



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

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DECISION N° 41/2011/NIRP ON THE TENDER N° 002/SER/PSC/2011

COMPLAINANT : BERAHO Ignace (individual consultant)
AGAINST : Public Service Commission (PSC)
COMPLAINT : cancellation of the tender

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 13th June 2011, discussed the appeal introduced by BERAHO Ignace relating to the cancellation of the tender.

2. SUMMARY OF THE COMPLAINT

He is complaining about the PSC's decision of cancelling the tender he had won yet all procedural steps regarding tendering process have been respected as they were provided for in the Request for Proposal.

3. SUMMARY OF FACTS

- On 19th April 2011, BERAHO Ignace negotiated contract with PSC
- on 28th March 2011, PSC issued Provisional Award Notification;
- on 9th May 2011, he wrote to the PSC,s Executive Secretary asking the way forward after provisional award notification ;
- on 9th May 2011, PSC provided him with tender cancellation letter;
- on 10th May 2011, he reacted to PSC's decision
- on 24th May 2011, BERAHO Ignace lodged his complaint before NIRP

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

The members of the NIRP observed that BERAHO Ignace did not provide a copy of Trading Licence as it is provided for in Article 37 Para. 1, 8° of the Ministerial Order N° 001/08/10/min of 15/01/2008 establishing regulations on public procurement and standard bidding documents.

5. DECISION BY THE NIRP

Pursuant to Article 70 of the law N° 12/2007 of 27/03/2007 on Public Procurement, NIRP decides to reject the appeal lodged by BERAHO Ignace.

NSENGIYUMVA Silas

Vice Chairman of NIRP

BUGINGO Emma-Marie

Member

KAZIMA Godfrey

Member