


THE REPUBLIC OF THE GAMBIA

IN THE COMPLAINTS REVIEW BOARD (CRB)
COMPLAINT NUMBER 003/2019

BETWEEN:

SAMAR'T GAMBIA.....APPLICANT

AND

MINISTRY OF INTERIOR.....RESPONDENT

DECISION

History of the case

The Ministry of Interior (the Procuring Organization) launched a procurement process for the acquisition of Aluminum Number Plates through a restricted procurement method. The source of funding for the tender is from the Government of The Gambia. The tender was advertised on the 2nd January 2019 and the submission of bids closed on the 16th January 2019.

The technical specifications set in the bidding document in respect of both long, short and motor cycle number plates were as follows:

- ❖ Self-destructive holographic vehicle stickers with bar code containing history of vehicles. The bar code when scanned with law enforcement officers' smart phones should display details of vehicles ownership, drivers details etc. The holographic stickers must be self-destructive and be impossible to be forged; where someone attempts forgery, the forged license disc will not merge with the security features embedded in the particulars of the vehicles number plate;

- ❖ Aluminum material which have a long-life span as opposed to the plastic ones are to be used in the production of the number plates.

Bids were submitted by several parties including the Applicant. According to the Evaluation report on page 6 “the content of all the bids were read out to the bidders’ satisfaction in the presence of GPPA officers”.

There were six bidders in total thus:

- Touba Enterprise (Touba)
- Samar’t Gambia (SG)
- Sayer Jobe Enterprise (SJE)
- Tendougal Enterprise (TE)
- Comfort Quality Service (CQS) and
- Fayline Limited (FL)

One of the aforementioned bidders was disqualified because of the non-conformance with the 2% bid security. Another bidder’s bid form was not signed as a result of which the Procuring Organization was right to eliminate them from the evaluation process. This board has held in its earlier decision in **KPMG/Accord Associates v Integrated Financial Management Information System Additional Financing II project (IFMIS-AF 2)** that a person's signature, written names or mark on a document, not under seal, signifies the authentication of that document that such a person holds himself out as bound or responsible for the contents of the same.

The Challenge

Be that as it may, the Applicant challenged the procurement on the grounds that they have thoroughly completed the Schedule of Requirements under the Combined Technical Specifications and Bid Compliance as a consequence of which the Board should review their submission thoroughly - together with the 30 license plates that they have submitted; which includes all of their capability and clearly demonstrates the required security features identified in the bid specification document.

The Reply to the challenge

The Procuring Organization’s reply to the challenge is that it rejected the Applicant’s bid on the grounds that same did not provide samples of number plates with holographic stickers encrypted on it as well as sample stickers that are self-destructive and further on the basis

of the requirement that pursuant to section 2 of the ITB2.2(e), bidders must complete column 3 or the bid must be rejected.

The Findings

For the purposes of perspicuity, we have taken the liberty to reproduce the Combined Technical Specifications and Bid Compliance section of the Applicant's bid in the table below:

1	2	3
Item No.	Technical Specification of Item Required	Compliance of Technical specification of item offered
1	<p>Aluminum Long Plates</p> <p>- Self destructive holographic vehicle stickers with bar code that will contain history of vehicles. This bar code when scanned with smart phones of law enforcement officers should display details of vehicles ownership, drivers etc. The holographic stickers must be self-destructive and be impossible to be forged, where someone attempts forgery, the forged licenses disc will not be merge with the security features embedded in particulars of the vehicles number plate</p> <p>-It must be aluminum materials in the production of vehicles number plates, which has a long life span as opposed to the plastic</p>	<p>Aluminum number Plates</p> <p>SAMAR'T the parent company of SAMAR'T Gambia has been in operation since 1942 and is one of the world's largest manufacture of vehicles license number plates with production facilities in Spain, France, Germany, Morocco, Portugal, Belgium and India.</p> <p>SAMAR'T Aluminum number plates are fully compliant to the specifications and requirements of the Gambia Police force.</p> <p>Samar't manufactures number plates of different sizes ranging from 520, *111, 400, *130, 200 *170 with minimal thickness of 1.00mm for plates without bold frame and 0.90mm for plates with bold frames.</p> <p>The plate will be made of aluminum, [Al 99,5]or [Al 99,0] as defined by the European standard EN 485-2: 2008</p> <p>All corners are rounded to a radius of 10mm</p> <p>Plates are predrilled with four holes to easily attach the license plate's number to the vehicle.</p> <p>The outer surface will be coated in a light reflective material in a continuous manner without rift and cuts. The light reflective material will be pinned to the plate with adhesion by the manufacturer instructions.</p> <p>Pasting the light reflective will be sustainable, durable for bending, and the digits on it will be</p>

bolded by stamping of 1mm at least.

