



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

Ref. PPCC/RL/CEO/0416/'19

July 15, 2019

Hon. Molewuleh B. Gray

CHAIRMAN

National Investment Commission
Republic of Liberia

Ref. RL/NIC-C-MBG/0276/'19

Dear Hon. Gray:

Subject: **“REQUEST FOR NO OBJECTION UNDER AN UNSOLICITED PROPOSAL TO PROCEED WITH A PREPAID WATER METERING PROJECT BETWEEN THE LIBERIA WATER & SEWER CORPORATION AND UNIVERSAL GROUP.”**

We present our compliments and acknowledge receipt of your letter referenced above, which sought the approval of the Commission for the National Investment Commission to proceed with a prepaid metering project between the Liberia Water & Sewer Corporation and Universal Group, under an unsolicited proposal.

The Commission notes the NIC submission relating to setting up a Concession Bid Evaluation Panel to conduct an independent assessment of the quality of the Unsolicited bid, looking at qualification and reputation of the bidder. The Commission upon thorough review observes the following:

- That the letter constituting the IMCC for the Prepaid Metering System was issued on November 6, 2017, approximately 11 months prior to the submission of the date of submission, October 15, 2018, of the unsolicited bid for the installation and management of the prepaid water meter by the Universal Group. **However, as per the Act, the IMCC should have been constituted following the submission of the unsolicited bid, to satisfy PPCA Section 101(c).**
- The CBEP Report indicated that the Panel referenced Section 55 (1) of the PPCA when establishing the legal responsiveness of the unsolicited bid under the Legal Assessment and Compliance Table Row (a).
- That the audited financial Statement for Universal Group for the past three (3) years were not made available.

The Commission, with further scrutiny generated these findings expressed below:

- That clarity is sought regarding the validity of the letter constituting the IMCC that predated the date of submission of the “Unsolicited Bid” from the Ministry of Justice (MOJ);
- That the submission under review is not applicable to PPCA **Section 55 (1)** for it is an Unsolicited PPP proposal, and does not fall under the conditions set forth in this section.
- That the submission does not satisfy **Section 101 (3) (d)** relating to bidder fully satisfying technical and financial capacity to perform its obligations and **thorough determination to deem that there is no reason to believe the terms offered by the bidder, cannot be contested or could be improved though submission of the proposal to a thorough competitive process.**

Hon. Molewuleh B. Gray

- Additionally, there is no sufficient evidential showing that Universal Group has the exclusivity to carry out this kind of service, **for even the CBEP Report asserts in the Legal Assessment and Compliance Proceeding Analysis, that other suppliers have the ability to provide the goods and services sought for under this project, as per due diligence findings.**
- The non-availability of the three (3) year audited financial Statement of Universal Group, and CBEP reviews indicating that the requirement for this project can be provided by other bidders, all lessens full satisfaction of the conditions set forth in PPCA Section 103 (d).

Given all the keen findings stipulated above, the Commission **Cannot** grant your request seeking “No Objection” to endorse the Concession Bid Evaluation Report for the unsolicited proposal from Universal Group for installation and management of prepaid water meter by **and states that the evaluation of the unsolicited proposal did not satisfy PPCA section 103 (d) and (c).**


The Commission states that given the nature of this procurement, in a quest to generate best options, Universal group unsolicited proposal should be subjected to a thorough competitive process to adhere to **Section 97** of the PPCA.

The PPCC believes that this approach will generate best options and value for money, so as to come up with a most responsive vendor in the context of the PPCA, and serve the best interest of NHA’s and ultimately, Liberia’s development.

Please be assured that the PPCC is willing at all times to guide all procuring entities on the rudiments of the PPCA to ensure these variant institutional responsibilities are expeditiously handled in the confines of governing procurement laws of this country.

The commission urges you to continue to remain in compliance with the PPCA 2010, as we strive to attain equality, transparency, accountability and public confidence in our procurement and concessions processes.

Yours sincerely,


Jarghe Roseme Nagbe Kowo (Atty.)
CHIEF EXECUTIVE OFFICER