



REPUBLIC OF LIBERIA
PUBLIC PROCUREMENT & CONCESSIONS COMMISSION
EXECUTIVE MANSION GROUNDS, CAPITOL HILL, MONROVIA, LIBERIA

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Ref. **PPCC/CEO/0321/24'**

June 14, 2024

Hon. Wilmot J. Paye

MINISTER

Ministry of Mines and Energy

Capitol Hill

Monrovia, Liberia

Dear Hon. Paye:

Subj: **NOTIFICATION OF INTENT TO AWARD CONTRACT TO DELTA ARCHITECTURAL AND CONSTRUCTION COMPANY (DACC) FOR THE REPAIRS AND MAINTENANCE OF A NON-RESIDENTIAL BUILDING FOR FISCAL YEAR 2024**

We present our compliments and wish to acknowledge receipt of your communication which sought the approval of the Commission for the Ministry of Mines and Energy's request to award contract to Delta Architectural and Construction Company (DACC) for the Repairs and Maintenance of a Non-Residential Building at an estimated cost of **US\$ 310,700.00 (Three Hundred Ten Thousand Seven Hundred United States Dollars)** for Fiscal Year 2024.

The Commission upon thorough review of your request highlights the following:

- ❖ That the contract package Repair and Maintenance of Non-Residential Building was duly planned for by the Ministry.
- ❖ That the **Vintage Group of Companies** submitted an invalid tax clearance, business registration, and an expired CCCS Certificate. Thus, deeming the Firm non-responsive to the bidding requirement.
- ❖ That **Eco Smart Builder Inc.** did not submit an article of incorporation, and evidence of PPCC Vendor Certificate as required in the issued bidding document. This non-responsiveness to the bidding requirements automatically disqualified the Firm from advancing to the detailed evaluation stage.
- ❖ Also, that **One Chance Construction** did not submit an article of incorporation as required, thus leading them to being disqualified.
- ❖ That **Delta Architecture and Construction Company** met all of the preliminary requirements as provided in the issued bidding document. However, the Ministry of Mines and Energy did not evaluate Delta's bids against any pre-determined detailed technical criteria. Hence, the evaluation conducted was based on what the bidder offered, and this is because the Ministry did not establish detailed technical specifications for the Repair and Maintenance Works. To this end, Delta Architecture and Construction Company was the only bidder meeting and passing the preliminary requirement.

From the above mentioned, the Commission **hereby grants** the Entity's request for "**No Objection**" to award contract to Delta Architectural and Construction Company (DACC) for the Repairs and Maintenance of a Non-Residential Building at an estimated cost of **US\$ 310,700.00 (Three Hundred Ten Thousand Seven Hundred United States Dollars)** for Fiscal Year 2024. In furtherance, the Commission advised that the Ministry of Mines and energy communicate the terms and agreement, scope of works, and any other special requirements in terms of quality and time of delivery with Delta before entering into contract.

This is intended to ensure that each party understands their obligation under the contract to achieve value for money, efficiency, and key deliverables of the works. Also, the Commission advised that the Ministry assign a site engineer to provide on-site supervision and technical guidance during the renovation works. However, in the absence of in-house expertise, the Ministry of Mines and Energy should contact the Ministry of Public Works to carry out this action.

Kindly be reminded that all contracts which cumulative value exceeds the threshold of **US\$250,000.00** must be signed by the Minister of Finance and Development Planning and attested to by the Minister of Justice.

The Public Procurement and Concessions Commission admonishes and deems it a priority that you remain in compliance with the PPCA, 2010, as we jointly aspire to achieve transparency, accountability, fairness, equality and ultimately public confidence in our procurement and concessions processes.


Sincerely yours,



Bodger Scott Johnson (Hon.)
CHIEF EXECUTIVE OFFICER



June 13, 2024

To: Bodger Scott Johnson (Hon.)
Executive Director

Thru: Mr. Himmie E. Langford 
Director, Compliance & Monitoring Division

From: Barsay M. Dowah 
Compliance Manager

Subject: Ministry of Mines and Energy (MME) Notification of Intent to Award Contract for the Repairs and Maintenance of Non-residential Building for the Fiscal Year 2024

