



**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° 021/2014/NIRP ON THE TENDER N° 2.00/036/S/N/2013-2014 FOR
CLEANING AND GARDENING OF RSSB BUILDINGS.**

**COMPLAINANT : FIFO COMPANY LTD
AGAINST : RWANDA SOCIAL SECURITY BOARD (RSSB)
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 17/02/2014 and 24/02/2014 analyzed the appeal introduced by FIFO COMPANY LTD contesting the decision on the tender award.

2. SUMMARY OF THE COMPLAINT

FIFO COMPANY LTD is contesting the RSSB's decision to disqualify its bid. RSSB disqualified the bid because the quality of the machine for cleaning glasses windows proposed by the complainant did not meet the standard required.

FIFO COMPANY LTD is arguing that RSSB did not specify the machine for cleaning glass windows in the tender document.

3. SUMMARY OF FACTS

- On 22/10/2013, RSSB advertised the tender;
- On 21/11/2013, Bids were opened;
- On 17/01/2014, FIFO COMPANY LTD received the provisional notification letter;
- On 21/01/2014, FIFO COMPANY LTD introduced the initial appeal before RSSB;
- On 30/01/2014, FIFO COMPANY LTD received the response of its initial appeal from RSSB;

Website: www.rppa.gov.rw

[Handwritten signatures and initials in blue ink]

- On 05/02/2014, NIRP received the appeal from FIFO COMPANY LTD;
- On 06/02/2014, RSSB submitted the documents of the tender for consultation.
- On 24/02/2014, NIRP members met the RSSB representatives for clarification.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- The tender document requested all bidders to demonstrate how outside windows and glasses of all levels of Headquarters Building will be cleaned during the contract execution (General conditions, Technical Evaluation Criteria, Page 102);
- The tender document does not neither mention the machine for cleaning glass windows nor specify the standards of the required machine;
- During demonstration on how the outside windows and glasses will be cleaned, bidders brought and used various equipment, some of them used only rope (as demonstrated in the RSSB video);
- The same video does not clearly show which bidder is demonstrating the cleaning services;
- The RSSB evaluation report has some contradictions with the tender document;
- The evaluation report at administrative level shows that the provisional successful bidder failed to provide a "Life or risk insurance supported by a contract" but does not comment about it;
- The same report indicates that: "The main challenge for all bidders was to demonstrate how to clean the glass windows and exterior part of the building". This meant that, all bidders were not well equipped". On the other hand, the report contradicts as it points out that: "The only bidder who had outstanding performance during the exterior cleaning demonstration was RWANDA GENERAL SUPPLY";

5. COMMENTS BY THE PANEL MEMBERS

Considering that RSSB does neither define the RSSB's expectation of the cleaning service related the glass windows nor specifies the machine to be used for that purpose, yet the equipment is the sole point of rejection of the FIFO COMPANY LTD's bid;

Considering that the evaluation process was not conducted in accordance with the tender document;

Considering that the criterion on "Life or risk insurance supported by a contract" as stipulated in the tender document yet was not given due attention in the evaluation report;

Given that the evaluation by RSSB based on the criteria not clearly set in the tender document;

Considering that the presentation of the product and machines to be used is the key point for evaluation which should be well specified in the tender document;

NIRP members recommend the cancellation and re-advertising of this tender.

Handwritten signatures and initials at the bottom of the page, including a large signature on the left, a circled mark, a checkmark, and other initials.

6. DECISION BY THE NIRP

Basing on the above background and comment;

Pursuant to article 71, para 1, 7° of the Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members order that the procurement proceedings be cancelled and recommend RSSB to re-advertise the tender after the review of the tender document.

BUGINGO Emma Marie
Chairperson

BAGILIZINA Emmanuel
Vice Chairperson



MUKANTABANA Crescence
Member

SANGANO Yves
Member

BIRANGWA Amri
Member

MUNYURA Pierre
Member