



Independent Review Panel

Decision No. 08/26

In the matter of:

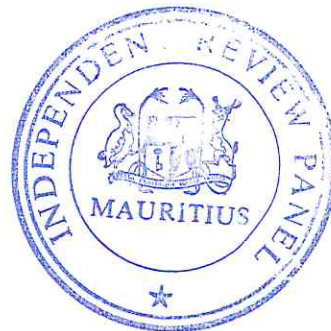
RSL Security Services Ltd (Applicant)

v/s

Municipal City Council of Port Louis (Respondent)

(Cause No. 16/26/IRP)

Decision



A. History of the case

On 30 October 2025, the Municipal City Council of Port Louis, (Respondent) invited bids for the procurement of Security Services for Municipal Sites and Locations throughout City Council of Port Louis – bearing Procurement Ref No: **SS/EPROC/SBD8/08 - 25 of August 2025** Ref No: **e-ONB/007/2025 e-Procurement Ref: MCCPL/IFB/2025/436**.

Bids were invited using Open National Bidding method on the Government E-Procurement system.

The closing date for the submission of bids was fixed for 25 November 2025 and the opening of the bids were carried out on 27 November 2025.

Seven (7) bidders submitted their bids and RSL Security Services Ltd (Applicant) was one of them.

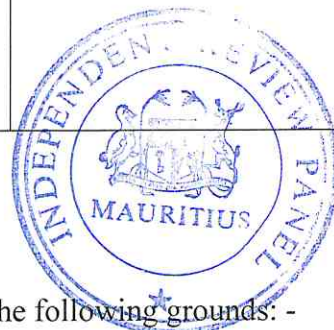
B. Evaluation

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

C. Notification

On 10 March 2026, the Respondent, informed all the bidders that an evaluation of its bid received, has been carried out and the particulars of the successful; bidder are as given hereunder:

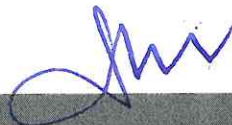
SN	Description of works	Name of Bidder	Address	Total Amount for 12 months Inclusive of VAT(Rs)
1.	Security Services for Municipal Sites and Locations throughout City Council of Port Louis	Top Security Service Ltd	4th Floor, Jade Court Jummah Mosque Street, Port Louis	30,089,727.00

**D. Challenge**

On 13 March 2026, the Applicant challenged the procurement proceedings on the following grounds: -

Bidder's grounds for challenge

1. The Public Body failed to carry out a proper evaluation and assessment of the bid of Top Security Service Ltd as its bid price is lower than the calculated labour cost estimates based on the applicable remuneration order. Therefore, Top Security Service Ltd is not the lowest evaluated substantially responsive bidder.


2. The selected bidder, Top Security Service Ltd should not have been selected for award as its bid price of Rs.26,164,980.00 (Excluding VAT) would not allow it to meet its contractual obligations as the labour costs estimates based on the applicable remuneration order exceed the contract price of the selected bidder. The total calculated minimum labour costs estimates based on the remuneration order is Rs.27,303,516.84 (Excluding VAT). The calculations of the total wages cost as per the Private Security Services Employees (Remuneration) Regulations 2019 for the contract are herewith annexed and marked as Document A.
3. The bid of RSL Security Services Ltd, whose price is Rs.27,460,308.84 (Excluding VAT) meets all the requirements of the bidding documents and all the minimum qualifying criteria, including the calculated minimum labour costs estimates of Rs.27,303,516.84 (Excluding VAT), based on applicable Remuneration Order and ought to have been retained for award.
4. The Public Body ought to have found that the bid price of RSL Security Services Ltd of Rs.27,460,308.84 (Excluding VAT) is the lowest evaluated substantially responsive bid, and the bid of RSL Security Services Ltd should have been retained for award.

E. Reply to Challenge

On 17 March 2026, the Respondent, in reply to challenge by the Applicant, stated that

Top security complies with minimum statutory labour cost to meet its financial obligation as per Private Security Services Employees (Renumérations) Regulations 2024 and was retained as being lowest evaluated substantive responsive bidder.

The Council therefore maintains that the evaluation process and the recommendation to award the contract to the successful bidder was carried out its full compliance with the bidding documents and applicable procurement framework.

F. Applicant's Grounds for Review:

On 23 March 2026, the Applicant seized the Independent Review Panel for review on the following grounds: Applicant's grounds for review:

1. The Public Body failed to carry out a proper evaluation and assessment of the bid of Top Security Service Ltd as its bid price is lower than the calculated labour cost estimates based on the applicable remuneration order. Therefore, Top Security Service Ltd is not the lowest evaluated substantially responsive bidder.
2. The selected bidder, Top Security Service Ltd should not have been selected for award as its bid price of Rs.26,164,980.00 (Excluding VAT) would not allow it to meet its contractual obligations as the labour costs estimates based on the applicable remuneration order exceed the contract price of the selected bidder. The total calculated minimum labour costs estimates based on the remuneration order is Rs.27,303,516.84



(Excluding VAT). The calculations of the total wages cost as per the Private Security Services employees (Remuneration) Regulations 2019 for the contract are herewith annexed and marked as **Document A**.

