



Republic of Liberia
Public Procurement & Concessions Commission
Executive Mansion Grounds, Capitol Hill, Monrovia, Liberia



Website: www.ppcc.gov.lr | Email: info@ppcc.gov.lr | Phone Short Code: 4357

To: All Participating Bidders and Stakeholders

Re: Publication of Notice of Complaint

The Public Procurement and Concessions Commission (PPCC) hereby notifies bidders that participated in the Liberia Water & Sewer Corporation (LWSC) Procurement Proceedings for Request for Proposals for the Installation and Management of Prepaid Water Meters that a Complaint/Request for Review has been filed by BES (Europe) Ltd/ British Engineering Services with the **PPCC in keeping with Section 126 Subsection (2) of the Public Procurement and Concessions Act (PPCA, 2010).**

The Complaint alleges violation of the Public Procurement and Concessions Act, 2010 by the Liberia Water & Sewage Corporation.

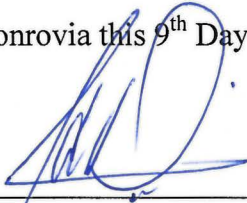
The procurement proceedings relate to a Request for Proposal (RFP) for the Installation and Management of Prepaid Water Meters published on January 12, 2017.

This Notice is being issued pursuant to **Part VIII, Section 128 subsection (1)(a)&(b) of the PPCA, 2010**, which provides: “On receipt by the Commission of a copy of a complaint timely filed with a Procuring or Concessions Entity under subsection (2) of Section 125 of this Act, or a request for decision or appeal timely filed under subsection (2) of Section 126 of this Act, the Commission shall promptly cause a notice of such filing to be published within two (2) business days of its receipt. The notice must identify the procurement or concession process with respect to which the claim is made, the complainant and the relevant Procuring or Concession Entity, and must set forth a short statement of the complainant’s claim.

The purpose of this Notice is to inform other known bidders who may be affected by the resolution of a complaint to, as in the same instant case, file a notice of appearance with the Complaints, Appeals and Review Panel within seven (7) days of publication of this Notice by the Commission, declaring an interest to appear at the hearing in keeping with Section 126 (9).

Issued in Monrovia this 9th Day of February, A.D 2017.

Signed: _____


Hon. James Dorbor Jallah
Executive Director



Republic of Liberia

Public Procurement & Concessions Commission

Executive Mansion Grounds, Capitol Hill, Monrovia, Liberia



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February 13, 2017

Hon. N. Hun-Bu Tulay
Managing Director
Liberia Water & Sewage Corporation (LWSC)
Monrovia, Liberia

RECEIVED
14 FEB 2017
BY:

Dear Hon. Tulay:

The Legal Affairs Division of the Public Procurement & Concessions Commission (PPCC) received a Complaint on the 9th of February 2017 filed against your entity by the British Engineering Services/ BES Group under the signature of its Sales & Business Development Director, Tim Hyde with reference to the Bidding Process: LWSC Request for Proposal (LWSC/QCBS/018/15/16), for the attention of the Complaints, Appeals & Review Panel (CARP). Please see attached copy of complaint.

Accordingly, you are requested to submit to the Legal Affairs Division of PPCC all documents relating to said procurement including the copy of your decision to the Complaint/Protest filed before you by BES Group on January 17, 2017. Please submit these documents to the above division on or before Friday, February 17, 2017 at 4:00 P. M. in order to aid the Complaints, Appeals and Review Panel in the hearing and/or review of the Complaint.

Meanwhile, in order to ensure fairness to all parties, you are advised to stay further proceedings in the said Procurement Process referenced above pending the conclusion of the hearing and/or review of the Complaint before the Panel.

We anticipate your kind cooperation in this regard.

Kind regards.

Sincerely yours,

Emmanuel A. Tulay, (Cllr.)
Legal Counsel

Cc: Executive Director/PPCC

BES | GROUP

BRITISH ENGINEERING SERVICES

9th Feb 2017

The Public Procurement and Concessions Commission (PPCC)
Executive Mansion Ground
Capitol Hill
Sinkor, Monrovia
Liberia, West Africa

RECEIVED
09 FEB 2017
BY:

Dear Sir,

Re: LWSC Request for Proposals – LWSC/QCBS/018/15/16

We received the above referenced document from LWSC Procurement Manager Zohn Doebo on 12th January.

