

REPUBLIC OF RWANDA



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

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Kigali, on 15 OCT. 2013
N° 010/2013- 226NIRP

**HONORABLE MINISTER OF FINANCE AND
ECONOMIC PLANNING**

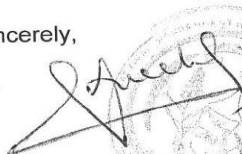

Honorable Minister,

SUBJECT: TRANSMISSION OF THE ANNUAL REPORT OF THE NATIONAL
INDEPENDENT REVIEW PANEL FOR THE FISCAL YEAR 2012-2013

Pursuant to article 44 of the Ministerial Order N°001/08/10/MIN of 15/01/2008
Establishing Regulations on Public Procurement and Standard Bidding Documents;

I would like to transmit to you the annual activity report of the National Independent
Review Panel for the fiscal year 2012-2013.

Sincerely,

NSENGIYUMVA Silas
Vice Chairman of the National Independent Review Panel



CC:

- Director General of RPPA

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LIST OF ABBREVIATIONS

1. BD	: Bidding Document
2. EWSA	: Energy Water and Sanitation Authority
3. FY	: Fiscal Year
4. GoR	: Government of Rwanda
5. ITB	: Instructions to Bidders
6. LTD	: Limited
7. IRP	: Independent Review Panel
8. MIDIMAR	: Ministry of Disaster Management and Refugees
9. MINECOFIN	: Ministry of Finance and Economic Planning
10. MINEDUC	: Ministry of Education
11. MINERENA	: Ministry of Natural Resources
12. MINAGRI	: Ministry of Agriculture and Animal Resources
13. MINISPOC	: Ministry of Sport and Culture/Rwanda Biomedical Center
14. MPDD/RBC	: Medical Procurement Distribution Division
15. NCC	: National Commission for Children
16. NAEB	: National Agriculture Export Development Board
17. NIRP	: National Independent Review Panel
18. SPIU/MOH	: Single Project Implementation Unit/Ministry of Health
19. PE	: Procuring Entity
20. RAB	: Rwanda Agriculture Board
21. REB	: Rwanda Education Board
22. RDRP	: Rwanda Demobilization and Reintegration Programme
23. RDB	: Rwanda Development Board
24. RFP	: Request For Proposal
25. RIAM	: Rwanda Institute of Administration and Management
26. RLDSF	: Rwanda Local Development Support Fund
27. RPPA	: Rwanda Public Procurement Authority
28. RNP	: Rwanda National Police
29. SFB	: School of Finance and Banking

INTRODUCTION

The National Independent Review Panel, "NIRP", is provided by the law N° 12/2007 of 27th March 2007 on Public Procurement as modified and completed to date. The panel has the role of receiving, and analyzing the appeals presented by different bidders. To be acceptable, an appeal has to clarify a specific act of omissions or commissions contravening the law and regulations on public procurement.

Within thirty days (30) from the receipt of the appeal, NIRP makes the decision on the received appeal in conformity with the aforementioned law and regulations. However, if the panel is unable to reach a decision within a thirty-day (30) period, it shall inform both the procuring entity and the complainant of the extra time which shall not go beyond thirty (30) days. The decisions thereof are transmitted to the concerned procuring entity and a copy is reserved to the bidder and any other interested organs.

1. APPEAL PROCESS

Pursuant to the article 70 of the Law on Public Procurement as modified and completed to date, within 7 days following the time the complainant became aware of the circumstances giving rise to the complaint, the complaint is addressed to NIRP and must be comprised of the following elements:

- The identification of the complainant: names, address, and telephone number;
- The identification of the procuring entity;
- The decision against what the review is requested for;
- Date on which the decision was taken and when the complainant was informed;
- The organ to which the review is addressed;
- The signature or thumb print of the applicant;
- The payment slip for the appeal fee;
- A copy of trading license.

When an appeal is introduced, the procurement process must be suspended until a decision is taken by the Panel. The documents which are consulted before making the decision are transmitted by the concerned procuring entity within five (5) days from the date on which the entity concerned received the NIRP's letter suspending procurement process and requesting documents for review or within three (3) days if the entity concerned by the review is located in City of Kigali.

Based on the Law and Regulations governing the public procurement, the Panel's decisions are taken either in favor of the applicant, in favor of the procuring entity, or the appeals are rejected due to the irregularity of appealing procedure.

