

CPB NEWS



Central Procurement Board Newsletter

Issue 09 - September 2020

Dear Reader

It is with great pleasure that we bring to you this newsletter for quarter ending September 2020. This edition is full of great news about some of the activities organised during this period and you will enjoy reading them.

One of the main activities was the organisation of the on-line training workshop on *Enhancing the capacity of the Central Procurement Board for the launch and Management of Public Procurement of Major Projects in the Republic of Mauritius*, a project funded by the European Union through the Ministry of Finance, Economic Planning and Development. It was organised during week 7th to 11th September 2020 and was attended by over 80 participants from various ministries and authorities, engaged in major procurement.

This has been a training workshop where the stakeholders were exposed to a holistic approach to the procurement landscape which starts with project selection in terms of fit for purpose, value for money and finishing with a post completion report as well as a full technical audit.

Holding such a workshop with the main consultant presenter being in France and the participants in Mauritius was a challenge and we are grateful to all for their brilliant contribution for making it such a success.

There are also some changes at the Board level with Vice Chairman, Mr. H. Rambhojun, leaving the CPB after six years of great and loyal service to take up the position of Director of PPO. We thank Mr Rambhojun for his important contribution at the CPB and wish him all the success at the PPO.

On 4th September, we had the pleasure of having Dr. Radhakrishna Somanah give us a brilliant talk on the '**Contents of the Universe**'. He is the Director General of the University of Mascareignes and is one of the pioneers of professional radio astronomy in Africa and has the great honour of having a minor planet named after him the **Somanah 19318** (found between Mars and Jupiter) in our solar system for his contribution to research in astronomy.

The CPB is fully committed to continually improving its services regarding the procurement for major projects by engaging with and improving its collaboration with all the stakeholders in order to improve the KPI for vetting, evaluation and awards of tenders.

Chairperson, CPB
Raj H Prayag PDSM
Sept 2020



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Enhancing Public Procurement for Major Projects Training

The European Union together with the Central Procurement Board (CPB) organized five half day training sessions on procurement from the 7th September to 11th September 2020 at the Hennessy Hotel in Ebene.

The European Union (EU) had funded the services of Mr. Bernard Abeillé, who is a procurement specialist and worked for the World Bank as Director of Procurement for the African region to make a diagnostic of the public procurement system in Mauritius and how best to align the system with best practices and standards.

On the first day, i.e., on 7th September 2020, the Chairman of the CPB welcomed the participants and Mr. Sebastian Molina Munoz, the First Counsellor European Union opened the training session.

Participants of the training came from Ministry of Finance, Economic Planning & Development, Procurement Policy Office, CPB, public bodies, and the registered pool of evaluators, Mauritius Chamber of Commerce and Industry and the European Union.

Public procurement is an important function of Government and is a vital instrument to achieve economic, social and other objectives. The sheer magnitude of procurement outlays has tremendous impact on the economy and therefore needs to be well managed. Efficiently handling of Government Procurement is a policy and management concern as well as a challenge.

The training was an essential strategic activity and the expected outcomes were to give:

- An opportunity to collectively address procurement issues and vulnerabilities and how best to confront them in daily activities in the respective institutions.
- An enhanced understanding of the procurement concepts, i.e., procurement strategy, procurement plan, contract management, value for money, life cycle costing and procurements trends in major institutions like the World Bank, EU, AFDB, ADB.
- Development of personal capacities in the field of procurement with a view to creating value to the organisations to which participants belong and their stakeholders

After the training, the feedback received were that Mr. Abeillé was a store of knowledge in procurement and such training should be delivered on an ongoing basis. The participants were loud in their praise for the initiative taken by the EU and CPB to come up with such quality training which would definitely help them to perform better in their respective jobs. The downside was that they could not interact fully with the trainer given the visio conference which had to be organized as a result of Covid 19. Many questions could not be discussed and the time did not permit much brainstorming.



Post Qualification

In the context of the technical assistance from the European Union Delegation in Mauritius (EU) to assist the CPB achieving the highest standards of transparency and equity in the execution of its duties, the international consultant, Mr. Abeille submitted his report in August 2020. Mr. Abeille, in the introductory remarks of his report, commended the CPB's work in these terms:

"In general, the procurement process appears as adequate, efficient and transparent. The CPB Technical Committee (TC) conducts reviews of bidding documents which are vetted by the Board. Advertisement and bid opening are conducted professionally by the CPB. The Bid Evaluation Committees (BECs) are composed of qualified evaluators selected from a pool of evaluators on the basis of their qualifications. The Consultant had easy access to the files which indicated that the bid evaluation reports are detailed, in conformity with the bidding documents and examined by the Board before contract award approvals."

