

REPUBLIC OF RWANDA



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

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**DECISION N° 55 /2012/ NIRP ON THE TENDER N° 01/OB/2012-2013/RCS
REGARDING THE SUPPLY OF FOODSTUFFS AND FIREWOOD FOR THE 1ST
QUARTER 2012-2013 .**

**COMPLAINANT : OMEGA
AGAINST : RWANDA CORRECTIONAL SERVICE
COMPLAINT : APPEAL AGAINST 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 23/07/2012 discussed the appeal introduced by OMEGA contesting the decision taken on the above tender.

2. SUMMARY OF THE COMPLAINT

OMEGA is claiming that the certified copy of RSSB provided in its offer is authentic one while the RWANDA CORRECTIONAL SERVICE argued that the certified copy of RSSB does not meet the requirements because it was certified before its issuance. OMEGA requested NIRP to re examine the decision above.

3. SUMMARY OF FACTS

- On 19/05/2012, RWANDA CORRECTIONAL SERVICE advertised the tender;
- On 18/06/2012, bids were publically opened;
- On 25/06/2012, RWANDA CORRECTIONAL SERVICE issued provisional notification letter to OMEGA;
- On 29/06/2012, OMEGA lodged its initial appeal before the RWANDA CORRECTIONAL SERVICE;
- On 06/07/2012, RWANDA CORRECTIONAL SERVICE responded to OMEGA's appeal;
- On 12/07/2012, NIRP received the appeal from OMEGA;



- On 13/07/2012, NIRP requested RWANDA CORRECTIONAL SERVICE to suspend procurement process and to submit all documents related to this tender;
- On 19/07/2012, RWANDA CORRECTIONAL SERVICE provided to NIRP the requested documents.

4. OBSERVATIONS BY THE PANEL MEMBERS

- The Tender document requires an original or a certified copy of the Social Security Certificate ;
- OMEGA provided a certified copy of the Social Security Certificate that was issued on 24/04/2012 but certified on 10/04/2012, {fourteen days (14) before it was issued} ;
- The Tender committee of RWANDA CORRECTIONAL SERVICE eliminated OMEGA because the copy of Certificate of Clearance was certified before it was issued..

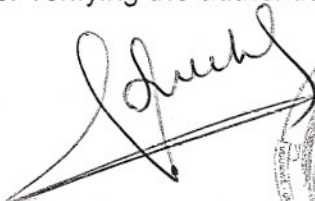
5. COMMENT BY THE PANEL MEMBERS

RWANDA CORRECTIONAL SERVICE Tender Committee should verify the Authenticity of the Certificate of Clearance issued by RSSB.

6. DECISION BY THE NIRP

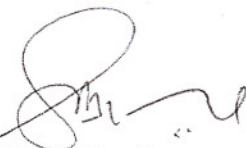
Basing on the above background and comment;


Pursuant to article 71 Para.1, 5° of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP orders re-evaluation of bids and consider OMEGA in the process after verifying the authenticity of the certificate from Rwanda Social Security Board.


NSENGIYUMVA Silas
 Vice Chairperson of NIRP



BUGINGO Emma-Marie
 Member


KAZIMA Godfrey
 Member


BATETA Jane
 Member