2. ACTIVITIES OF THE NIRP DURING THE FISCAL YEAR 2012/2013 (July 2012 - June 2013)

During the financial year 2012/2013, NIRP received **87 dossiers** of appeals. The decisions were taken following the observations made during the analysis of different appeals lodged by different complainants.

Such analysis permitted Panel members to judge the appeals as admissible and founded, admissible and not founded, inadmissible, incompetent to take decision and procurement proceedings be terminated.

Among the **87 appeals** received **25** were admissible and founded among which 01 requested NIRP to reconsider its decision, 02 requested NIRP to review the RPPA decision for exclusion from participation in public procurement, and 02 are related to the contracts signed while the appeal process was ongoing; **46** were admissible and not founded among which 01 was a review again RPPA decision for exclusion from participation in public procurement, 01 requested NIRP to reconsider its decision and 01 related to the contracts signed while the appeal process was ongoing. In addition NIRP received **03** appeals qualified as inadmissible and **01** case regarding the review on the Cabinet's, while **07** were cancelled due to them, while **5** appeals were ongoing at the end of the fiscal year 2012-2013.

Twenty nine (29) decisions were taken within 15 days, **thirty five (35)** decisions were taken between 15 and 30 days and **eighteen 18** decisions were taken after 30 days following the request of extension period. Those last eighteen decisions needed more clarifications from procuring entities or complainants in order to facilitate NIRP members to take appropriate decisions.

The timely submission of requested documents for review to NIRP affected the time of concluding some decisions. This is evident where **45 %**; **41,93%**; and **48,50%** of Procuring Entities in the first term, second term and in the third term respectively, did not respect the prescribed period for transmitting the documents requested for review.

2.1. ADMISSIBLE AND FOUNDED APPEALS

To be judged admissible and founded, an appeal has to be introduced in accordance with the procedure of appeal provided for in article 69 of the Law N°12/2007 of 27th March 2007 on Public Procurement as modified and completed to date, and article 37 of the Ministerial Ordered N°001/08/10/MIN of 15/01/2008 establishing the Regulations on Public Procurement and Standard Bidding Documents.

If the appeal is against the Procuring Entity's decision that contravenes the law on Public procurement and its subject matter is sound, NIRP's decision is therefore taken in favor of the complainant.

2.2. ADMISSIBLE AND UNFOUNDED APPEALS

The complainants introduced their appeals taking into consideration the appeal's procedure but ignoring the basis of facts. Therefore, after analyzing the latter, Panel members decided to reject and dismiss appeals.

2.3. INADMISSIBLE APPEALS

For the appeals to be inadmissible, the complainant would have acted contrary to the provisions of article 69 of the law N°12/2007 of 27th March 2007 on Public Procurement as modified and completed to date, and article 37 of the Ministerial Ordered N°001/08/10/MIN of 15/01/2008 establishing the Regulations on Public Procurement and Standard Bidding Documents, while lodging his or her protest.

2.4. APPEALS REQUESTING NIRP TO RECONSIDER ITS DECISION

Procuring entity or complainant may request NIRP to reconsider its decision. In case there is extra information not taken into account during analysis by NIRP and raised by Procuring entity or complainant, NIRP members can reconsider its initial decision.

3. SUMMARY OF THE APPEALS ANALYZED DURING THE FY 2012-2013

The table below shows the number of appeals analyzed during the fiscal year 2012/2013; the details are in Annex 1:

DESIGNATION	NUMBER	PERCENTAGE
A. ADMISSIBLE AND FOUNDED APPEALS	25	30,48%
B. ADMISSIBLE AND UNFOUNDED APPEALS	46	57,32%
C. INADMISSIBLE APPEALS	3	3,65%
D. TERMINATION OF PROCUREMENT PROCEEDINGS	7	8,53%
E. REQUEST FOR REVIEW OF THE CABINET DECISION	1	1,22%
F. TOTAL	82	100%

- In addition, 5 appeals were received at the end of this fiscal year but they were analyzed in the next fiscal year 2013-2014.
- The above table shows that 46 out of 82 appeals analyzed, i.e. 57.32%, were dismissed because complaints lodged were unfounded, while 25 out of 82 appeals analyzed, i.e. 30,48 % of complaints lodged were founded.