The review of a sample of contracts (7) shows that CPB is responding to Public Bodies and SOEs in a record time. ... Comments issued by the CPB are professional and receive the endorsement of the Board, before being issued."

However he interestingly further went on to add that:

"One remark relating to bidders qualifications deserves attention from CPB. In few cases, post-qualification criteria are insufficiently enumerated or not adequately considered at time of bid evaluations. It seems that, sometimes, there is confusion between technical evaluation and post-qualification"

The consultant has very pertinently put his finger on a very important and sensitive element in public procurement - that of the necessity for conducting "post qualification" of the lowest substantially responsive bidder. Post qualification, in public procurement, is an important risk mitigation mechanism which should be an integral part of the system.

Indeed post qualification is a legal requirement under the Public Procurement Act 2006 (PPA). Section 38 of the PPA provides for:

"1 ...the qualifications of the lowest evaluated substantially responsive bidder shall be checked against the criteria specified in the bidding documents.

2 where the bids fail to conform to those criteria, the bid shall be rejected and the same check shall be applied to the next ranked bid."

However it appears that somehow there has been some difficulty around this issue. In the bidding document, the ITB regarding qualification of the bidder puts an onus on the employer to perform this due diligence:

"The Employer shall determine to its satisfaction whether the Bidder that is selected as having submitted the lowest evaluated and substantially responsive bid meets the qualifying criteria specified in Section III (Evaluation and Qualification Criteria).

The determination shall be based upon an examination of the documentary evidence of the Bidder's qualifications submitted by the Bidder, pursuant to (the relevant) ITB..

An affirmative determination of qualification shall be a prerequisite for award of the Contract to the Bidder. A negative determination shall result in disqualification of the bid, in which event the Employer shall proceed to the next lowest evaluated bid to make a similar determination of that Bidder's qualifications to perform satisfactorily."

The difficulty mentioned above lies in the very fact that, if the public Body, as is presently required, is to conduct this due diligence, it will go against the very principle of transparency by having the ultimate decision for recommendation for award transferred from the CPB to the Public Body instead. Besides it may not be appropriate for the public body, which will be awarding the contract, to be involved in conducting the due diligence. Furthermore, if this was to be performed by the Bid evaluation committee at the CPB there still would be issues such as associated risks and mitigation measures to be considered along with integrity and costs implications.

Post qualification or due diligence on the bidder retained as the lowest substantially responsive bidder may take different forms but, in jurisdictions where it is being performed, two avenues are commonly preferred. Assessing the bidder's compliance against the criteria contained in the bidding document through visiting the Business or other sites where the bidder carries on its activities or by seeking confirmations from business partners, references, bankers or accountants on the authenticity of documents submitted in support of qualifications. The visits to the premises may provide comfort on the actual existence of a genuine business with offices, human and other resources. The authenticity of documents validates the submissions and reduces risks of fraud and misrepresentation. Post qualification further acts as a deterrent if the bidder's risk of having its bid security forfeited is real. In the long run it adds in screening out potentially shady and risky suppliers.

Recently the CPB has introduced some risks mitigation measures in line with the authentication of certain documents. Addressing the issue of post qualification, as recommended by the consultant, will take procurement integrity a step further in the strengthening of the institution. Both the CPB and the Procurement Policy Office, already engaged in a close collaboration effort for some time now, will stand to benefit from the implementation of this and other recommendations.

Post qualification involving direct contact with the bidder requires a constant focus on corruption risks as it can easily be understood that the bidder being post qualified may be ready to do anything in order not to lose the contract at this stage, even offering bribes against certainty in the outcome. Furthermore bidders become vulnerable to impropriety from those wielding power of decision in the process. All this eventually calls for proper checks and balances to be introduced in the modus operandi.

The United Nations Office on Drugs and Crime (UNODC) reminds us that: ***"Corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability."***

The CPB with the support of the PPO is fully committed- in the words of the consultant, Mr. Abeille: ***"to build on the progress achieved and to further strengthen the system's performance in order to achieve better Value for Money (VfM) and to increasingly empower public bodies by enhancing capacity "***.

It is well known that strong institutions stand in the way of corruption and contribute to reducing poverty and inequality. The initiative of the CPB in requesting technical assistance from the EU translates a strong commitment to promote its governance agenda and a determination to improve on performance and value delivery. It is all a very dynamic process where the goal post is constantly and relentlessly being pushed further away in an endeavour to attain and to retain best in class status – The CPB's vision and mission.

References:

Report on "Enhancing the Capacity of the Central Procurement Board for the Launch and Management of Public Procurement of Major Projects in the Republic Of Mauritius – Bernard Abeillé – August 2020.

