

DECISION N° 60/2011/NIRP ON THE TENDER N° 002/NO/2011/OB/NURC/MAY2011 FOR MAINTAINANCE OF NURC IT EQUIPMENTS AND OF NKUMBA PEACE CENTER

COMPLAINANT : YKM GROUP LIMITED
AGAINST : NATIONAL UNITY AND RECONCILIATION COMMISSION
“NURC”
COMPLAINT : APPEAL AGAINST THE DECISION OF THE TENDER AWARD

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 18th August 2011, discussed the appeal introduced by YKM GROUP LIMITED contesting the decision made on the award of the tender N° 002/NO/2011/OB/NURC/MAY2011 for maintenance of IT equipments for NURC and Nkumba Peace Center.

2. SUMMARY OF THE COMPLAINT

YKM GROUP LIMITED is claiming that the NURC awarded the stated tender to other bidders while it was the best qualified one. Therefore, the company is requesting for a review of the process of awarding the tender N° 002/NO/2011/OB/NURC/MAY2011 for maintenance of IT equipments for NURC and Nkumba Peace Center.

3. SUMMARY OF FACTS

- On 27/06/2011, NURC sent a provisional notification to all bidders and received by YKM GROUP LIMITED on 29/06/2011;
- On 06/07/2011, YKM GROUP LIMITED introduced the initial appeal before NURC;
- On 07/07/2011, NURC produced the response to this appeal and received by YKM Group Ltd on 08/07/2011;
- On 18/07/2011, YKM GROUP LIMITED introduced the appeal to NIRP;
- On 27/07/2011, NIRP wrote to NURC requesting for documents and suspending procurement proceedings;
- On 04/08/211, NURC provided NIRP with the requested documents.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

From 08/07/2011, the day on which YKM GROUP LIMITED received a response from NURC to the day (18/07/2011) which it introduced its appeal before NIRP, there is a

period of ten (10) days. From this, YKM GROUP LIMITED introduced its appeal after the required period was expired.

5. DECISION BY THE NIRP

Considering that YKM GROUP LIMITED did not respect the prescribed period of 7 days for introducing its appeal as stated for by the Law on public procurement;

Given the article 70 and 71 of the Law 12/2007 of 27th March 2007 on Public Procurement;

The NIRP decides to reject the appeal introduced by YKM GROUP LIMITED because of the appeal procedure's irregularity;

NSENGIYUMVA Silas

Vice Chairman of NIRP

BUGINGO Emma-Marie

Member

KAZIMA Godfrey

Member

BATETA Jane

Member