



Independent Review Panel

Decision No. 02/26

In the matter of:

Top Security Service Ltd

(Applicant)

v/s

**Ministry of Agro-Industry, Food Security,
Blue Economy and Fisheries
(Agro-Industry and Food Security Division)**

(Respondent)

(Cause No. 02/26/IRP)



Decision

A. History of the case

On 09 May 2025, the Ministry of Agro-Industry, Food Security, Blue Economy and Fisheries (Agro-Industry and Food Security Division), (Respondent) invited bids from eligible Bidders of Mauritian Nationals or entities incorporated in Mauritius for the Procurement of Security Services for Various Stations/ Compounds of National Parks and Conservation Service (NPCS) bearing Procurement Reference No MOAIFS/Q51/2024-25/ONB.

Bids were invited through a Press notice using the Open Advertised Bidding Procurement method on the e-procurement system.

The closing date for the submission of bids was 09 June 2025 and the opening of bids was carried out on 11 June 2025.

Seven (7) bidders submitted their bids and Top Security Service Ltd (Applicant) was one them.

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 22 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:

SN	Description	Name of Bidder	Address	Contract Price MUR Exclusive of VAT(Rs)
1.	Sites 2.1 to 2.12 – National Parks and Conservation Service	Rapid Security Services Ltd	5 Boucherville Street, Port Louis	18,742,140.00

D. Challenge

On 26 December 2025, the Applicant challenged the procurement proceedings on the following ground:



8. Bidders grounds for challenge:

1. The bid of Top Security Service Ltd meets all the requirements of the bidding documents and the Minimum qualifying criteria and it is also fully compliant with existing labour Law and Remuneration Order.
2. The bid of Top Security Service Ltd (TSS) whose bid price is Rs 18,732,000 excluding Vat, is substantially responsive and lower than that of Rapid Security Service Ltd.
3. The bid of Top Security Service Ltd should thus have been preferred to the bid of the selected bidder, Rapid Security Service Ltd (RSS) since the bid of Top Security Service Ltd is cheaper and the lowest evaluated substantially responsive bid.
4. The Public Body has failed to carry out a proper evaluation and assessment of the bids of Rapid Security Service Ltd whose bids should not have been selected for award since they are not the lowest evaluated substantially responsive bidder.

E. Reply to Challenge:

On 05 January 2026, the Respondent, in reply to challenge by the Applicant, stated that :

I am directed to inform you that Bidder Rapid Security Services Ltd has complied with all the requirements of the bidding documents and has thus been retained as the lowest evaluated substantially responsive bidder.

F. Applicant's Grounds for Review:

On 09 January 2026, the Applicant seized the Independent Review Panel for review on the following grounds:-

7. The Applicant avers that the Reply fails to shed light as to how, for what reason and in what manner exactly RSSL's bid was retained to the Applicant's detriment
 - (a) It is not explained why the Applicant's bid was not retained despite its bid being lower than that of RSSL;
 - (b) It is not clear whether the Applicant did not comply with any aspect of the Bidding Documents; the Applicant verily believes it was compliant to all intents and purposes;
 - (c) No reason has been provided as to why RSSL's bid has been preferred; none of the issues raised in the Challenge (including the Applicant's warranty of compliance with labour and remuneration laws) was addressed; instead, only a generic and vague statement was provided.
8. Regulation 48(4) of the Regulations provides that "*Unless the challenge is resolved by mutual agreement, the Chief Executive Officer of the public body shall issue a written decision stating his reasons within 7 days of the filing of the application*" (emphasis added). The Applicant avers that the Respondent has not addressed the grounds raised in the Challenge, and/or has failed to address

those grounds satisfactorily such that no “reason” (as provided for in the Regulations) has been given.

9. The Applicant avers that the public body has failed in its duty to act rationally and fairly in the circumstances.
10. Further, the Applicant’s legitimate expectations to be provided with reasons (as mandated by law) has been breached.
 - a. The Applicant is currently the provider of security services in respect of Site Nos. 2.1, 2.4, 2.5, 2.7, 2.8, 2.9, 2.10 and 2.12 of the site subject matter of the bid, following the attached letter of award dated 5 June 2024 (**ANNEX D**) in respect of the previous bidding exercise.
 - b. In addition, on 07 August 2025 the Respondent had solely requested the submission of the ‘*experience and satisfactory performance over the last three years as prime contractor in providing services on sites of/ similar nature as specified in the scope of service*’ - the Applicant states had already submitted before closing of bids and then re-submitted later on 08 August 2025 (**ANNEX E**) as per the request made on 07 August 2025. This implies that all Information as required by the Respondent were duly submitted and that the Applicant has met the requirements of the bidding documents.

The Applicant’s legitimate expectations for cogent reasons for the Respondent’s decision are, in the circumstances, reinforced.

