

REPUBLIC OF RWANDA



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

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**DECISION N° 013 /2013/NIRP ON TENDER N°019/ES/NCC/2012-2013 FOR "GUTWARA
ABAKOZI BA NCC MU MUJYI WA KIGALI**

COMPLAINANT : FETRA
AGAINST : NATIONAL COMMISSION FOR CHILDREN (NCC)
COMPLAINT : APPEAL AGAINST THE DECISION ON 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 16/01/2013 and 30/01/2013 analysed the appeal introduced by FETRA contesting the decision taken on the above tender.

2. SUMMARY OF THE COMPLAINT

FETRA is contesting the decision taken by NCC of awarding the tender to the provisional successful bidder because he does not have a certificate of domestic company registration issued by RDB.

3. SUMMARY OF FACTS

- On 12/10/2012, NCC advertised the tender;
- On 13/11/2012, Bids were opened;
- On 18/12/2012, FETRA received the provisional notification letter from NCC;
- On 24/12/2012, FETRA introduced the initial appeal before NCC;
- On 27/12/2012, FETRA received the NCC response on its initial appeal;
- On 02/01/2013, FETRA introduced the appeal to NIRP;



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- On 04/01/2013, NIRP requested NCC to suspend procurement process and to submit all documents related to this tender;
- On 10/01/2013, NCC submitted the requested documents to NIRP;
- On 30/01/2013, The Secretary of NIRP interviewed the provisional successful bidder.

4. OBSERVATION BY PANEL MEMBERS

- The tender notice specified that the eligible candidates for the tender are potential bidders or cooperatives;
- The provisional successful bidder is not registered by RDB;
- The provisional successful bidder does not have the "Autorisation de transport" issued by RURA;
- The vehicle proposed by the provisional successful bidder is not registered in his name.

5. COMMENT BY PANEL MEMBERS

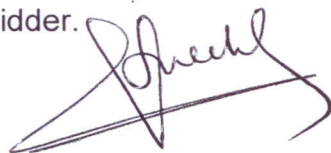
Failure to provide the certificate of domestic company registration issued by RDB or the "Autorisation de transport" issued by RURA, the provisional successful bidder missed the essential documents allowing him to bid for Public tenders.

6. DECISION BY PANEL MEMBERS

Basing on the above background and comment;

Considering article 71 para 1, 3^o of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members nullify the NCC decision;

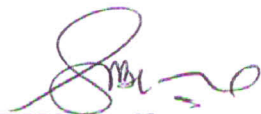
Pursuant to article 71 para 1, 4^o of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members order to award this tender to FETRA because it is the lowest responsive bidder.



NSENGIYUMVA Silas
Vice Chairman of NIRP




BUGINGO Emma Marie
Member



KAZIMA Godfrey
Member



BATETA Jane
Member