



**NATIONAL INDEPENDENT REVIEW PANEL (NIRP)
PUBLIC PROCUREMENT**

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**DECISION N°036 /2013/NIRP ON THE TENDER N° 32/01/REB/2012-2013, RELATED TO
THE TENDER OF SUPPLY OF OFFICE CONSUMABLES ON A LONG TERM BASIS.**

COMPLAINANT : ACTEM
AGAINST : RWANDA EDUCATION BOARD (REB)
COMPLAINT : APPEAL AGAINST THE DECISION ON THE TENDER AWARD

1. INTRODUCTION

Pursuant to the article 70 of the Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, the members of the National Independent Review Panel (NIRP), on 29/04/2013 analyzed the appeal introduced by ACTEM contesting the decision on the tender mentioned above.

2. SUMMARY OF THE COMPLAINT

ACTEM is contesting the REB decision to disqualify its bid because it was submitted late but it was received and opened after permission by other bidders.

3. SUMMARY OF FACTS

- On 15/02/2013, REB advertised the tender;
- On 15/03/2013, Bids were opened;
- On 09/04/2013, ACTEM received the provisional notification letter;
- On 10/04/2013: ACTEM introduced the initial appeal before REB;
- On 17/04/2013 : REB sent the response to ACTEM's initial appeal;
- On 22/04/2013, NIRP received the appeal from ACTEM;
- On 23/04/2013, NIRP requested REB to suspend procurement process and submit all documents related to this tender;
- On 25/04/2013, REB submitted the requested documents to NIRP.



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4. OBSERVATIONS BY THE PANEL MEMBERS

Basing on the documents received, NIRP members observed the following:

- The complainant letter expressed itself that ACTEM came late for submission of its bid;
- The bid of ACTEM is not registered;
- ACTEM is not in the summary of the bid opening report.

DECISION BY THE PANEL MEMBERS

Given the article 32 of the Law 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, a tender must be submitted before the deadline for submitting;

Pursuant to the article 70 of the Law 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date; NIRP members decide to dismiss the appeal introduced by ACTEM because it is baseless.



NSENGIYUMVA Silas
Vice Chairman of NIRP



BUGINGO Emma Marie
Member



KAZIMA Godfrey
Member



BATETA Jane
Member