The Ministry of Mines and Energy (MME) has requested the Commission "No Objection" to award a contract to Delta Architectural & Construction Company (DACC) for the Repairs and Maintenance of a Non-residential Building for \$310,000.00 (**Three Hundred Ten Thousand and Seven Hundred United States Dollars**). The National Competitive Bidding Method of Procurement was employed, and five (5) firms purchased the bidding document. Notwithstanding, at the close of the bid submission deadline, one of the firms failed to comply in submitting its bids in the allotted time for bid submission as per the invitation to bid. Consequently, only four bidders submitted bids, inclusive of:

1. Vintage Group of Companies
2. Delta Architectural & Construction Company (DACC)
3. Eco smart Builders Inc, and
4. One Chance Construction

The Ministry of Mines and Energy (MME) submitted the following supporting required documents:

- Transmittal Letter requesting the Commission "No Objection"
- Issued Bidding Document
- Bidder's Offers (bids)
- Evidence of Publication
- Bid Receiving Log
- Bid Opening Attendance Log
- Bid Opening Committee Letter
- Opening Checklist
- Public Bid Opening Record
- Constituted Bid Evaluation Panel Correspondence

- Conflict of Interest and Confidentiality Declaration Form
- Evaluation Report
- Draft Notification of Award
- Procurement Committee Minutes
- Draft Contract

A careful review of the procurement process for the Repairs and Maintenance Non-Residential Building has been carried out and the following are the observations:

- It has been determined that the package Repairs and Maintenance Non-Residential Building was planned for by the Ministry of Mines and Energy with the following details:
 - **Description** – Repairs and Maintenance Non-Residential Building
 - **Estimated Amount/Budget** – (US\$310,700.00)
 - **Method** – National Competitive Bidding (NCB)
- Bid Invitation was advertised in two local news daily as required by the Public Procurement and Concessions Act, 2010 for open competitive bidding.
- During the review of MME-issued bidding documents it was noticed that the Standard Bidding Document for small works was not utilized as required. MME used the standard bidding document for goods, which did not include essential bidding document contents specific to works.
- MME did not include in its issued bidding documents:
 - Bill of Quantities (BOQ) –to provide sufficient information on the quantities of works to be performed to enable bids to be prepared efficiently and accurately. As such, the works were not itemized listing all the work's items (e.g. structural repairs, interior exterior repairs, roofing, quantities, and electrical where applicable).
 - Detailed technical specifications were not provided to ensure quality standards and value for money. The absence of detailed technical specifications and BOQ exposes the procurement process to risks, increased cost, and inconsistency of offers, thus making it difficult to facilitate bid evaluation due to bids not being comparable.
- Information on the responsiveness of bids received to the pre-determined criteria is as follows:
 - **Vintage Group of Companies** submitted an invalid tax clearance, business registration, and an expired CCCS Certificate. Thus, deeming the firm non-responsive to the bidding requirements.
 - **Eco Smart Builder Inc.** did not submit an article of incorporation, and evidence of PPCC vendor's registration as required in the issued bidding document. This non-responsiveness to the bidding requirements automatically disqualified the firm from advancing to the detailed evaluation
 - **One Chance Construction** – Did not submit an article of incorporation as required
 - **Delta Architectural & Construction (Recommended Bidder @ US\$310,700.00)** – Met all of the preliminary requirements as provided in the issued bidding document. However, the Ministry of Mines and Energy did not evaluate Delta's bids against any

pre-determined detailed technical criteria. The evaluation conducted was based on what the bidder offered. This is because the Ministry did not establish detailed technical specifications for the Repairs and Maintenance Works.

- **Delta Architectural & Construction** was the only bidder meeting and passing the preliminary requirement established by the MME.

In light of the aforementioned, I recommend the following:

1. I recommend the Commission grants the Ministry of Mines and Energy (MME) "No Objection" to award a contract to **Delta Architectural & Construction** for the repairs and maintenance works for **\$US310,700.00**. Also, advise the MME to communicate terms and agreement, scope of works, and any other special requirements in terms of quality and time of delivery with Delta before entering into the contract. This is to ensure that each party understands their obligation under the contract to ensure value for money, efficiency, and the achievement of objectives and key deliverables of the works.
2. Advise the Ministry of Mines and Energy (MME) to assign a site engineer to provide on-site supervision and technical guidance. In the absence of in-house expertise, the Ministry should contact the Ministry of Public Works seeking such services.

Best Regards,