

**DECISION N° 58/2011/NIRP ON TENDER OF « CONSTRUCTION DE LA SALLE POLYVALENTE DU DISTRICT RUSIZI »**

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**COMPLAINANT: DESIGNE AND CIVIL ENGINEERING ENTREPRISE “ECOBARUS Ltd”**

**AGAINST : RUSIZI DISTRICT**

**COMPLAINT : APPEAL AGAINST ITS DISQUALIFICATION**

## **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 August 18<sup>th</sup> 2011, discussed the appeal introduced by ECOBARUS Ltd contesting against the Rusizi District’s decision of disqualifying it.

## **2. SUMMARY OF THE COMPLAINT**

ECOBARUS Ltd is contesting against the decision of eliminating it because it did not fulfill the Bidding Document requirements.

## **3. SUMMARY OF FACTS**

- On 20/06/2011, ECOBARUS Ltd received provisional notification letter of unsuccessful bid from Rusizi District;
- On 27/06/2011, ECOBARUS Ltd lodged its initial appeal before Rusizi District;
- On 05/07/2011, Rusizi District responded to ECOBARUS’s appeal;
- On 08/07/2011, ECOBARUS Ltd lodged its appeal before the Rusizi Independent Review Panel;
- On 10/07/2011, ECOBARUS Ltd wrote to Rusizi Mayor showing how the Company’s rights have been violated;
- On 15/07/2011, Mayor of Rusizi District wrote to the District Independent Review Panel showing it the ECOBARUS’s appeal and his concern on the tender of constructing the District’s multipurpose hall;
- On 21/07/2011, Rusizi Independent Review Panel responded to ECOBARUS’s appeal;
- On 21/07/2011, ECOBARUS Ltd lodged its appeal to NIRP;
- On 03/08/2011, NIRP wrote a letter suspending the procurement proceedings and requested all documents that are related to that tender;
- On 11/08/2011, Rusizi District provided NIRP with the relevant documents.

## **4. OBSERVATIONS MADE BY THE PANEL MEMBERS**

NIRP members observed that:

- ECOBARUS Ltd was disqualified because its references are not convincing;
- The certificate of completion that was issued on 12<sup>th</sup> February 2011, by Mr. Rurangirwa Jean Baptiste upon the construction of his residential house that lasted for four (4) months, yet the company was registered on 16<sup>th</sup> December 2010 which implies that the works commenced before the company was registered.

## **5. COMMENT**

The reference of works issued before the company was registered cannot be considered.

## **6. DECISION BY THE NIRP**

Pursuant to article 70 of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP decides to dismiss the appeal lodged by ECOBARUS Ltd due to its failure to comply with the requirements of the bidding document.

**NSENGIYUMVA Silas**  
Vice President of NIRP

**KAZIMA Godfrey**  
Member

**BUGINGO Emma-Marie**  
Member

**BATETA Jane**  
Member