All Samar't number plates undergo rigorous testing such as

- Marking Durability test
- Photometric properties (Reflection).
- Extreme temperature testing
- Pounding resistance
- Bending Resistance
- Water Resistance
- Fuel Resistance

Security Features

Our proposed number plates will have several security features to ensure authenticity and minimize forgery attempts. Security features include:

- Self- destructive holographic stickers:** Special pattern following Guilloche rules, with four pentagons and letters describing "Republic of The Gambia" in red, blue and green colors.
- Watermarks:** Water marks with the sign of the Gambia and name of the Manufacturer print in holographic diffractive
- Coat of Arms:** Coat of Arms of the Gambia in normalized colors
- **Holographic Printing on Digits:** Embossed digits on the plates have holographic letters from the words "The Gambia" printed on them.

Unique Serial Numbers

Each number plate will be assigned a unique identification number. The Mark will be placed at the front of the number plate near the upper left corner, a distance that will be no longer than 35mm from the upper edge or side edge of the plate. The mark will include only 10 letters and numbers. Marking example 00001 D.T 01 97

In this mark: 00001- the serial number of the number plate

D.T –Department of transportation

01- Month of the Manufacturing

97- year of the manufacturing.

Barcodes: The unique serial number described above can be converted into a barcode or QR Code. The code can be scanned with specialized equipment to retrieve vehicle registration details from the custom designed

	<p>and develop number plates.</p> <p>Electronic License plate registration Database The License Number Plate Registration Database is a comprehensive and easy-to-use technology system to manage the license plate registration issuance process. The system enhances the existing manual process through automation, transforming it from paper-based process to an electronic automated process.</p>
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From the forgoing, it is manifestly apparent that the Applicant **did** complete section 3 of the Combined Technical Specifications and Bid Compliance. As a consequence, it appears to us **iniquitous and scandalously unreasonable that the Procuring Organization rejected the Applicant's bid on the grounds of non-compliance in this regard!**

On the issue of the non-submission of samples of number plates with a holographic sticker encrypted on it as well as a sample self-destructive sticker, the Board upon a microscopic perusal of the sample number plates submitted by the Applicant, more particularly the ones bearing the marks "Chile" and "IND" respectively, **we have found that the latter does contain a holographic sticker encrypted on it and the former - what we believe resembles a barcode. We have however not found a sample self-destructive sticker. However, we are of the view that this omission should not warrant a disqualification.**

Regarding the issue of barcode, the Applicant has in our view complied with this requirement as it has made representations in column 3 above to the effect that the unique serial number can be converted into a barcode or QR Code. It has further represented that the code can be scanned with specialized equipment to retrieve vehicle registration details from the custom designed and develop number plates.

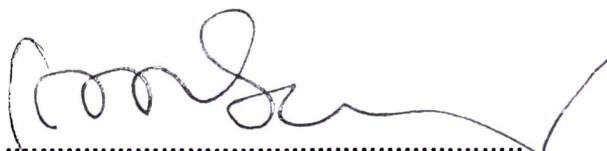
Before drawing the curtain on this decision, we wish to draw the Respondent's attention to the fact that the objective of **The Gambia Public Procurement Act, 2014 (the Act)** as espoused in section 3(a) thereof, is to provide for a system for ensuring transparent,

efficient and economic public procurement. Also, we deem it imperative to lay particular emphasis on the fact that the integrity of Public Funds must at all times be protected. X Conclusion

It is the premise of the forgoing, that we find no evidence in support of the grounds upon which the Respondent procuring organization disqualified the Applicant's bid and accordingly we overturn same pursuant to Section 55(6)(C) of the Act. As a consequence, and by virtue of Section 55(6)(i) of the Act the Respondent is required to evaluate the Applicant's financial bid on its merits.

This is the unanimous decision of the board.

The parties are to bear their own costs.



HON. MRS. JUSTICE AMINA S. CEESAY
CHAIRPERSON

ISSUED AT BANJUL UNDER THE SEAL OF THE BOARD AND THE HAND OF THE CHAIRPERSON ON
THE DAY OF 15/03/2019



SECRETARY