



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

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**DECISION N° 86/2011/NIRP ON THE TENDER N° CHUK 11/F/OB/22 RELATING TO THE  
“FOURNITURE ET L’INSTALLATION D’UNE CHAISE DENTAIRE AU CENTRE HOSPITALIER  
UNIVERSITAIRE DE KIGALI (CHUK)**

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**COMPLAINANT : KIPHARMA LTD**  
**AGAINST : CENTRE HOSPITALIER UNIVERSITAIRE DE KIGALI (CHUK)**  
**COMPLAINT : APPEAL AGAINST THE DECISION OF 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 18<sup>th</sup> November 2011, discussed the appeal introduced by KIPHARMA LTD contesting the decision taken by CHUK of not awarding it a tender yet it met all requirements.

**2. SUMMARY OF THE COMPLAINT**

KIPHARMA LTD is claiming that CHUK did not award it a tender it instead awarded it to the company whose offer is almost three times expensive than its offer.

**3. SUMMARY OF FACTS**

- On 14/09/2011, CHUK sent a provisional notification to KIPHARMA LTD;
- On 20/09/2011, CHUK received the initial appeal introduced by KIPHARMA LTD;
- On 06/10/2011, CHUK responded to KIPHARMA LTD’s concern;
- On 07/10/2011, KIPHARMA LTD reacted on CHUK’s response of 06/10/2011;

- On 18/10/2011, CHUK released final results for the bids evaluation;
- On 21/10/2011, KIPHARMA LTD lodged its appeal before NIRP;
- On 01/11/2011, NIRP wrote to CHUK requesting for documents and suspending procurement proceedings;
- On 04/11/2011, CHUK provided NIRP with the requested documents.

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

KIPHARMA LTD did the initial appeal to CHUK on 20/09/2011, considering the provision of the art 69 of the law No12/2001 of 27<sup>th</sup> March 2007 on Public Procurement, the response from CHUK was supposed to be received not later than 27/09/2011. From 27/09/2011, KIPHARMA LTD had seven days to appeal before NIRP i.e not later than 04/10/2011.

KIPHARMA's appeal was received by NIRP on 21/10/2011, from this, it is evident that it delayed to appeal.

#### **5. DECISION BY THE NIRP**

Considering that KIPHARMA LTD did not respect the prescribed period of 7 days for introducing its appeal as stated by the Law on public procurement;

Given the article 69 Para. 3 of the Law 12/2007 of 27<sup>th</sup> March 2007 on Public Procurement;

The NIRP decides to reject the appeal introduced by KIPHARMA LTD because of the appeal procedure's irregularity.

**NSENGIYUMVA Silas**  
Vice Chairman NIRP

**BUGINGO Emma-Marie**  
Member

**KAZIMA Godfrey**  
Member

**BATETA Jane**  
Member