PARLIAMENTARY QUESTION

The Honourable Second Member for Grand’Baie and Poudre ‘Or (Mr Rughoobur)

To ask the Honourable Prime Minister, Minister of Home Affairs, External Communication and National Development Unit, Minister of Finance and Economic Development -

Whether, in regard to the procurement contracts awarded by the public and by the parastatal bodies respectively, since 31 December 2015 to date, he will, for the benefit of the House, obtain from the Independent Review Panel, a list thereof in respect of which unsatisfied bidders have asked for a review of the procurement proceedings, indicating the outcome thereof in each case?
REPLY

Madam Speaker,

Section 45(1) of the Public Procurement Act provides for a bidder, who is not satisfied with the decision of a public body, to file a case at the Independent Review Panel. The Independent Review Panel will consider the application for review provided the case is filed within 7 days of receipt of the decision of the public body. The IRP has to determine the case within 30 days of the application failing which the public body shall proceed with the award of the contract and the IRP continues with the determination.

With regard to the list of cases filed for review of the procurement proceedings, I am informed that the Independent Review Panel has received 40 cases for review for the period 31 December 2015 to 20 March 2017.

Out of the 40 cases, 10 cases have been withdrawn by the applicants and 11 cases have been found to have
no merit. 12 cases were found to have merit and the Panel has requested an annulment of the procurement proceedings or a re-evaluation of the bids. The remaining 7 cases are being reviewed by the Panel for which a decision is pending.

The list of unsatisfied bidders who have filed cases at the IRP for review and their outcome is being tabled. The list also includes the 7 applications which are still under process.

I would however, wish to highlight a few examples of the cases as well as the outcome thereof:

1. **Keep Clean Ltd** - the Panel found that there was merit in the application and had ordered an annulment of the decision to award a contract.

2. **Fresh Noor Vegetables Ltd** - the Panel found that there was merit in the application and ordered a re-evaluation of the bids and a review of the decision for award.
3. **AVIC-INTL/CCCE/ETERN Consortium** - the Panel found no merit in this application.

4. **Defence Hitech Security Services Ltd** - also withdrew its application

5. **Glitteratti Ltd** - the Panel did not entertain the application as it was lodged outside the prescribed delay

6. **Atics Ltd** - the Panel found the application was made on frivolous grounds

7. **Aqua Science and Technology Ltd and Aqualia DPI Ltd** - Panel found merit in the Application, and ordered the annulment of the decision to award to the successful bidder and ordered the annulment of the Procurement exercise

8. **Safety Construction Co. Ltd** - The Panel ordered annulment of decision and to make fresh evaluation of bids

P.K.J
List of unsatisfied bidders who have filed cases at the IRP for review and their outcome - (To be tabled)

1. **Keep Clean Ltd** - the Panel found that there was merit in the application and had ordered an annulment of the decision to award a contract.

2. **Fresh Noor Vegetables Ltd** - the Panel found that there was merit in the application and ordered a re-evaluation of the bids and a review of the decision for award.

3. **TSK Electronica Y Electricidad SOA** - the Panel found that the application was devoid of merit and has therefore set it aside.

4. **AVIC-INTL/CCCE/ETERN Consortium** - the Panel found no merit in this application.

5. **IMM/MATELEC/MPG Mauritius Consortium** - had withdrawn its application.
6. **Defence Hitech Security Services Ltd** - also withdrew its application

7. **Newtech Consulting Group with GIBB Mauritius Ltd** - withdrew its case

8. **Mechanization Co. Ltd** - the Panel set aside the application

9. **Aerowatt Mauritius Ltd** - withdrew its two applications

10. **Glitteratti Ltd** - the Panel did not entertain the application as it was lodged outside the prescribed delay

11. **YUTU Interior Design Ltd** - withdrew its application

12. **Interwaste (Pty) Ltd** - the Panel found the application had no merit.
13. **Atics Ltd** - the Panel found the application was made on frivolous grounds

14. **Aqua Science and Technology Ltd and Aqualia DPI Ltd** - Panel found merit in the Application, and ordered the annulment of the decision to award to the successful bidder and ordered the annulment of the Procurement exercise

15. **Jan De Nul Dredging (J DN) Ltd** - The Panel found no merit in the application and case was dismissed.

16. **Van Oord Dredging and Marine Contractors**
   - The Panel found no merit in the application and case was dismissed

17. **Safety Construction Co. Ltd** - The Panel ordered annulment of decision and to make fresh evaluation of bids
18. **Leal Communications and Informatics Ltd** - The Panel found no merit in the application and case was dismissed

19. **Ducray Lenoir Ltd** - withdrew its application

20. **Trivan and Company Ltd** - The Panel found no merit in the application and case was dismissed

21. **Medical Gases JV** - the Panel ordered the payment of the sum of Rs. 103,484 to the Applicant as costs incurred for participating in the bidding process for items where a legally binding contract had been awarded which, in the opinion of the Review Panel, should have been awarded to the Applicant

22. **State Informatics Ltd** - Panel found merit in the application and ordered annulment of the decision to award the contract to the selected bidder and also ordered a re-evaluation of the bids
23. **RBL Waterproofing Specialists Ltd** - Panel found merit in the application and ordered annulment of the whole bidding exercise

24. **Maxi Clean Co. Ltd** - Panel ordered an annulment of the decision to award to the selected bidders for all four lots, and ordered a fresh evaluation of bids

25. **Keep Clean Ltd** - Panel ordered annulment of the decision to award to the selected bidders for all four lots, and ordered a fresh evaluation of bids

26. **Joint Venture DCLM/Sotravic** - withdrew its application during hearing

27. **JV Kapperer Architects CC, Design Forum Ltd and Chuttur and Partners Ltd** - Panel found merit in the application and recommended a re-evaluation of the bids.
28. **Capital Asset Management Ltd (CAM)** - withdrew its application

29. **Proximed Ltd** - Panel found merit in the application and ordered annulment of the decision to award to the successful bidder and further ordered a re-evaluation

30. **Mega Design Consulting Engineers** - the Panel found no merit in the application and the case was set aside

31. **Atics Ltd** - The Panel found merit and ordered a re-evaluation of bids

32. **Keep Clean Ltd** - applicant withdrew the case when informed tender would be relaunched

Applications still under process
The application for review for the following companies are still in process namely:

1. Rapid Security Services Ltd
2. Keep Clean Ltd
3. Sotravic Ltee
4. Gibb (Mauritius) Ltd **two cases**
5. RB RB Construction Ltd
6. Scomat Ltee