

REPUBLIC OF RWANDA



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

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Kigali, on 31 AOUT 2015

N° 010/2015-108/NIRP

**THE GOVERNOR OF NATIONAL BANK OF RWANDA**

Dear Sir,



SUBJECT: TRANSMISSION OF THE DECISION

Pursuant to article 70 of the Law N° 12/2007 of 27/03/ 2007 on Public Procurement as modified and complemented to date, find herewith attached, the decision of the National Independent Review Panel "NIRP" related to the appeal introduced by COMPUTERPOINT LTD contesting the decision taken on the tender N° 41/S/2014-2015/NOCB/IOCB/QCBS/BNR for Supply, installation and commissioning of an Enterprise data warehouse and Business Intelligence system to National Bank of Rwanda.

Sincerely,



**BUGINGO Emma Marie**  
Chairperson



**CC:**

- Director General of RPPA
- Manager of COMPUTERPOINT LTD



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**DECISION N° 029/2015/NIRP ON THE TENDER N° 41/S/2014-2015/NOCB/IOCB/QCBS/BNR  
FOR SUPPLY, INSTALLATION AND COMMISSIONING OF AN ENTERPRISE DATA  
WAREHOUSE AND BUSINESS INTELLIGENCE SYSTEM TO NATIONAL BANK OF RWANDA.**

**COMPLAINANT : COMPUTERPOINT LTD**

**AGAINST : NATIONAL BANK OF RWANDA (BNR)**

**COMPLAINT : APPEAL AGAINST THE DECISION FOR TENDER AWARD**

## 1. INTRODUCTION

Pursuant to the article 70 of the Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, members of the National Independent Review Panel (NIRP) analysed on 18 August 2015 the appeal introduced by COMPUTERPOINT LTD contesting the decision taken by BNR for the above tender.

## 2. SUMMARY OF THE COMPLAINT

COMPUTERPOINT LTD is contesting the BNR's decision. COMPUTERPOINT LTD was disqualified at technical level because they got 65.89% of technical score while the requested score to be qualified to the next step (Financial evaluation) is 80%.

## 3. SUMMARY OF FACTS

- On 13/01/2015, BNR advertised the tender;
- On 18/03/2015, Bids were opened;
- On 18/06/2015, The COMPUTERPOINT LTD received the provisional notification letter;
- On 22/06/2015, The COMPUTERPOINT LTD introduced the initial appeal to BNR;
- On 13/07/2015, The COMPUTERPOINT LTD received the response of the initial appeal;
- On 20/07/2015, NIRP received the appeal from the COMPUTERPOINT LTD;
- On 23/07/2015, NIRP requested BNR to suspend procurement process and submit all documents related to this tender;
- On 31/07/2015, BNR submitted the requested documents;





On 19/08/2015, NIRP informed both COMPUTERPOINT LTD and BNR that an additional time not exceeding 30 days will be required for an appropriate decision to be taken.

#### 4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

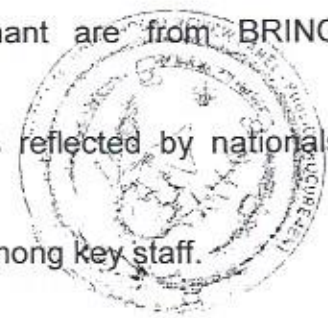
- BNR did not notify the main reasons of the low technical score obtained by COMPUTERPOINT LTD;
- The bid of COMPUTERPOINT LTD presented a Joint Venture (JV) Partner Information Form;
- The bid of COMPUTERPOINT LTD presented an agreement between COMPUTERPOINT LTD and BRING CONSULTING LTD, COMPUTERPOINT LTD as a Prime Contractor and BRING CONSULTING LTD as Sub contractor;
- The article 7, para 2,3,4 & 5 of the Law N°05/2013 of 13/02/2013 modifying and completing the Law N° 12/2007 of 27/03/2007 on Public Procurement stipulates that:  
*"Notwithstanding the regulations on competition, companies may form joint ventures to increase their capacity and competitiveness for tendering purposes.*

*Nonetheless, one of the companies shall lead the joint venture and serve as its representative in all activities under the tender. The bid shall be a single document bearing the name of the joint venture. One company shall not be allowed to participate in two different joint ventures in the same tender. No company shall also be allowed to submit a bid both on its behalf and as part of a joint venture for the same tender.*

*Companies participating in the joint venture shall be jointly and severally liable towards the procuring entity.*

*Under the joint venture, the lead company serving as the authorized representative of others in all the tender activities shall provide as part of their bid a written agreement confirming its representation and the scope of its powers";*

- The evaluation report awarded the technical scores as follows:
  - o (i) Systems. COMPUTERPOINT LTD got the score of **47,89/50**;
  - o (ii.1) "Specific relevant experience and expertise of the supplier to the assignment". COMPUTERPOINT LTD got the score of **0/20**;
  - o Adequacy of the proposed work plan and methodology in responding to the Technical specifications and the assignment. COMPUTERPOINT LTD got the score of **09/10**;
  - o (ii. 3) Staff qualifications and competence for the assignment. COMPUTERPOINT LTD got the score of **09/20**;
- Most of the staff presented in the bid of the complainant are from BRING CONSULTING LTD;
- The Request For Proposal requested Local participation (as reflected by nationals among staff presented by foreign and local bidders);
- The complainant's Proposal does not present the "Nationals" among key staff.
- The Technical Proposal of COMPUTERPOINT LTD presented:



- o Four Certificates of Good completion from BRING CONSULTING LTD similar of the tender service;
- o One Certificate of Good completion from COMPUTERPOINT LTD not similar of the tender service.

## 5. COMMENTS BY THE PANEL MEMBERS

BNR should have notified the complainant the main reasons for the low technical score (65.89%).

NIRP members found out that the Joint Venture does not fulfil the requirements of the Law since BRING CONSULTING LTD is a Sub contractor to COMPUTERPOINT LTD. Thus BRING CONSULTING LTD cannot be accountable before BNR yet each member of the JV should be jointly and severally liable towards the procuring entity.

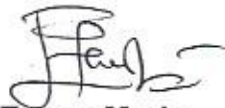
Therefore, certificates of good completion and key staff presented by BRING CONSULTING LTD are no responsive. Furthermore, no "National staff" presented in the Technical proposal of the complainant as per the Request For Proposal requirements.

The technical scores obtained by COMPUTERPOINT LTD on the references and key staffs criteria are justifiable.

## 6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, NIRP members dismiss the appeal introduced by COMPUTERPOINT LTD because it is unfounded.



**BUGINGO Emma Marie**  
Chairperson




**MUKANTABANA Crescence**  
Member




**KAYITESI Eugenia**  
Member



**SANGANO Yves**  
Member



**BIRANGWA Amri**  
Member