4. COMPARATIVE ANALYSIS ON THE APPEALS ANALYZED FROM FY 2007 TO 2012-2013

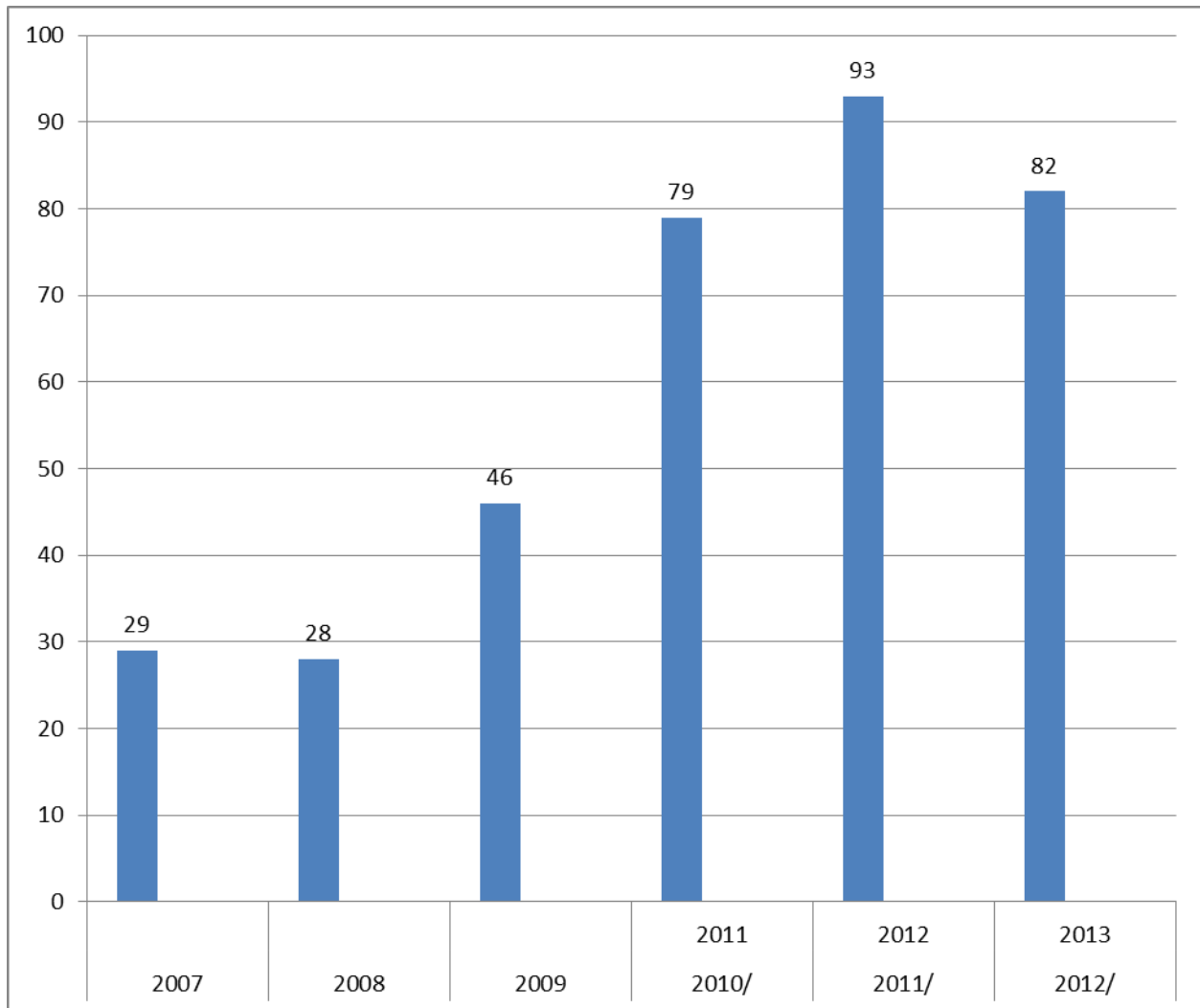
DESIGNATION	NUMBER OF APPEALS ANALYZED						PERCENTAGE					
	2007	2008	2009	2010/ 2011	2011/ 2012	2012/ 2013	2007	2008	2009	2010/ 2011	2011/ 2012	2012/ 2013
ADMISSIBLE AND FOUNDED APPEALS	9	11	17	12	26	25	31.03%	39.3%	36.95%	15.2%	27.95%	30,48%
ADMISSIBLE AND UNFOUNDED APPEALS	8	14	19	21	49	46	27.6%	50%	41.30%	26.6%	52.68%	57,32%
INADMISSIBLE APPEALS	12	3	10	46	15	3	41.38%	10.7%	21.73%	58.2%	16.12%	3,65%
TERMINATION OF PROCUREMENT PROCEEDINGS					3	7					3.22%	8,53%
APPEAL AGAINST THE CABINET'S DECISION					0	1					0.00%	1,22%
TOTAL	29	28	46	79	93	82	100%	100%	100%	100%	100%	100%