Public Procurement Act 2006

Standard Bidding Document Works – PPO

The United Nations Office on Drugs and Crime (UNODC) - <https://www.unodc.org/unodc/en/corruption/index.html?ref=menuaside>
POST QUALIFICATION OR DUE DILLIGENCE IS IT MANDATORY? - Frank Mwalongo - www.ppra.or.tz

Training of CPB Staff

In line with the Government policy for a better service delivery through the Capacity Building and Capability Development Programme, the CPB has embarked on providing required training to its staff in different categories since January 2020 at the Civil Service College of Mauritius (CSCM).

Some of the training courses are sponsored by the Ministry of Public Service, Administrative & Institutional Reforms, and others are funded by the CPB.

Moreover, two (2) officers of the Central Procurement Cadre are following sponsored courses in Financial Management with Specialization in Public Finance at the University of Technology, Mauritius.

Table1: Training Courses Sponsored by the CSCM

Grade	Course Title	No. of staff
Workmen's Group	Training in Communication, Interpersonal Skills, Personal Hygiene and Good Grooming	1
Workmen's Group	Training Programme in Performance and Public Service Excellence for Workmen's Group	6
General Cadre (Supervisory Level)	Training Programme in Performance and Public Service Excellence for Frontline Supervisory Technical Grades	5
Technical Cadre & Middle Management	Training Programme in Performance and Public Excellence for Middle Management (Level 4)	5
General cadre (Support Staff)	Training Programme on Performance and Public Excellence for Support Staff	10
	Total	27

Table2: Training Courses Funded by the CPB

Grade	Course Title	No. of staff
General Cadre (Support Staff), Technical Cadre & Middle Management	Advanced Excel	13
Technical Cadre & Middle Management	Negotiation and Mediation Skills	2
General cadre (Supervisory Level)	Writing Effective Minutes of Meeting	1
General Cadre (Support Staff)	First Aid	1
Technical Cadre	Managing Projects in the Public Sector	1
General cadre (Supervisory Level)	Event Management	2
	Total	20

Farewell of Vice-Chairperson, Mr. H. Rambhojun, OSK

Mr. Hirendranath Rambhojun, OSK, Vice-Chairman of the CPB, was nominated as Director of the Procurement Policy Office (PPO) with effect as from 15 September 2020.

On Monday 14 September 2020, a farewell lunch was organized in his honour to thank him for his important contribution and for his six years of great and loyal service at the CPB. The CPB wishes him all the very best in his future endeavours at the PPO.



Talk on Astronomy by Dr. Radhakrishna Somanah

On 04 September 2020, Dr Radhakrishna Somanah (Dinesh) was invited to give a talk on Astronomy.

He is a Researcher in Physics with more emphasis in Astrophysics and is one of the pioneers of professional astronomy in Mauritius as well as one of the pioneers of professional radio astronomy in Africa.

Prof. Somanah has received several other distinctions including the naming of a minor planet of our solar system after him "Somanah 19318" by the International Astronomical Union (IAU) and the NASA in 2007 for his contribution to research in astronomy.

He pondered on the vastness of space and the puzzling nature of the cosmic objects that occupy it, like stars, galaxies, planets, dark holes, etc.

He tried to respond to questions about the universe that humans ask when looking up into the night sky.



Vision

To be the model for efficient and effective public procurement in Mauritius

Mission

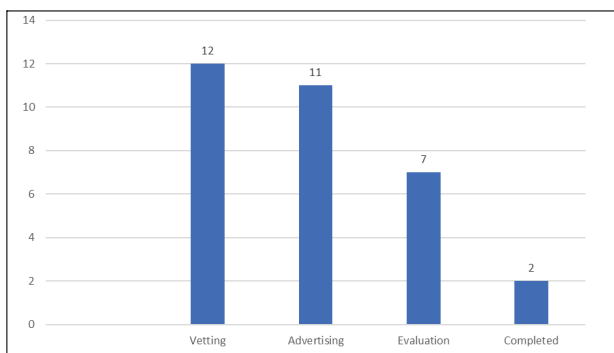
To ensure value for money in public procurement and timely acquisition through a fair and transparent process

Core Values

Transparency - Integrity -
Ethical Practice - Equality/
Fairness - Accountability

PROJECT STATUS

As at 30 September 2020, the CPB was handling 30 procurement projects falling under the category of major contracts. Out of those, 12 projects were at vetting stage, 11 at advertising stage and 7 at evaluation stage (graph below).



A dashboard is published on a weekly basis giving our stakeholders and the public at large a representation of where each public procurement project, in respect of major contracts, lies.

Contact Us

Give us a call for more information and visit our website for additional information.

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