11. The Applicant avers that it is impossible to determine in what way the Applicant’s bid was not the lowest, substantially responsive bidder; this contravenes the principles of fairness and transparency required in public procurement practices.

G. The Hearing

The Hearing was held on 27 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 R. Ramburn, SC whilst Ms N. Parsooramen, Counsel, represented the Respondent.

The Issues

Was the Applicant’s bid the lowest evaluated **substantially responsive** bid? Did it comply with every aspect of the Bidding Documents to all intents and purposes, as firmly affirmed during the Hearing?

The one single issue here is with regard to the number of marks allocated for experience and this depends on proof of experience submitted in the bids.



H. Findings

ITB 5.2(b) of the Bidding Documents provides:

5.2 To qualify for award of the Contract, Bidders shall meet the following minimum criteria:

(b) experience and satisfactory performance over the last three years as prime contractor in providing services on sites of similar nature as specified in the scope of service.

Section IV – Activity Schedule, ITB 4. 1.2 reads as follows.

4. Technical Compliance

1.2 Company Profile and Experience: Experience with the Public Body. 0 - 1 yr = 2 marks, 1.1 - 3 yrs = 4 marks, more than 3 yrs = 6 marks

Section VI – Schedules**1. Evaluation Criteria**

Details of Technical Evaluation Markings (for security services)	Max Marks
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A. Company Profile and Experience Profile and insight of activities	4
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Experience with the public body

0 - 1 yr = 2 marks

1.1 - 3 yrs = 4 marks

> 3 yrs = 6 marks

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The Applicant's witness, Mr Y. Roopchand asserts that the Bid Evaluation Committee has wrongly assessed the above criterion with regard to experience. It is a fact that the Applicant is currently the actual provider of security services in respect of Site Nos. 2.1, 2.4, 2.5, 2.7, 2.8, 2.9, 2.10 and 2.12 of the site, subject matter of the present procurement exercise. The letter of award in respect of this previous bidding exercise dated 9 June 2024 was produced as **ANNEX D**. Mr Y. Roopchand asserted that this has been the case for nearly two years since 2024 and he was of the view that the technical markings should have been higher.

Mr Niraj Moher, witness for the respondent convincingly explained that the evaluation process is a very objective one. There is a scoring system which is very objective and is based on the documents provided in the bids.



On 07 August 2025, the Respondent had requested the submission of the *‘experience and satisfactory performance over the last three years as prime contractor in providing services on sites of/ similar nature as specified in the scope of service’*. This was re-submitted on 08 August 2025 (**ANNEX E**), despite the fact that the same information had already been submitted before the closing of bids.

Indeed, after the Hearing, documents were sent to this Panel which were already before the Panel during the Hearing. We have no doubt that all information as required by the Respondent were duly submitted by the Applicant.

The Applicant contended that its experience with the public body should have ‘read’ as 1.1 to 3 years and not as 0 to 1 year. The duration was more than 1 year. The Applicant should have scored 4 marks instead of 2.

However, based on the evidence adduced by the Applicant (Annex D above), it is clear that the technical score of 2 marks was right. The letter of award of the previous contract was dated 5 June 2024. The closing date of the present bidding exercise was 9 June 2025. Hence as at 9 June 2025, the Applicant had only one year experience and was rightly awarded the score of “2” marks. As the Respondent’s witness explained, the 1.1 year does not come into play at that stage of the evaluation, as even the 1 year has not been completed.

Considering the fact that the above contract was awarded on 5 June 2024 (perhaps to take effect at a later date), it would seem that the Applicant was rightly awarded 2 marks for technical experience.

It is evident from the Bid Evaluation Report (the **BER**), that the BEC had made, what clearly appears, to be a thorough assessment of all the submitted bids. Both the Applicant and the successful bidder passed the eligibility and qualification assessment stage. However, despite the fact that pricewise, the Applicant’s bid was slightly lower and had generally satisfied the technical and financial evaluation, the Applicant obtained 72 over 80 marks while RSSL obtained 76 over 80 marks..

However it is the composite score which determines who qualifies for the award of the tender, as rightly averred by the Respondent. Price is only one of the elements considered during the evaluation but it is not the determining factor. The Applicant has passed the eligibility and qualification criteria but scored less than RSSL during the technical evaluation stage as seen above



I. Conclusion

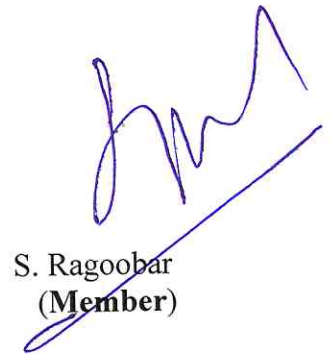
In the light of all the above, we conclude there is no merit in the present application. It is accordingly set aside.



J. Ramano
(Chairperson)



A. Gathani
(Member)



S. Ragoobar
(Member)

Dated: 05 February 2026

