

Public Procurement (Competitive Negotiations for Procurement of Unfinished and Remaining Works) Regulations 2022

GN No. 257 of 2022

Repealed by [\[GN No. 282 of 2022\]](#)

Government Gazette of Mauritius No.124 of 17 September 2022

THE PUBLIC PROCUREMENT ACT

Regulations made by the Minister, on the recommendation of the Procurement Policy Office, under section 61 of the Public Procurement Act

1. These regulations may be cited as the **Public Procurement (Competitive Negotiations for Procurement of Unfinished and Remaining Works) Regulations 2022**.

2. In these regulations –

"Act" means the Public Procurement Act;

"Directive No. 61" means the directive issued by the Policy Office;

"unfinished and remaining works" means the unfinished and remaining works in respect of the on-going project for the fixing of appurtenances, construction of chambers, household connection works, laying and commissioning of pipelines, road reinstatement thereto and other ancillary works thereto in and around the area of Rose Hill.

3. For the purpose of section 3A(2) of the Act, the Central Water Authority shall, in accordance with these regulations and Directive No. 61, engage in competitive negotiations for the procurement of the unfinished and remaining works.

4. (1) The Central Water Authority shall, as far as reasonably possible, invite the participation of at least 5 bidders who have the technical and financial capacity to perform the unfinished and remaining works.

(2) The minimum number of bidders to be shortlisted for competitive negotiations shall be 3.

(3) An invitation for participation under paragraph (1) shall include –

- (a) a description of the unfinished and remaining works to be procured;
- (b) the minimum requirements to be met by all bidders, confirming their financial and technical capacity;
- (c) the desired contractual terms and conditions;
- (d) the contract award criteria;

- (e) request to the bidders to itemise their prices to facilitate the Central Water Authority in comparing offers; and
 - (f) the deadline for submission of bids.
- (4) Any requirement, guideline, document, clarification or other information relative to the procurement that is communicated by the Central Water Authority to a bidder, before or during the competitive negotiations, shall be communicated at the same time and on an equal basis to the other bidders engaged in the negotiations with the Central Water Authority, unless such information is specific or exclusive to that bidder or otherwise such communication would be in breach of the confidentiality provisions of the Act.
- (5) The Central Water Authority may award a contract based on the initial bid, if this option was mentioned in the invitation to bid, or otherwise it can choose one or more stages of negotiation prior to seeking the final bids.
- (6) Competitive negotiations between the Central Water Authority and a bidder shall be confidential and no party to those negotiations shall reveal to any other person any technical, price or other market information relating to the negotiations without the consent of the other party.
- (7) The Central Water Authority may conduct the procedure in successive stages to reduce the number of bidders to negotiate with, provided that such procedure is mentioned in the bidding documents.
- (8) Competitive negotiations shall not be based on the minimum requirements and award criteria but on improvements of the bids.
- (9) The process of competitive negotiations shall be fully documented.
- (10) Following completion of the rounds of competitive negotiations, the Central Water Authority shall request all remaining bidders in the competition to submit, by a specified date and time, a best and final offer with respect to all aspects of their proposals.
- (11) No competitive negotiations shall take place between Central Water Authority and bidders with respect to their best and final offers.
- (12) The Central Water Authority shall ensure that at the end of the competitive negotiations, the contract is awarded to the bid that best meets the award criteria.

Made by the Minister, on the recommendation of the Procurement Policy Office, on 14 September 2022.