This table shows that:

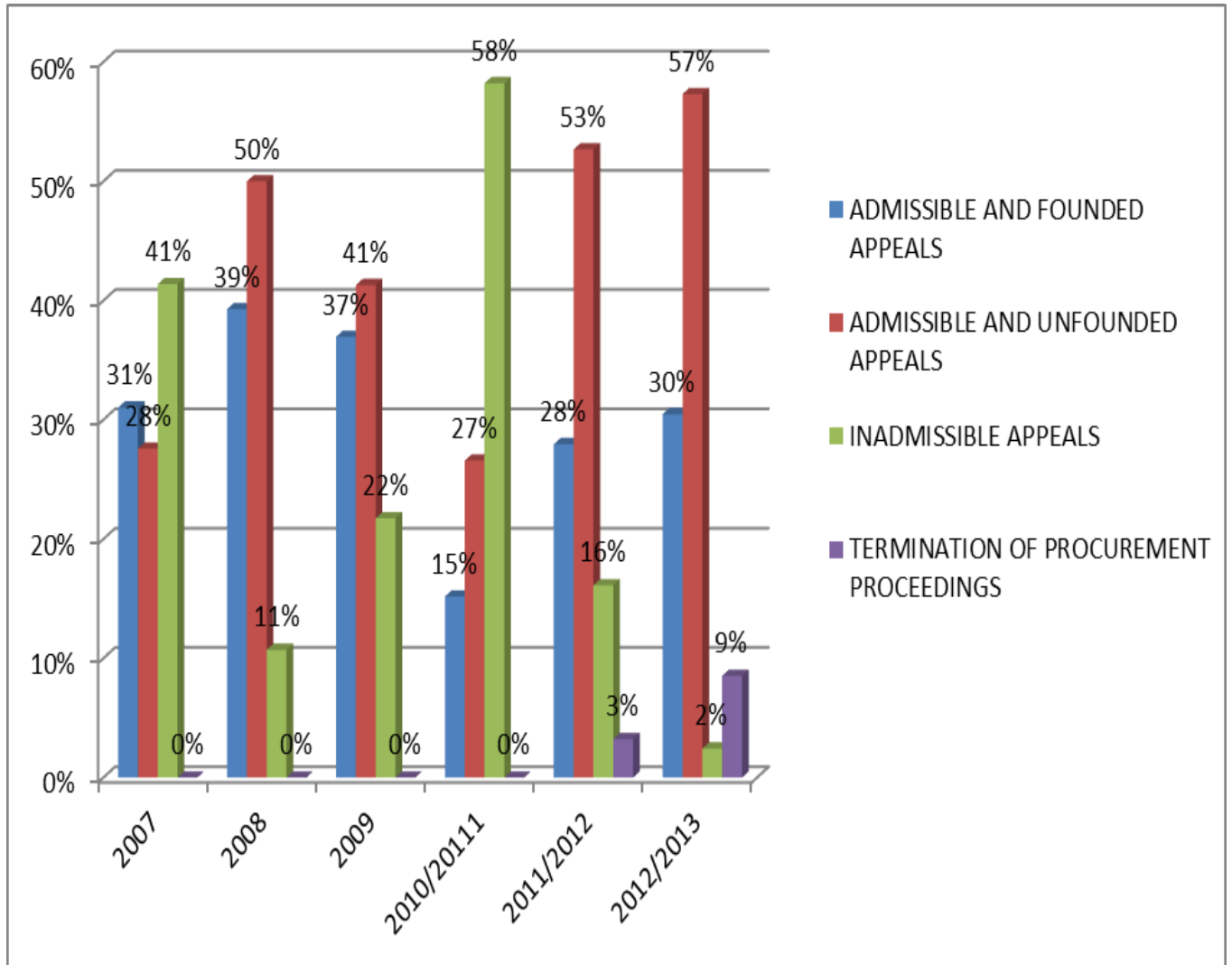
- The number of appeals has progressively increased but with a slight decline in 2012-2013 compared to 2011-2012;

