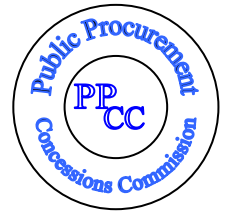


Republic of Liberia
Complaints, Appeals & Review Panel (CARP)
Public Procurement & Concessions Commission
Executive Mansion Grounds
Capitol Hill, Monrovia, Liberia



OPINION IN THE CASE:

**TILIA GAMES INTERNATIONAL (LIBERIA) LIMITED VS. LIBERIA NATIONAL
LOTTORIES INC.**

October 5, 2010

Background

The Public Procurement and Concessions Act (PPC ACT) established the Public Procurement and Concessions Commission (PPCC or Commission) to ensure the economic and efficient use of public funds in procurement and to ensure that public procurement and concession processes are conducted in a fair, transparent and non-discriminatory manner. The PPC Act also constituted the Complaints, Appeals and Review Panel (CARP or Panel) to adjudicate complaints and review appeal cases filed with the Commission by bidders emanating from public procurement and concession procedures. Consistent with the law, PPCC received a complaint from Tilia Games International (Liberia) Limited against the Liberia National Lotteries Inc. (LNL) in the Selection process for managing the gaming aspect of the Liberia National Lotteries . This complaint was passed on to the Complaints, Appeals and Review Panel by the Commission on October 1, 2010 for investigation in keeping with the PPC Act.

Methodology

Consequently, the Panel convened on 5th October 2010, where the Panel members agreed to proceed with the investigation of the Appeal. In view thereof, the Panel reviewed and discussed all relevant documents and communications on the Liberia National Lotteries Games Management Contract Selection Process. These documents and communications included Tilia Games International (Liberia) Limited complaint dated September 6, 2010, Bid Documents, Report of the Concession Bid Evaluation Panel (CBEP) and the Liberia National Lotteries Inc. Response to the Complaint filed by Tilia Games International (Liberia) Limited by the Liberia National Lotteries Inc. Other documents reviewed were the Minutes of the Inter-Ministerial Concession Committee (IMCC) approved the CBEP Report, Minutes of Bids Opening and the PPC Act.

Facts

The Government of Liberia through the National Lotteries Inc. conducted a Selection Process to manage the gaming aspect of the Liberia National Lotto, and ensure its success and financial

profitability. The evidence presented as per the Bid Documents and the Concession Bids Evaluation Panel Report revealed the following:

1. Tilia's claim that the failure of LNL to provide Tilia with the Bids evaluation Results is a breach of the PPC Act is not true, see Section 43 (5) (b) of the PPC Act;
2. Tilia's claim that the concession entity did not conduct an evaluation of the bids received is also not true. LNL provided the Bids Evaluation Report submitted by the Concession Bid Evaluation Panel constituted by the IMCC for this process and a communication indicating that the IMCC approved the Evaluation Report and constituted the negotiation team; and
3. Tilla's claim that LNL did not request for Technical Proposal is not true. The letter, which served as the RFP was addressed to Tilia Games International through its Country Representative, Mr. Godwin Omoko. The letter requested for 'A Business Plan and Technical Proposal to manage the gaming aspect of the Liberia National Lotto, and ensure its success and financial profitability '. It also gave instructions as to what should be the content of the Business Plan.

Issues

1. Whether or not the Bid Documents of the Concession Entity (LNL) requested bidders to submit Technical Proposal as a requirement for evaluating bids in the selection process of a bidder to manage the gaming aspect of the Liberia National Lotto?
2. Whether or not LNL's selection process was arbitrary and that no evaluation of bids was conducted by the Concession Bid Evaluation Panel constituted by the IMCC?

Discussions

ISSUE # 1

As to issue # 1, an examination of documents submitted by the complainant (Tilla) and the Concession Entity (defendant), proved that the procuring entity requested bidders to submit Technical Proposal and Business Plan as part of their bids. The content of the Business Plan was also listed in the RFP of February 15 and 23, 2010 which were delivered to the bidders.

ISSUE # 2

As to issue # 2, an examination of documents submitted to the Panel, the Concession Entity (LNL), showed that a Concession Bid Evaluation Panel of seven (7) members was constituted by the IMCC on April 1, 2010. It also showed that the Concession Bid Evaluation Panel evaluated and scored both bids and submitted the Concession Bid Evaluation Panel Report duly signed by its members to the Inter-Ministerial Concession Committee for approval.

Ruling

In view of these findings and the law controlling, the Panel is of the opinion that the Liberia National Lotteries Inc. acted within the scope of the PPC Act. The decision to award contract

to Mercury International to manage the gaming aspect of the Liberia National Lotto is UPHELD.

AND IT IS HEREBY SO ORDERED.

IN WITNESS WHEREOF, WE THE MEMBERS OF THE COMPLAINTS, APPEALS AND REVIEW PANEL HAVE HERE UNTO SET OUR HANDS AND AFFIXED OUR SIGNATURES TO THIS DOCUMENT THIS 8TH DAY OF OCTOBER A.D. 2010.

SIGNED:

Cllr. Beyan D. Howard, Chairman _____

Mr. Massaquoi M. Kamara, Co-Chairman _____

Atty. Eric B. Morlu, Secretary _____

Mr. David M. Jallah, Member _____

Mr. Martin S. Kollie, Member _____

Mrs. Esther W. Paegar, Member _____