3. The bid of RSL Security Services Ltd, whose price is Rs.27,460,308.84 (Excluding VAT) meets all the requirements of the bidding documents and all the minimum qualifying criteria, including the calculated minimum labour costs estimates of Rs.27,303,516.84 (Excluding VAT), based on applicable Remuneration Order and ought to have been retained for award.

4. The Public Body ought to have found that the bid price of RSL Security Services Ltd of Rs.27,460,308.84 (Excluding VAT) is the lowest evaluated substantially responsive bid, and the bid of RSL Security Services Ltd should have been retained for award.

5. In response to the reply of the Public Body dated 17th March 2026 to the challenge, the Applicant maintains that the bid price of the selected bidder is below the calculated minimum labour costs estimates and will not sufficiently meet the salary of the security guards as per the Private Security Services Employees (Remuneration) Regulations 2019. The Applicant states that Top Security Service Ltd is not the lowest evaluated substantially responsive bidder and its bid is not in compliance with applicable labour laws and remuneration orders and the minimum qualifying criteria of the bidding document set out at Section I–Instructions to Bidders, pages 9-10 Clause 5.2(d).

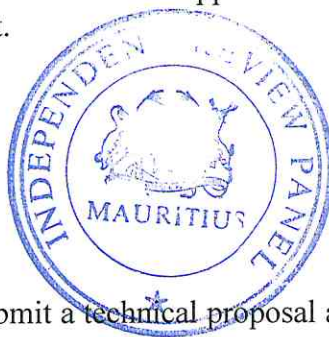
G. The Hearing

The Hearing was held on 13 April 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 M.Hassamal, together with Miss D,Ramah, Counsels whilst Mr N.Hyderkhan, Counsel, represented the Respondent.

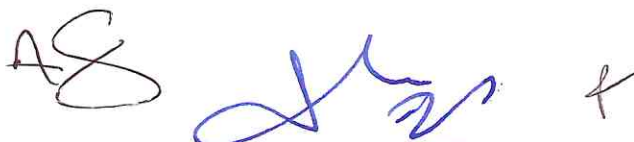
Mr P. Runghun, General Manager, deponed as Witness for the Applicant whilst Mr S.Goness, Senior Health Inspector deponed as Witness for the Respondent.

H. Findings



The Panel notes that bidders were required to submit a technical proposal and a financial proposal. Bidders had to achieve a minimum technical score of 49 marks. Moreover the overall marking was based on 70% technical and 30% financial weightage.

Seven bids were received and the bid price ranged from Rs.20,540,400 to Rs.27,460,308.84, all exclusive of VAT.

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The Bid of the successful bidder, Top Security Services Ltd is Rs.26,164.980 (Exclusive of VAT), whilst the bid of Applicant is Rs. 27,460,308.84 (Exclusive of VAT)

On 13 March 2026, the Applicant challenged the decision of the Public Body, namely the Municipal Council of Port Louis, to award a contract to Top Security Service Ltd for the procurement of security services for municipal sites and locations throughout the City of Port Louis.

In its reply dated 17 March 2026, the Respondent informed the Applicant that the successful bidder was the lowest evaluated substantially responsive bidder, in that it complied with the minimum statutory labour cost and would meet its financial obligations under the Private Security Services Employees (Remuneration) Regulations 2024. No further details were provided.

The Panel finds that the reply to the Challenge is of a general nature and merely states the obvious without providing any meaningful or additional information to the Applicant. The *raison d'être* of Section 43 of the Public Procurement Act is to enable an unsuccessful bidder to be apprised of the reasons why its bid was not retained. In the present case, the reply fails to shed light on the rejection of the Applicant's bid. It is only at the appeal stage, through the Respondent's Statement of Reply, that the Applicant became aware of the underlying reasons why its bid was not the lowest evaluated substantially responsive bid.

In the present matter, the various grounds of appeal raised by the Applicant converge on a single issue, namely that the successful bidder would not be able to meet its financial obligations under the applicable Remuneration Regulations, as its bid price is allegedly below the minimum estimated labour costs.

In support of its case, the Applicant annexed five documents detailing the breakdown of its cost estimates for the various sites. At the hearing, Mr Runghun, deposed and provided detailed explanations of the cost elements contained in Document 4. He confirmed that a basic salary of Rs 18,544, in line with the applicable Regulations, was used in the calculations.

