

REPUBLIC OF RWANDA



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

KN 3 AV, 2 KIGALI/RWANDA
10th FLOOR, GRAND PENSION PLAZA
P. O .Box: 4276,
E-mail: rppa@rwanda1.com

DECISION N° 001/2013/NIRP ON THE TENDER N° 02/C.S MUG/2013 FOR CLEANING SERVICE

COMPLAINANT : ESPINA Ltd
AGAINST : HEALTH CENTER OF MUGINA
COMPLAINT : APPEAL AGAINST THE DECISION ON THE TENDER AWARD

1. INTRODUCTION

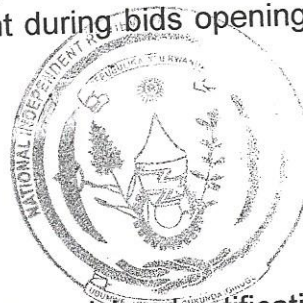
Pursuant to the article 70 of the Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, the members of the National Independent Review Panel (NIRP), on 05/12/2013 analyzed the appeal introduced by ESPINA contesting the decision on the tender mentioned above.

2. SUMMARY OF THE COMPLAINT

ESPINA is contesting the HEALTH CENTER OF MUGINA decision to disqualify its bid because the procedures governing the Public Procurement during bids opening were not followed.

3. SUMMARY OF FACTS

- On 06/11/2013, Bids were opened;
- On 07/11/2013, HEALTH CENTER OF MUGINA wrote a provisional notification letter to ESPINA;
- On 12/11/2013, HEALTH CENTER OF MUGINA received the initial appeal from ESPINA;
- On 13/11/2013, HEALTH CENTER OF MUGINA wrote a letter to all bidders informing them the results of evaluation;



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- On 13/11/2013, HEALTH CENTER OF MUGINA wrote a letter to ESPINA Ltd regarding the response to its initial appeal;
- On 22/11/13, NIRP received the appeal from ESPINA Ltd.

4. OBSERVATION BY THE PANEL MEMBERS

ESPINA Ltd did not lodge its appeal before the Independent Review Panel of KAMONYI DISTRICT.

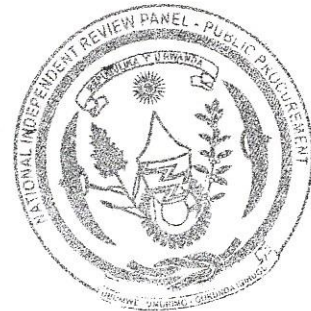
5. DECISION BY THE PANEL MEMBERS

Basing on the above background;


Given the article 14, para. 3, 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, the complainant failed to lodge its complaint before the Independent Review Panel of KAMONYI DISTRICT which is a required procedures for lodging a complain before the National Independent Review Panel.


Pursuant to article 70 of the Law 12/2007 of 27th March 2007 on Public Procurement, as modified and completed to date, NIRP members dismiss this appeal due to the breach of procedures.


BUGINGO Emma Marie
 Chairperson of NIRP





KAYITESI Eugenia
 Member


BAGILIZINA Emmanuel
 Vice Chairperson of NIRP


MUNYURA Pierre
 Member


SANGANO Yves
 Member


BIRANGWA Amri
 Member


MUKANTABANA Crescence
 Member