

REPUBLIC OF RWANDA



RWANDA PUBLIC PROCUREMENT AUTHORITY (RPPA)

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Kigali, on **19 Sep 2014**
N°010/2014-1221/RPPA

THE CHIEF BUDGET MANAGER
(ALL)

Dear Sir/Madam,

RE: CHALLENGE IN APPLICATION OF ARTICLE 47 OF THE MINISTERIAL ORDER N°001/14/10/TC OF 19/02/2014 ESTABLISHING REGULATIONS ON PUBLIC PROCUREMENT, STANDARD BIDDING DOCUMENTS AND STANDARD CONTRACTS

We would like to inform you of the challenge we identified in regard with the application of article 47 of the Ministerial Order N°001/14/10/TC of 19/02/2014 establishing regulations on public procurement, Standard Bidding Documents and standard contracts.

The article provides that *"subject to provisions of the law on public procurement, when the procuring entity realizes that additional activities to the initial contract exceed twenty percent (20%) of the value of the initial contract and believes that for technical and/or accountability reasons they should not be separated from the executed part, the entity shall seek for no objection from Rwanda Public Procurement Authority (RPPA) in order to award the additional part."*

Now, the challenge is that; article 56, paragraph one, sub paragraph 4, of the Law N°12/2007 of 27/03/2007 on public procurement as modified and completed to date provides that *"...there are additional activities that cannot be technically separated from initial tender. The value of such activities shall not exceed twenty percent (20%) of the initial tender and shall be subject to an amendment to the contract."*

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Because the Ministerial Order cannot contradict the Law, we therefore notify you that when a procuring entity needs inevitably to award additional activities whose value exceeds twenty percent (20%) of the value of the initial contract, it shall base on article 23 *bis* of the same Law N°12/2007 of 27/03/2007 and request RPPA for authorization to award the additional activities to the initial contractor without competition. In that case, provisions of articles 38 and 39 of the above mentioned Ministerial Order shall apply.

Sincerely Yours


SEMINEGA Augustus
Director General