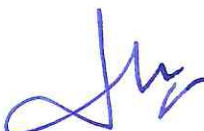
Mr Goness, Chairman of the Bid Evaluation Committee (BEC), deposed on behalf of the Public Body. He explained the methodology adopted by the BEC in evaluating the bids, including the reconstruction of benchmark costs based on the applicable statutory framework and pre-bid cost estimates. The benchmark incorporated key elements such as basic salary, overtime, bonuses, and statutory employer contributions. The BEC developed two benchmark deployment models to reflect the differing staffing approaches proposed by bidders.

The Panel examined the following documents:

- A. The Bidding Document
- B. The Bid Evaluation Report (BER)
- C. The Applicant's Bid
- D. The Successful Bidder's Bid
- E. The Public Body's Cost Estimates



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At the outset, the Panel commends the BEC for the quality and clarity of the Bid Evaluation Report. It is rare to encounter such a well-prepared document, particularly in matters involving security services.

Upon analysis of the cost breakdowns and the benchmark models, the Panel finds that the Applicant's pricing structure relies heavily on overtime. For example, for Item No. 1 – Marie Elysia Potou Market, which requires "one (1) guard – 24-hour service", the Applicant proposes deploying two guards per day, each working 12 hours (8 hours at normal rate and 4 hours overtime). This results in a basic salary of Rs 37,088 and overtime of Rs 42,719.20, representing approximately 115% of the basic salary. This pattern is replicated across the remaining 26 sites, although overtime percentages vary depending on specific service requirements. This approach inevitably leads to a higher bid price.

Conversely, the successful bidder adopts a different staffing model, deploying three guards for the same requirement. This results in a basic salary of Rs 68,251 and overtime of only Rs 2,805. The basic salary applied is Rs 22,750, which is Rs 4,206 (or 22.68%) above the prescribed minimum rate of Rs 18,544 under the applicable Remuneration Regulations. The Panel finds that this reduced reliance on overtime contributes to a more competitive bid price.

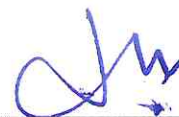
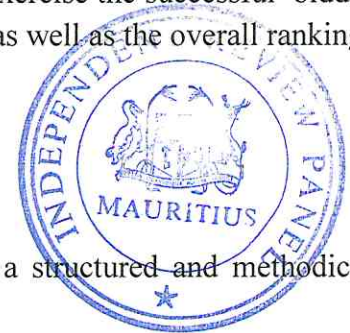
The Panel notes that the BEC based its benchmark models on a basic salary of Rs 17,934, corresponding to the 2024 rates. When questioned, the Chairman of the BEC acknowledged that the salary compensation of Rs 610 for 2025 had not been factored in. The Panel is satisfied that this omission does not materially affect the substance of the benchmark models nor compromise the integrity of the evaluation process.

Finally, the Panel reiterates that bid evaluation is conducted in two stages: technical and financial. Marks are allocated at each stage and combined into a composite score, which determines the final ranking of bids. The Panel observes that unsuccessful bidders often focus solely on the financial component without due consideration of the overall evaluation methodology. In this present bidding exercise the successful bidder achieved the higher score in the technical evaluation, the financial evaluation as well as the overall ranking.

I. Conclusion

In light of the foregoing analysis, the Panel finds that:

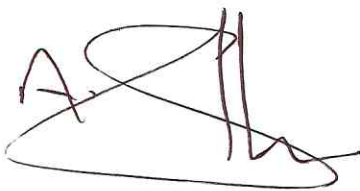
- 1 The Bid Evaluation Committee (BEC) conducted the evaluation in a structured and methodical manner, supported by a comprehensive Bid Evaluation Report;
- 2 The benchmarking exercise, notwithstanding the omission relating to salary compensation for 2025, remains substantively sound and does not affect the integrity of the evaluation process;
- 3 The Applicant's pricing model is heavily reliant on overtime, which has resulted in a higher bid price when compared to that of the successful bidder;
- 4 The successful bidder has adopted a staffing model with significantly lower reliance on overtime, while applying a basic salary above the prescribed minimum, thereby ensuring compliance with the applicable Remuneration Regulations;
- 5 There is no evidence before the Panel to support the Applicant's contention that the successful bidder will be unable to meet its statutory financial obligations.



Accordingly, the Panel is satisfied that the bid of Top Security Service Ltd was correctly assessed as the lowest evaluated substantially responsive bid.

J. Decision

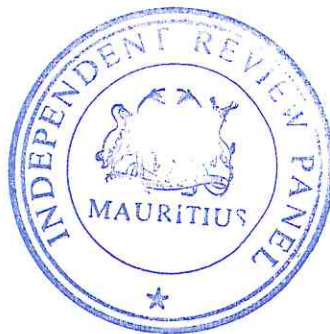
In view of the above, the Panel finds no merit in this Application for Review and sets the same aside.



A. Gathani
(Member)



H. Gunesh
(Vice-Chairperson)



R. Mungra
(Member)

Dated: 21 April 2026

