



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

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DECISION N° 047/2013/NIRP ON THE TENDER N° 1.11/1932/012/JJMM/H.Q regarding the provision of cleaning services at RAB HEADQUARTERS (LOT1) and cleaning services at RAB HATCHERY & ANIMAL RESOURCES EXTENSION-RUBIRIZI (LOT2)

**COMPLAINANT : ECOGENERAL SERVICES
AGAINST : RAB
COMPLAINT : APPEAL AGAINST THE DECISION ON THE TENDER AWARD**

1. INTRODUCTION

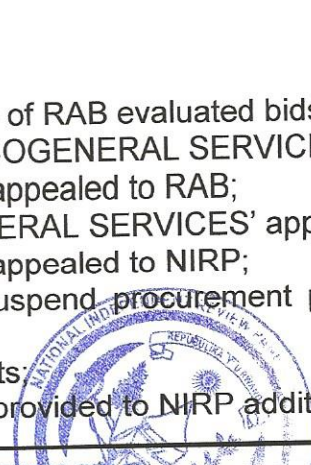
Pursuant to the article 70 of the Law N°12/2007 of 27/03/2007 on public procurement as modified and completed to date, on 17/06/2013 members of the National Independent Review Panel (NIRP) analysed the appeal introduced by ECOGENERAL SERVICES against the decision on the award of the tender mentioned above.

2. SUMMARY OF THE COMPLAINT

RAB notified ECOGENERAL SERVICES that its bid was not successful because it did not quote for 5 workers tasked with photocopying and supervision services while it was a requirement in the bidding document. ECOGENERAL SERVICES complained that it had fulfilled the requirement and requested RAB to review its tender award decision. After the appeal to RAB was not successful, ECOGENERAL SERVICES appealed to the NIRP requesting for the review of the tender award decision.

3. SUMMARY OF FACTS

- On 02/03/2013, RAB advertised the tender;
- On 03/04/2013, RAB opened Bids;
- From 16 to 17/04/2013; the tender committee of RAB evaluated bids;
- On 06/05/2013, RAB provisionally notified ECOGENERAL SERVICES;
- On 08/05/2013, ECOGENERAL SERVICES appealed to RAB;
- On 15/05/2013, RAB responded to ECOGENERAL SERVICES' appeal;
- On 15/05/2013, ECOGENERAL SERVICES appealed to NIRP;
- On 17/05/2013, NIRP requested RAB to suspend procurement process and to submit all documents regarding the tender;
- On 21/05/2015, RAB submitted the documents;
- On 30/05/2013, ECOGENERAL SERVICES provided to NIRP additional information.



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4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- During the technical evaluation of bids (for lot I) the Tender Committee commented that ECOGENERAL SERVICES gave a total price without showing details of works it quoted for. However, the Tender Committee decided that the deviation was minor and allowed ECOGENERAL SERVICES to pass;
- During the technical evaluation of bids (lot II) the Tender Committee commented that ECOGENERAL SERVICES again gave a total price without showing details of works it quoted for, and did not quote for 5 workers tasked with photocopying and supervision services. The Tender Committee also commented that where ECOGENERAL SERVICES quoted for works they were different from those specified in the bidding document;
- The bidding document shows the list of tasks to be executed but did not specify the number of personnel required for each task which should be the basis of quoting prices. It only specifies a list of specialised workers for specific tasks for lot 2;
- The bidding document states in its part related to prices, line 2 from above of page 9, that prices should be filed in the table provided below. That table is not provided;
- The table containing tasks to be performed is not clear as regards the meaning of its second column of "urugero ku gikorwa".

5. COMMENTS BY THE PANEL MEMBERS

Members of the NIRP commented that the bidding document did not give enough information to allow a fair competition.

The criteria to evaluate and compare bids were not transparent as far as the calculation of prices is concerned. Some bidders quoted prices per task, others quoted prices per number of personnel.

6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

Pursuant to article 41, para 1, 7° of the Law N°05/2013 of 13/02/2013 on Public Procurement modifying and completing the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members order that the procurement proceedings be cancelled.


NSENGIYUMVA Silas
Vice Chairman of NIRP


KAZIMA Godfrey
Member


BUGINGO Emma Marie
Member