

MALAYSIA COMPETITION COMMISSION MAKES PROPOSED DECISION AGAINST EIGHT ENTERPRISES IN THIRD BID RIGGING CASE

6 May 2024



The Malaysia Competition Commission (“**MyCC**”) continues to pursue one of its avowed enforcement priorities in targeting bid rigging cartels by making a Proposed Decision on the third bid rigging case since 2019. Government procurements continued to be the sector of focus.

The MyCC announced in a news release on 23 April 2024¹ that it has made a Proposed Decision on 16 April 2024 against eight enterprises for infringing section 4 of the Competition Act 2010 (“**CA 2010**”) by engaging in acts of bid rigging in 2019 in respect of two tenders of the Public Works Department (JKR) and one tender of the Department of Drainage and Irrigation (JPS). According to the MyCC, the three tenders involving the provision of services for construction works for roads and flood mitigation systems are worth approximately RM473 million.

MyCC said that its investigations implicated six of the enterprises in all three tenders, and one of the enterprises in both JKR tenders, whilst another enterprise was implicated in one of the two JKR tenders. The MyCC provisionally found that the enterprises had colluded in bid rigging through the sharing of information and coordination of their participation in the subject tenders.

The MyCC stressed that its findings are provisional and it should not be concluded at this juncture that any enterprise has conclusively infringed the CA 2010. The eight enterprises have been informed by the MyCC of the Proposed Decision and the proposed penalties. The enterprises will be given the opportunity to submit their written representations within 30 days after receiving the Proposed Decision and to make oral representations thereafter. The MyCC will issue its Final Decision after considering the representations by the enterprises as against evidence gathered from the investigation.

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¹ The MyCC’s news release dated 23 April 2024 can be read [here](#). The MyCC does not publish Proposed Decisions on its website.



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