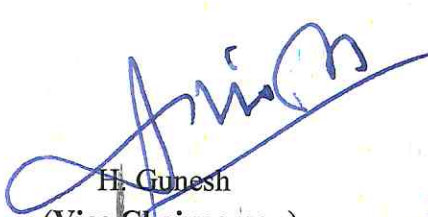


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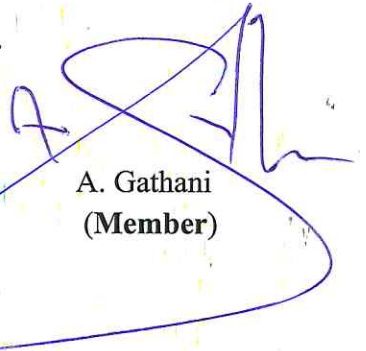
Ministry of Health & Wellness
(Cause No. 01/26/IRP)

I. Conclusion

In light of the above findings, this panel has no alternative than to order for a re-evaluation of the bids for Item 1 and 2 by a differently constituted Bid Evaluation Committee.



H. Gunesh
(Vice Chairperson)



A. Gathani
(Member)



R. Mungra
(Member)

Dated: 02 February 2026



