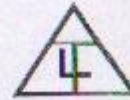


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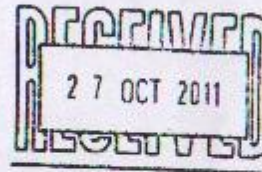
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26th October 2011

Madam Peggy Meres
Executive Director
P.P.C.C
Monrovia, Liberia.



Dear Madam:

Re: **SOLICITATION FOR CONSULTANCY SERVICES FOR THE DEVELOPMENT OF THE LIBERIA MARITIME AUTHORITY PROPERTY IN MARSHALL CITY, MARGIBI COUNTY**

We are writing to lodge a formal complaint to the PPCC, on the above captioned procurement of Consultancy Services by the Liberia Maritime Authority, (LiMA).

LiMA committed an error in the proposal solicitation process and has converted this error to be ours in a way that we find ourselves being penalized for it. Their letter to us dated 24th June, 2011, copy attached, proves this assertion, based upon the following narration of all that has transpired to date on this Consultancy Services procurement process.

Our initial protest letter to the LiMA was copied to your commission as required by your procedures for seeking redress. Our concerns are threefold as follows:

1. Erroneous Proposal Solicitation:

We were initially contacted at our office by an official of LiMA, (Manyu Kamara) who notified us about our Consultancy Company, Techsult Liberia Inc. having been shortlisted to submit joint proposals for Consultancy Services for the Development of the Maritime Authority Property in Marshall City and the Asphalt Pavement Up-grade of the 13.5 mile Marshall Gravel Road.

We at that time enquired from Manyu Kamara why this solicitation was not published. He responded that there was not much time for the implementation of the project works hence the solicitation from shortlisted consultants.

AEP Consultants, Inc. and Techsult Liberia Inc. hesitantly after several requests, submitted a joint proposal for the Development of the Maritime Authority Property in Marshall City and the Asphalt Pavement Up-grade of the 13.5 mile Marshall Gravel Road.

While awaiting the results of the evaluation of this joint proposal, (which remained in LiMA's procession), a publication was made by LiMA, soliciting Consultancy Services for the Development of the Maritime Authority Property in Marshall City and the Reconstruction,

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(Rehabilitation) of the 13.5 mile Marshall Gravel Road, (this time not for Asphalt Pavement Upgrade as was previously verbally solicited). A copy of this published solicitation is herein attached.

AEP Consultants, Inc. and Techsult Liberia Inc. in response to this solicitation submitted a joint proposal for the Development of the Maritime Authority Property in Marshall City and the Reconstruction, (Rehabilitation) of the 13.5 mile Marshall Gravel Road

Subsequently, we requested LiMA to return our first joint proposal, as it was proper in our best interest to re-possess our previous submission to maintain its contents confidential and not known by any other consultant. This action was important because the component for the Development of the Maritime Authority Property in Marshall City remained the same in the published solicitation even though the component for the road works had been changed to Reconstruction, (Rehabilitation) of the 13.5 mile Marshall Gravel Road.

It took a while after several reminders, before LiMA responded partially to this request. Only our Technical Proposal for the Asphalt Pavement Up-grade of the Marshall Road was returned but surprisingly opened. The corresponding Financial Proposal has not been returned to date. The component for the Development of the Maritime Authority Property in Marshall City submitted by AEP has to date not been returned.

2. LiMA's Due Diligence Activity:

We were later on visited by a committee from LiMA at our Office on a 'Due Diligence' mission. During the meeting held with Techsult, Mr. Quansah from Techsult, asked the LiMA officials why the scope of the road works had been changed from Asphalt Pavement Up-grade of the Marshall Road as was communicated to us in the first solicitation to Reconstruction of said Gravel Road instead. The Committee members appeared unaware of this change and referred the question to Manyu Kamara who was said to be the technical person on the team. To buttress this fact, a copy of the publication was availed by Techsult to Manyu Kamara who upon reading the publication chose to make no comment.

The issue of two different scopes of works for the road works component of the solicitations was thus brought to the attention of LiMA at this stage. This matter to date remains unresolved and Techsult has been regarded as having submitted a wrong proposal, even though the published solicitation required such.

3. Incompatible Proposal Evaluation:

With the non response of the technical person on LiMA's team to our observation on conflicting scope of works for the road works component of the solicitations, we wrote our first communication to LiMA expressing our concern for the procurement process being flawed on 27th May 2011, and copied the PPCC.

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We received a response from LIMA on the 13th of June 2011, copy attached. We subsequently engaged LIMA on the issue of the solicitation publication being in error if indeed the intent of the solicitation was for an Asphalt Pavement Up-grade of the Marshal Road. LIMA, though not conceding an error in the solicitation publication, then requested for Techsult's returned proposal for an Asphalt Pavement Up-grade of the Marshall Road, which had previously been returned upon our request.

Techsult re-submitted the same first proposal for the Asphalt Pavement Up-grade of the Marshall Road as requested. Several days after Techsult's re-submission of the requested proposal, LIMA responded on the 24th of June 2011 as herein attached.

