

DECISION N° 64/2011/NIRP ON TENDER N° RBC/CAMERWA, A CASE OF TENDER N° RBC/CAMERWA/DA/AON/N°40/2011 RELATED TO CLEANING SERVICES ADMINISTRATIVE AND WAREHOUSE BLOCS AND MANAGEMENT AS WELL AS MAINTENANCE OF THE RBC/CAMERWA PREMISES

COMPLAINANT : FIFO CO. LTD

AGAINST : RBC/CAMERWA
COMPLAINT : APPEAL AGAINST THE TENDER AWARD

1. INTRODUCTION

Pursuant to 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 22nd 2011, discussed the appeal introduced by **FIFO CO. Ltd** contesting against the RBC/CAMERWA’s decision of not awarding it the above tender yet it claims its bid to be the most responsive one.

2. SUMMARY OF THE COMPLAINT

FIFO CO. Ltd lodged an appeal against the RBC/CAMERWA’s decision of not awarding it the tender yet it claims to be the only Company complying with the provisions of bidding document.

3. SUMMARY OF FACTS

- On 17/06/2011, RBC/CAMERWA issued a provisional notification of tender loss to FIFO Co. Ltd on technical ground;
- On 17/06/2011, FIFO Co. Ltd lodged its initial appeal before RBC/CAMERWA;

- On 20/06/2011, RBC/CAMERWA responded to FIFO Co. Ltd taking into consideration its concern and received by FIFO Co. Ltd on 28/06/2011;
- On 20/06/2011, RBC/CAMERWA sent notification letter of technical results and received by FIFO Co. Ltd on 28/06/2011;
- On 28/06/2011, FIFO Co. Ltd reacted on technical results;
- On 08/07/2011, RBC/CAMERWA responded to FIFO Co. Ltd reaction;
- On 13/07/2011, FIFO Co. Ltd received provisional notification of tender loss of combined technical and financial scores;
- On 19/07/2011, FIFO Co. Ltd reacted on the combined results;
- On 03/08/2011, RBC/CAMERWA responded to FIFO's reaction;
- On 09/08/2011, FIFO lodged its appeal before NIRP;
- On 12/08/2011, NIRP wrote to RBC/CAMERWA suspending procurement proceedings and requesting for documents;
- On 19/08/2011, RBC/CAMERWA provided NIRP with the documents.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that FIFO Co. Ltd in its offer proposed UWIMANA Night as site supervisor, but provided Curriculum Vitae and Diploma certificate for UWIMANA Appolinalie:

5. DECISION BY THE NIRP

Pursuant to article 70 of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP decides to dismiss the appeal lodged by FIFO Co. Ltd because it is baseless.

NSENGIYUMVA Silas

Vice Chairman NIRP

BUGINGO Emma-Marie

Member

KAZIMA Godfrey

Member

BATETA Jane

Member