

# **PROCUREMENT POLICY OFFICE**

## **Directive No. 8**

**(issued pursuant to section 7 of the Public Procurement Act)**

### **Eligibility of Suppliers, Contractors, Service Providers and Consultants**

Under sections 51 and 52 of the Public Procurement Act 2006 (the Act), the Central Procurement Board, Public Bodies, bidders, suppliers and consultants as well as their agents (whether declared or not), personnel, sub-contractors, sub-consultants, service providers and suppliers have to observe the highest standard of ethics during selection of bidders and execution of contracts.

2. In pursuance of this requirement individuals/firms may be suspended, debarred or disqualified under section 35 of the Act, as the case may be and made ineligible to participate in any public procurement process for a determined period of time. The eligibility criteria contained in the Standard Bidding Documents (SBDs) make such provisions accordingly.

3. Furthermore, the SBDs also state that firms/individuals that are under a declaration of ineligibility issued by World Bank, African Development Bank or other international institutions shall not be allowed to participate in the bidding process.

4. To assist Public Bodies in exercising due diligence with respect to firms that have been debarred by the international financing agencies referred to above, this Office has provided links on its website: <http://ppo.gov.mu>. The links refer to debarred and cross-debarment lists issued by African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank Group and World Bank Group.

5. Bids received from suppliers appearing in the ineligibility list of the Banks shall be rejected from the bidding process. The banks have a well-defined process of debarring companies and their affiliates for fraud and corrupt practices and in deciding the period of debarment depending on the gravity and nature of the grounds for sanction. In certain cases the Banks monitor the remedial measures implemented by the debarred firms for a possible review of the debarred period.

6. Public bodies and the Board should systematically conduct due diligence, for each procurement process, to establish eligibility of suppliers, contractors and consultants by consulting the ineligibility list of the PPO as well as those of the institutions listed in PPO's website.

7. The process of due diligence as defined above shall apply to new procurement proceedings and shall not affect the execution of ongoing contracts or obligations of the contractor, supplier or consultant resulting from past contracts.

8. The Standard Bidding Documents have been amended accordingly to ensure compliance with this Directive.

**Procurement Policy Office**

**26 July 2012**