



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

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**DECISION N° 75/2011/NIRP ON TENDER N° 011/S/2011/MININFRA/RPPA FOR  
TRANSPORT SERVICES OF CIVIL SERVANTS**

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**COMPLAINANT: SGES / ATT**  
**AGAINST : MINISTRY OF INFRASTRUCTURE (MININFRA)**  
**COMPLAINT : APPEAL AGAINST THE DECISION TAKEN BY MININFRA ON 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 October, 24<sup>th</sup> 2011, discussed the appeal introduced by SGES / ATT complaining about the decision taken by the MINISTRY OF INFRASTRUCTURE (MININFRA) of cancelling the decision taken by the RPPA awarding us the said tender.

**2. SUMMARY OF THE COMPLAINT**

**SGES / ATT** is contesting about the decision taken by MININFRA on the above tender of cancelling the decision taken by the RPPA of awarding it the said tender.

**3. SUMMARY OF FACTS**

- On 26/05/2011, the MININFRA sent the provisional notification to all bidders;
- On 07/07/2011, the MININFRA sent the final notification to all bidders;
- On 22/08/2011, the MININFRA requested to SGES / ATT the proof of ownership of 15 vehicles in this tender;
- On 23/08/2011, SGES / ATT provided MININFRA with the sale contracts of having bought 15 vehicles;
- On 31/08/2011, the MININFRA requested to RPPA to take an appropriate decision because the SGES / ATT did not fulfilled the requirements of the tender document after the final notification;

- On 22/09/2011, RPPA Board of Directors passed a resolution awarding the lot 2 to the second evaluated bidder;
- On 28/09/2011, the SGES / ATT requested to MININFRA the reason for delay in signing the contract for this tender ;
- On 07/10/2011, the MININFRA sent the letter to Rwanda Tourism and Travel Agency (RTTA) as second lowest bidder to come for negotiation of the contract;
- On 10/10/2011, the SGES / ATT appealed before NIRP.

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

Based on the SGES / ATT's claim, their correspondences with MININFRA and RPPA Board of Directors Resolutions, NIRP members observed that:

- SGES / ATT provided sales contracts instead of registration certificates of owning 15 vehicles as provided by the tender document (see page 29, Point 8) and as requested in the MININFRA's final notification letter of 07/07/2011;
- There is no decision excluding SGES / ATT on lot 3.

#### **5. COMMENT**

Since there is no decision excluding SGES / ATT on lot 3, it still has right over that lot.

#### **6. DECISION BY THE NIRP**

Given the article 70 of the Law N° 12/2007 of 27<sup>th</sup> March 2007 on Public Procurement; NIRP decides to dismiss the appeal lodged by **SGES / ATT** on lot 2 because it is baseless;

**NSENGIYUMVA Silas**  
Vice Chairman NIRP

**BATETA Jane**  
Member

**KAZIMA Godfrey**  
Member

**BUGINGO Emma-Marie**  
Member