

## **SECONDARY**

### **REFORMS**

#### **MINISTRY OF EDUCATION AND HUMAN RESOURCES, TERTIARY EDUCATION AND SCIENTIFIC RESEARCH- DATA COMMUNICATIONS LTD- CONTRACT**

**(23/10/2018)**

#### **MINISTRY OF EDUCATION AND HUMAN RESOURCES, TERTIARY EDUCATION AND SCIENTIFIC RESEARCH - DATA COMMUNICATIONS LTD – CONTRACT**

**(No. B/893) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Court case lodged by her Ministry against Data Communications Ltd, she will state where matters stand, indicating if the Rs20 m. which was paid to the said company has been recouped as at to date and, if so, when and, if not, why not.

**Mrs Dookun-Luchoomun:** Madam Speaker, in reply to PQ B/835 of November 2015, I had informed the House that following the advice tendered by the Attorney General's Office, the contract with Data Communications Ltd for the supply of 23,400 digital tablets in respect of Form IV students in 2014 was terminated by my Ministry for failure of the contractor to deliver the number of tablets requested by the prescribed delivery time as well as for failure to extend its bank guarantee and performance security.

My Ministry accordingly requested Data Communications Ltd to refund the amount of Rs21,700,224 representing advanced payment, 20% of the contract value, and Rs10,850,112 representing performance security respectively.

My Ministry requested DCL by way of reminders dated 24 July, 10 September and 05 October 2015 to refund its advance payment and the performance security, but to no avail. Consequently, no refunds were made for the sums of 21.7 million and 10.85 million mentioned before.

On 04 February 2016, in view of the breach of contract by DCL, the Ministry made a request to the Procurement Policy Office for debarment of DCL for a period of five years according to Regulation 3 (d) of the Public Procurement Regulations 2009.

In March 2016, the Attorney General's Office was requested to initiate legal proceeding against DCL with a view of recouping these sums. Over and above the refund of these sums, my Ministry also made a claim for damages against DCL such that the total sum which my Ministry is claiming amounts to Rs141.2 m. The matter is being pursued by the Attorney General's Office.

**Mr Osman Mahomed:** Yes, thank you, Madam Speaker. This matter was also discussed in B/420 of mine sometime this year following which the Director of Data Communications Ltd went onto the air and said that the Ministry has withdrawn the case in Court against him. Is that a fact hon. Minister?

**Mrs Dookun-Luchoomun:** Madam Speaker, this is not true. What has happened is that we have already, on two occasions, asked the Attorney General's Office and the SLO to proceed with the claims to be made on this year.

**Mr Osman Mahomed:** Can I ask the hon. Minister whether following the problems that the Ministry has encountered with Data Communications Ltd, the Ministry of Education has issued any other contract to DCL, either directly through her Ministry or through some other Ministries?

**Mrs Dookun-Luchoomun:** The Ministry of Education has not given any other contract to DCL. I cannot talk about other Ministries but the Ministry of Education has not given any contract to DCL.

**Mr Ramful:** May I know from the hon. Minister at the time we are speaking now, is there any case in Court against the company?

**Mrs Dookun-Luchoomun:** I have just mentioned, Madam Speaker, that – I'll just give you the date – in March 2016 and on 27 September 2016, the Ministry wrote to the Solicitor General's Office to initiate legal action to claim the total amount of Rs141.2 m.

**Mr Osman Mahomed:** Can I take it hon. Minister that, therefore, there is no case in Court against DCL?

**Mrs Dookun-Luchoomun:** Madam Speaker, I have just mentioned that the Attorney General's Office is proceeding with the claims to be made against this year and there will obviously be a Court case on DCL.