

DECISION N° 61/2011/NIRP ON TENDER OF N° 096/S/2010-Ir/MININFRA/AfBD/RPPA FOR THE PHASE II DAR ES SALAAM – ISAKA – KIGALI/KEZA – GITEGA – MUSONGATI RAILWAY PROJECT STUDY

COMPLAINANT: CPCS TRANSCOM INTERNATIONAL LIMITED

**AGAINST : MINISTRY OF INFRASTRUCTURE/ RWANDA PUBLIC
PROCUREMENT AUTHORITY**

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 18th 2011, discussed the appeal introduced by CPCS Transcom International Limited contesting against the Board of Directors resolution concerning technical proposal for consulting services of the above tender.

2. SUMMARY OF FACTS

- On 05/01/2011, CPCS Transcom International Limited received provisional notification for technical qualification;
- On 15/02/2011, RPPA wrote to CPCS Transcom International Limited requesting it to abide by the requirements of the Request for proposal as it had been request by the Rwanda Transport Development Agency (RTDA) and letter N° OITC.2/LT/AAA/2011/01/0013 from African Development Bank concerning the Resettlement Action Plan (RAP);
- On 16/02/2011, CPCS Transcom International Limited responded to RPPA’s letter of 15th /02/2011;
- On 07/06/2011, RPPA wrote to CPCS Transcom International Limited requesting it to extend its bid validity period for 90 days from its previous expiry date of 30th May 2011;
- 07/06/2011, CPCS Transcom International Limited responded to RPPA’s concern of bid validity period extension;
- On 27/07/2011, RPPA Board of Directors released a resolution informing CPCS Transcom International Limited that they did not obtain the required no- objection from the donor;
- On 02/08/2011, CPCS Transcom International Limited reacted on the RPPA board of Directorr’ resolution;
- On 10/08/2011, CPCS Transcom International Limited introduced its appeal before NIRP.

3. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that the agreement signed between Republic of Rwanda and African Development Fund (AfDB) provide that tender will be awarded in accordance with “*règles et procédures du fonds pour l’utilisation des consultants,*”

NIRP members observed that African Development Fund did not offer a non objection on technical evaluation.

DECISION BY THE NIRP

Based on the agreement signed between Republic of Rwanda and African Development Fund on 12th February 2010;

Pursuant to the provisions of article 3 Para. 2 of the Law N°12/2007 of 27/03/2007 on Public Procurement;

Further reference is made on the fact that African Development Fund did not give no objection on the technical evaluation report;

NIRP is not competent to take any decision.

NSENGIYUMVA Silas

Vice President of NIRP

KAZIMA Godfrey

Member

BUGINGO Emma-Marie

Member

BATETA Jane

Member