

REPUBLIC OF RWANDA



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

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DECISION N° 11 /2014/NIRP ON THE TENDER N° 015/F/2013-2014/MOH FOR SUPPLY, INSTALL AND COMMISSION OF MEDICAL AND NON MEDICAL EQUIPMENT FOR 18 HEALTH CENTERS.

**COMPLAINANT : ECOMEM CO.LTD
AGAINST : MINISTRY OF HEALTH (MOH)
COMPLAINT : APPEAL AGAINST 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 as modified and completed to date, the members of the National Independent Review Panel (NIRP), on 11/12/2013 and 06/01/2014 analyzed the appeal introduced by ECOMEM CO.LTD contesting the decision taken on the above tender.

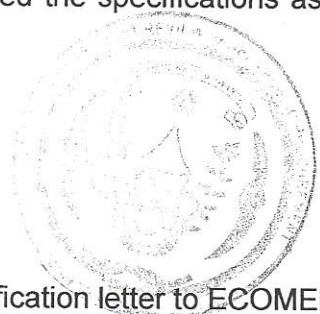
2. SUMMARY OF THE COMPLAINT

ECOMEM CO.LTD is contesting the MOH's decision disqualifying its bid, because the photo of the item 6.9 (Tables de chevet/Bed head table) doesn't show if the bed head table is foot stands mounted in soundless nozzles.

ECOMEM CO.LTD is arguing that its bid provided the specifications as per the tender document requirements.

3. SUMMARY OF FACTS

- On 29/08/2013, MOH advertised the tender;
- On 11/10/2013, bids were opened;
- On 07/11/2013, MOH wrote a provisional notification letter to ECOMEM CO.LTD;
- On 12/11/2013, MOH received initial appeal letter from ECOMEM CO.LTD;
- On 22/11/2013, ECOMEM CO.LTD reminded MOH about its initial appeal;
- On 26/11/2013, NIRP received the appeal from ECOMEM CO.LTD;
- On 28/11/2013, MOH responded to ECOMEM CO.LTD's initial appeal;



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- On 29/11/2013, MOH received the NIRP's request for suspension of the procurement process and submission of all documents related to this tender;
- On 03/12/2013, MOH submitted the requested documents.

4. OBSERVATIONS BY THE PANEL MEMBERS

- The technical specifications of the tender document, Lot 6 Non Medical equipment, Technical characteristic, 6.9. Tables de chevet/Bed head table, requires
 - o "Table made of steel tubing, with a superior tray and a metallic casing with shelves open at the front:
 - Finishing done with epoxy paint
 - Foot stands mounted on soundless nozzles.
 - o Approximate dimensions:
 - Total Height: 80 cm
 - Tray: 35 x 25 cm
 - Casing: 35 x 35 x 35 cm
- ECOMEM CO.LTD presents the Tables de chevet/Bed head table with following specifications:
 - o "Table made of steel tubing, with a superior tray and a metallic casing with shelves open at the front:
 - Finishing done with epoxy paint
 - Foot stands mounted on soundless.
 - o Approximate dimensions:
 - Total Height: 80 cm
 - Tray: 35 x 25 cm
 - Casing: 35 x 35 x 35 cm
- The bid of ECOMEM CO.LTD presents also a photo of the above Tables partially photographed: Its inferior part is not visible;
- The photos of items were not required by the tender document.

5. COMMENTS BY THE PANEL MEMBERS



Considering that the photos of items are not required by the tender document;

Given that ECOMEM CO.LTD presents the technical specifications of Tables de chevet/Bed complying with the tender document requirements;

NIRP members consider that ECOMEM CO.LTD fulfill the requirements of the item 6.9 "Tables de chevet/Bed". of Lot 6,

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6. DECISIONS BY THE PANEL MEMBER

Basing on the above background and comments;

Given the article 71 para 1, 3^o of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members nullify the decision taken by MOH.

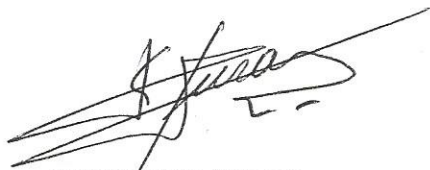
Pursuant to article 71, para 1, 2^o of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members order MOH to consider the bid of ECOMEM CO.LTD in the financial evaluation and award the tender to the responsive and lowest evaluated bidder.



BUGINGO Emma Marie
Chairperson of NIRP



BAGILIZINA Emmanuel
Vice Chairperson of NIRP



MUNYURA Pierre
Member



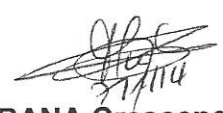
KAYITESI Eugenia
Member



SANGANO Yves
Member



BIRANGWA Amri
Member



MUKANTABANA Crescence
Member