Techsult disagreed with LIMA on the contents of the response, pertaining to:

- i. Disqualification of our proposal for Asphalt Pavement Up-grade on the basis that our proposal was submitted before the published solicitation and
- ii. the evaluation of the proposals submitted based upon Asphalt Pavement Up-grade of the gravel Road as opposed to Reconstruction, (Rehabilitation) of the Gravel Road.

✓ We again had a couple of meetings with LIMA intended to resolve these issues but to no avail. Instead, LIMA went ahead to award the consultancy service contract for the Development of the Maritime Authority Property in Marshall City despite our concerns not being addressed, especially LIMA's failure to return our Technical and Financial proposals submitted for this component of the solicitation as requested.

We thus lodge our complaint as follows:

1. Proposal Solicitation:

- i. The first solicitation through contacting our offices, due to urgency as indicated by Manyu Kamara, was extended to shortlisted consultancy companies for the Development of the Maritime Authority Property in Marshall City and the Asphalt Pavement Up-grade of the 13.5 mile Marshall Gravel Road.

✓ This Asphalt Pavement Up-grade for the Road works was mentioned ONLY at this office contact solicitation and NOT in the published solicitation.
- ✓ iii. If indeed Techsult's first proposal submission was unsolicited, then LIMA was duty bound, as fair play demands, to return such submission to us, in full and sealed as was submitted.

- iv. The fact that our first joint proposal was opened, demonstrates LIMA's engagement of AEP Consultants, Inc. and Techsult Liberia Inc. in the procurement process. Opening of our proposal thus confirms its solicitation.
 - v. Also, opening of our first proposal, though deemed unsolicited, cast doubts on the intent of the solicitation and also on the confidentiality of its contents, especially so when LiMA had the intention to publish the solicitation for procurement of said consultancy services in accordance with PPCC laws.
 - vi. Furthermore, LiMA's inability to return to AEP Consultant's Inc. the whole of her first submission as well as the Technical proposal of Techsult's first submission, casts doubt over who is privy to its contents and remains in possession of these proposals to date for unknown reason(s).
- ii. **LIMA's Due Diligence Activity:**
- i. LIMA's Technical team failed to inform Techsult on modifications made to the solicitation publication, if any, even when the difference in the scope of the works for an Asphalt Pavement Up-grade of the Marshall Gravel Road and that for Reconstruction of the Gravel Road was pointed out to them by Techsult.
 - ii. The refusal of LiMA's technical person, Manyu Kamara, on the LiMA Due Diligence team to clarify this observation made by Techsult casts doubt over the intent for a fair procurement process.
- iii. **Proposal Evaluation:**
- i. As per LIMA's communication of 24th June, 2011, our proposal could not be included in the evaluation process because it was submitted before the published solicitation for the consultancy services.

This would not have been a problem if our submission was kept sealed until the formal solicitation was published and proposals received. It was our prerogative to withdraw our submission and re-submit it later before the deadline for submission, or allow it to remain until opening of the subsequent proposals if we intended, as we did, to maintain the same submission. Then our proposal could be opened with the rest. No unfair play is inherent in such procedure.

- ii. ✓ In the absence of any modification to the solicitation publication, our submission for Reconstruction, (Rehabilitation) of the Marshall Gravel Road responded correctly to the solicitation publication. In that case, all proposals for Asphalt Pavement Up-grade of the Marshall Road should be disqualified,
- iii. If however, the proposals being evaluated are all for Asphalt Pavement Up-grade of the Marshall Road, then the companies making these submissions were privy

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to information modifying the solicitation and changing the scope of the road works from Reconstruction of the Gravel Road as published to Asphalt Pavement Up-grade of the Road as was earlier verbally solicited. Such information was not availed to Techsult.

- iv. ✓ If indeed LIMA's intent is to Up-grade the Marshall Road with Asphalt Pavement, then all submissions for such, made before the deadline as per the solicitation published, must be included in the evaluation process.
- v. ✓ Any result from the evaluation of Asphalt Pavement Up-grade of the Marshall Gravel Road proposals, excluding Techsult's submission for same in our view is unfair and the procurement process flawed.

iv. **Consultancy Contract Award:**

- i. Without addressing our communication on the 7th of July 2011, (copy attached), coupled with her failure to return AEP Consultants Inc.'s proposal for same, submitted earlier on the 14th of January 2011 as requested, LIMA has awarded the consultancy contract for the Development of the Maritime Authority Property in Marshall City. The said proposal remains in unknown hands and the confidentiality of its contents also remain questionable, which is very unfair to us.
- ii. Should the consultancy contract be awarded short of addressing our concerns with the procurement process, this will be a repeat of the unfair award of the consultancy contract for the Development of the Maritime Authority Property in Marshall City.

It is in this light that Techsult is seeking the intervention of the PPCC to avoid the recurrence of the unfairness meted to our associate company AEP Consultants, Inc.

Thank You.

Yours Faithfully



Joseph E. Quansah
Techsult, Liberia Inc.

C/C Mr. Joseph Boakai Jr.
Director of Administration.