

DECISION N° 56/2011/NIRP ON THE TENDER N° 015/S/2010-2011 FOR DEVELOPMENT OF AN ONLINE STUDENT'S EVALUATION SYSTEM, TEACHING AND EXAMINATION TIMETABLES MANAGEMENT, WORKLOAD MANAGEMENT SYSTEM AND ACADEMIC TRANSCRIPT MANAGEMENT SYSTEM

COMPLAINANT : FILMAX WEB TECHNOLOGIES LTD
AGAINST : SCHOOL OF FINANCE AND BANKING (SFB)
COMPLAINT : APPEAL AGAINST TECHNICAL EVALUATION RESULTS

1. INTRODUCTION

Pursuant to the article 70 of the Law N° 12/2007 of 27/03/2007 on Public Procurement, the members of the National Independent Review Panel (NIRP), on 08th August 2011, discussed the appeal introduced by Filmax Web technologies Ltd contesting against the technical evaluation results on tender N° 015/S/2010-2011/SFB for development of an online student's evaluation system, teaching and examination timetables management, workload management system and academic transcript management system.

2. SUMMARY OF THE COMPLAINT

Filmax Web technologies Ltd is requesting NIRP to intervene and halt the financial opening of this tender until they are fully satisfied that their technical score issue is resolved.

3. SUMMARY OF FACTS

- On 21/07/2011, Filmax Web technologies Ltd received provisional notification of unsuccessful bid;
- On 28/07/2011, Filmax Web technologies Ltd reacted on the provisional results;
- On 01/08/2011, SFB responded to its concern;
- On 03/08/2011, Filmax Web technologies Ltd introduced the appeal to NIRP.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that SFB's tender committee arbitrarily awarded marks to the bidders. It has been analyzed as follows:

- The Company that was ranked first scored 45.7/50 yet it has one year of existence and the complainant was given 30/50 yet it has two years of existence;
- On the point of local participation, the first ranked Company scored 9.8/10 yet almost all the key staff seems to be foreigners and the complainant scored 10/10 yet, out six key staff three of them are nationals and the remaining three are having foreign nationality;
- No Company (neither the first ranked nor the complainant) had provided references of similar activities. The first ranked Company provided certificates of good completion from the Company that provided it with manufacturer authorization whereas the complainant submitted narrative description of activities carried out in different Public and non Public Institutions;
- It has also been observed that SFB gave Filmax Web technologies Ltd provisional notification of unsuccessful bid on technical ground yet it scored above 70% (the minimum required results to pass to financial evaluation);
- It was further observed that none of the bid is responsive.

N.B: Every criterion was evaluated out of 100 (%) yet this is not the case.

5. COMMENTS

Always where technical and financial proposals are separate, bid security should be incorporated in financial proposal. This is because it is easy for the third party to know the other bidders financial stand.

6. DECISION BY THE NIRP

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NSENGIYUMVA Silas

Vice Chairman of NIRP

BUGINGO Emma-Marie

Member

KAZIMA Godfrey

Member

BATETA Jane

Member