



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

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**DECISION N° 89/2011/NIRP ON THE TENDER N°010/S/ISAE/11-12 “RYO GUKORA
ISUKU MURI ISAE BUSOGO NA RUBILIZI”**

COMPLAINANT : KIGALI PROFESSIONAL CLEANERS
AGAINST : ISAE BUSOGO
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 21st November 2011, discussed the appeal introduced by Kigali Professional Cleaners contesting the decision taken by ISAE Busogo of not awarding it the above tender.

2. SUMMARY OF THE COMPLAINT

Kigali Professional Cleaners is claiming that ISAE Busogo favored one the bidder during bids opening session that mixed both technical and financial offers yet the bidding document requested separate offers.

3. SUMMARY OF FACTS

- On 02/11/2011, ISAE Busogo responded to Kigali Professional Cleaners' complaint;
- On 09/11/2011, Kigali Professional Cleaners introduced its appeal to NIRP.

4. OBSERVATIONS BY THE PANEL MEMBERS

Kigali Professional Cleaners did not pay appeal fees and failed to provide the panel with the correspondences it had with the procuring entity.

5. DECISION BY THE NIRP

Considering that Kigali Professional Cleaners did not pay the required appeal fees;

Given the article 34 of the Ministerial Order N° 001/08/10/MIN of 15/01/2008 establishing Regulations on Public Procurement and Standards Bidding Document;

The NIRP decides to reject the appeal introduced by Kigali Professional Cleaners because of the appeal procedure's irregularity.

NSENGIYUMVA Silas
Vice Chairman of NIRP

KAZIMA Godfrey
Member

BUGINGO Emma-Marie
Member

BATETA Jane
Member