



REPUBLIC OF MAURITIUS

CENTRAL PROCUREMENT BOARD

Ref: CPB/ADM/CIRCU/23/01

Circular No. 1 of 2023

From: Chief Executive, Central Procurement Board

To : Supervising Officers in Charge of Ministries/Departments and Chief Executive Officers of Public Bodies

Vetting of Bidding Documents

It has been noted that the process of vetting bidding documents often experiences undue delays, which may be attributed mainly to the fact that the bidding documents submitted for vetting, contain elements/clauses that are **not** in compliance with the provisions of *inter alia* Standard Bidding Document (SBD), Directives and Circulars issued by Procurement Policy Office (PPO). Moreover, some standard clauses, standard forms and/or standard conditions of contract especially pertaining to FIDIC are either modified or omitted which necessitate further consultations.

2. The objective of this Circular is to provide Public Bodies with guidelines, which will enable them to submit comprehensive bidding documents for vetting at this Office.
3. Heads of Public Bodies are kindly requested to ensure that draft bidding documents are prepared in line with the relevant checklists as at **Annex I** and in accordance with a recommended format of letter as at **Annex II**. Please ensure that the latest SBD has been used.
4. It is imperative that detailed estimated cost of the project is prepared in line with the instructions issued under this office **Circular No. 3 of 2023** and in line with **Directive 25** issued by PPO regarding early market engagement by Public Bodies.
5. The Central Procurement Board also wishes to bring to the attention of Public Bodies that it is their responsibility to ascertain, in particular, the following in the bidding documents (where applicable) :-
 - No change is to be made to standard clauses in the Instruction to Bidders (ITB), Standard Forms and General Conditions of Contract (GCC) unless the official standard bidding document issued by PPO enables this mechanism.
 - The bidding document must specify in the Bid Data Sheet (BDS) only the information that the ITB request be specified in the BDS.
 - The Evaluation criteria listed should be clearly measurable and in conformity with the guidelines specified in the SBD or standard guides issued by PPO and in accordance with CPB **Circular No. 1 of 2019**.

- Public Bodies are also advised to set reasonable and realistic **mandatory evaluation criteria** taking into consideration the exigencies of the procurement but equally acknowledging that the SBDs, Directives and Circulars issued by PPO are so designed with the intention of getting the best value for money out of Public Funds. (Example - *Define Criteria for Eligibility, Qualification and Experience, and Technical are determining mandatory evaluation criteria and must be judiciously defined*).
- Technical Specifications/ Employer's Requirements should be prepared in conjunction with the latest Directives and Circulars issued by PPO. A comprehensive set of drawings (if required) should also be prepared and submitted.
- The Particular Conditions of Contract (PCC), prepared in conjunction with the General Conditions of Contract (GCC) and other documents listed therein, should be a document expressing fairly the rights and obligations of both parties. The Particular Conditions of Contract shall also be aligned with the latest Directives and Circulars issued by PPO.
- The Particular Conditions of Contract (PCC) should, as far as reasonably possible, complement the General Conditions (GCC) to specify data and contractual requirements linked to the special circumstances of the country, the Employer, the Engineer, the sector, the overall project, and the Works. Therefore, the one drafting the PCC should be thoroughly familiar with the provisions of the GCC and with any specific requirements of the Contract. Legal advice is recommended when amending provisions or drafting new ones.
- In projects where the services of Consultants are enlisted, the onus remains on the Public Body concerned to ascertain the completeness of bidding documents, especially with regards to standard clauses and forms.

6. It is apposite to note that the Standard Bidding document lies at the root of the bidding process and apart from providing transparency to the exercise, it also enables bidders to compete on a level playing field. To change any provision or to add any new provision to the SBD would tantamount to changing the bidding document and may result in unnecessary litigation which would be likely to affect the credibility of the bidding process. Legal advice tendered to this office also specifies that **no departure** from the existing form of the official standard bidding document would be acceptable unless these departures have been authorized by the PPO.

7. The Central Procurement Board will vet **only** the **customizable** parts of the Bid Data Sheet and **customized** parts of a bidding document such as Evaluation criteria, Particular/Special Conditions of Contract, Bill of Quantities/ Priced Activity Schedule and Specifications, and **will not be responsible for any omission or any amendment made to the standard clauses and forms**.

8. It would be appreciated if the contents of this circular could be disseminated to all officers of your organisation dealing with procurement of major contracts and particularly to the preparers and reviewers of bidding documents.

9. This Circular supersedes CPB **Circular No. 1 of 2008, Circular No. 2 of 2008, Circular No.1 of 2012 and Circular No 3 of 2012**.