Kindly refer to the attached copy of a letter sent on the 17th January to LWSC, in which I expressed my concern at the content of the bid document. Given the lack of a response from LWSC, I would now like to raise my complaint directly with PPCC.

I look forward to hearing from you in due course.

Yours sincerely,



Tim Hyde
Director, Sales & Business Development

Cc: Managing Director of LWSC, N. Hun-bu Tulay

BES GROUP

BRITISH ENGINEERING SERVICES

17th Jan 2017

Mr. N. Hun-Bu Tulay
Managing Director
LWSC
Front Street
Monrovia, Liberia

Dear Mr Hun-Bu Tulay,

Re: LWSC Request For Proposals – LWSC/QCBS/018/15/16

We confirm receipt of the above referenced document, sent by LWSC Procurement Manager Zohn Doebo on 12th January.

I can confirm that BES (Europe) Ltd has the requisite experience and skill sets to submit a competitive bid for the project, but we are concerned at crucial aspects of the bid document.

1. The document requires meters using Ultrasonic technology. This technology is relatively new, and is mainly being introduced in advanced, western economies such as the UK and Denmark, which do not experience the same challenges as the African market. They market themselves as promoting increased flow measuring accuracy, an unproven claim, and one which should not necessarily be the primary concern of LWSC.
2. Ultrasonic meters are only installed in two locations in Africa, on a very small scale – in Lagos and Kampala. Mechanical meters have a proven technology and are established across Africa on a large scale in locations such as Egypt, Nigeria, Kenya, Tanzania, Zambia, Botswana, Namibia, Uganda, Malawi, Lesotho, Zimbabwe, South Africa etc.
3. The selling price of Ultrasonic meters is significantly higher than mechanical meters.
4. The vending system offered by Ultrasonic meters requires considerable investment by the utility in the vending infrastructure. They use the card type system, requiring physical presentation of the card at the vending station – not a viable solution for remote villages or isolated communities. The utility will need to invest in station offices, computers, hardware, additional employees etc. With our system, it is predominantly phone based, so customers can use their mobiles to receive credit via SMS, email etc. This system is well established in Africa and is proven to work.

There are many other technical advantages to the mechanical system which are too numerous to mention here. Suffice to say that we do not understand LWSC's preference for Ultrasonic over Mechanical, especially given the significantly higher costs involved.

A further cause for concern is that the technical specifications in the tender document appear to be based exactly upon the Universal Ultrasonic meter. If Universal happens to be advising or consulting with LWSC on the RFP they should not be participating in the bid. Furthermore, this automatically disqualifies bidders offering the alternative mechanical option, and discriminates against rival bidders to Universal. One can only assume that the outcome of the tender is predetermined, in contravention of the Liberia Public Procurement regulations.

Can you please review this matter as a matter of urgency? We are keen to participate, and to offer a cost effective, viable and proven technology in answer to the bid, but we cannot do this if our technology is excluded from the start.

Yours sincerely,



Tim Hyde
Director, Sales & Business Development

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Registration Number: 3934096 VAT Number 479 6963 66

BES | GROUP

BRITISH ENGINEERING SERVICES

24th Jan 2017

Mr Zohn Doebo
Procurement Manager
LWSC
Monrovia
Liberia

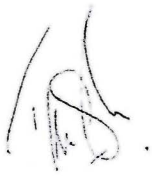
Dear Mr Doebo,

Re: Tender for the Supply of Water Meters

I am visiting Monrovia briefly on the 2nd / 3rd Feb and would like to schedule a Pre-Conference Meeting of the RFP on the 3rd of February 2017, from 11:00am - 12:00noon.

Please confirm this would be convenient.

Yours sincerely,



Tim Hyde
Director
BES (Europe) Ltd
E-mail: t.hyde@beseurope.com

*Received by:
Ms. Z. Doebo
01-27-17*

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