



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

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**DECISION N° 034/2013/NIRP ON TENDER N°059/S/2012-N/CORP/RTDA FOR LOT 3: HIRING OF PRIVATE TRANSPORTATION FOR DOMESTIC BUSINESS TRAVEL (TAXIS);**

**COMPLAINANT : COOPERATIVE DE TAXI MEN-VOITURES KACYIRU (COTAVOKA)**  
**AGAINST : RWANDA TRANSPORT DEVELOPMENT AGENCY (RTDA)**  
**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, the members of the National Independent Review Panel (NIRP), on 10/04/2013 analysed the appeal introduced by COTAVOKA contesting the decision taken on the above tender.

**2. SUMMARY OF THE COMPLAINT**

COTAVOKA is contesting the RTDA decision to award the tender to GASABO TRAVEL AND SPARE PARTS AGENCY because it provided price excluding all taxes. In addition, COTAVOKA stated that GASABO TRAVEL AND SPARE PARTS AGENCY does not fulfil all requirements of the tender document.

**3. SUMMARY OF FACTS**

- On 04/11/2012, RTDA advertised the tender;
- On 04/12/2012, Bids were opened;
- On 21/02/2013, RTDA sent the provisional notification letter to all bidders;
- On 27/02/2013, GASABO TRAVEL AND SPARE PARTS AGENCY introduced initial appeal to the RTDA;



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- On 04/03/2013, RTDA tender committee met to analyse the initial appeal and concluded to provisional award this tender to GASABO TRAVEL AND SPARE PARTS AGENCY;
- On 08/03/2013, RTDA sent the provisional notification letter to all bidders informing the new provisional successful bidder;
- On 13/03/2013, COTAVOKA introduced initial appeal to the RTDA;
- On 21/03/2013, COTAVOKA received the RTDA response to its initial appeal;
- On 26/03/2013, COTAVOKA introduced the appeal to NIRP;
- On 28/03/2013, NIRP requested RTDA to suspend procurement process and submit all documents related to this tender;
- On 09/04/2013, RTDA submitted the requested documents to NIRP.

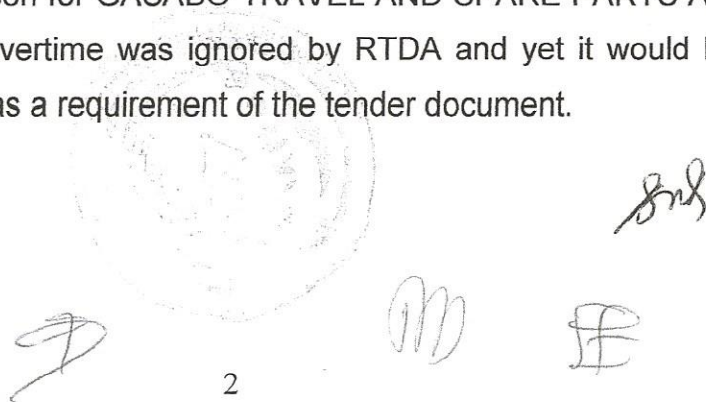
#### **4. OBSERVATIONS BY THE PANEL MEMBERS**

- The Section I, instructions to bidders, presents a form of price schedule where it is indicated the "Total Price All Taxes inclusive (Per day and per car and an overtime price per hour)" (Page 28 of the tender document);
- The Bid of GASABO TRAVEL AND SPARE PARTS AGENCY offered a unit Price of 29,500 Rwf per car and per day, but not provided a price for overtime;
- The Bid of COTAVOKA offered a unit Price all taxes inclusive of 30,000 Rwf per car and per day and 3,900 Rwf per hour of overtime ;
- After receiving the provisional notification, GASABO TRAVEL AND SPARE PARTS AGENCY introduced the initial appeal explaining that its price comprises all taxes.

#### **5. COMMENTS BY THE PANEL MEMBERS**

NIRP members do agree with RTDA's consideration of the unit price proposed by GASABO TRAVEL AND SPARE PARTS AGENCY includes all taxes;

NIRP observed that the reason for GASABO TRAVEL AND SPARE PARTS AGENCY not quoting price per hour for overtime was ignored by RTDA and yet it would be basis for disqualification because it was a requirement of the tender document.



## 6. DECISION BY THE PANEL MEMBERS

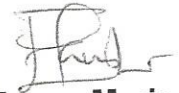
Basing on the above background and comments;

Given the article 71, para 1, 3<sup>o</sup> of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members nullify the decision taken by RTDA and recommend to disqualify GASABO TRAVEL AND SPARE PARTS AGENCY because its financial offer is not responsive;

Pursuant to article 71 para 1, 4<sup>o</sup> of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members order to award this tender to COTAVOKA because it is the lowest responsive bidder.



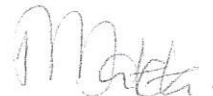
**NSENGIYUMVA Silas**  
Vice Chairman of NIRP



**BUGINGO Emma Marie**  
Member



**KAZIMA Godfrey**  
Member



**BATETA Jane**  
Member