- The percentage for admissible and founded appeals ranges around 30% for the period covering 2007 – 2012/2013

GRAPH 1: EVOLUTION OF THE NUMBER OF APPEALS ANALYZED FROM FY 2007 TO THE FY 2012-2013



GRAPH 2: REPARTITION OF DECISIONS TAKEN ON APPEALS ANALYZED FROM 2007 TO THE FY 2012-2013



CONCLUSION AND RECOMMENDATIONS

NIRP members analyzed 83 appeals during the fiscal year 2012-2013. It is noted that, in comparison of the previous Fiscal Year, the number of appeals analyzed went slightly down.

NIRP recommends the sensitization of the procuring entities as regards respecting of the prescribed time (5 days or 3 days) for transmission of required document for review by NIRP; and be sensitized to avoid contract signing during the appeal process period.

ANNEXES:**1. DECISIONS TAKEN ON THE APPEALS ANALYZED DURING THE FISCAL YEAR 2012-2013****A. ADMISSIBLE AND FOUNDED APPEALS**

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
01	12/07/12	23/07/12	55/2012/ NIRP	OMEGA	RWANDA CORRECTIONAL SERVICE (RCS)	Tender N°01/OB/2012-2013/RCS regarding the supply of foodstuffs and firewood for the 1 st Quarter 2012-2013.	Appeal against its disqualification	Pursuant the article 70 of the Law 12/2007 of 27 th March 2007 on Public Procurement, NIRP ordered re-evaluation of bids and to consider OMEGA in the process after verifying the authenticity of the Certificate from RSSB
02	27/06/12	25/07/12	66/2012/ NIRP	BALTON	RURA	Tender N° 04/RURA/NCB/2011-12 related to the supply and installation of air conditioning in RURA offices for lot 1 and a standby power generator of 300 KVA for RURA offices for lot 2.	Appeal against its disqualification	<p>Considering that the technical specifications were not clear for a fair competition on the Lot 1 regarding the Air Conditioning in RURA offices in terms of specifications; pursuant article 40, para 1 3° of the Law 12/2007 of 27th March 2007 on Public Procurement, NIRP members recommended to cancel it;</p> <p>Pursuant to article 71 of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members recommended also to RURA to undertake negotiation with BALTON on the Lot 2 related to Standby Power Generator basing on the new conditions said in comments without modifying the price it offered. In case of unsuccessful negotiation, the Lot 2 should be also cancelled and re-advertised.</p>

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
03	17/08/12	12/09/12	68/2012/ NIRP	IPEX	RDB	Tender N°1148/S/ICB/ABM/RD/GOR/12, for Consultancy Services to carry out valuation of RDB ICT Infrastructure and Related assets to be transferred to Broadband Systems Corporation Ltd.	Appeal against its disqualification	<p>Considering article 37 para 4, of the Law 12/2007 of 27/03/2007 on Public Procurement, Lump-Sum form of contract should be the basis to be taken into account during financial evaluation;</p> <p>Based on article 71 para 1, 3^o of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members nullified the RDB decision;</p> <p>Pursuant to article 71 para 1, 4^o of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered to award this tender to IPEX TECHNOLOGIES because it was the first ranked firm both in technical and financial scores.</p>
04	04/09/12	12/09/12	69/2012/ NIRP	BUSINESS GALAXY	RAB	Tender N° 01.11/1249/012/JJMM/HQ, of Supply and installation of Office furniture, Curtains, Shelves and Electronic Equipments	Appeal against its disqualification	<p>Given that BUSINESS GALAXY was committed to guarantee the goods to be delivered for one year as it declared in its bid submission letter, and the successful bidder did not specify the duration of the warranty it offered; NIRP nullified the decision taken by RWANDA AGRICULTURE BOARD and ordered for the re-evaluation of the technical bids and considered BUSINESS GALAXY in the process and award the tender to the financially lowest evaluated bidder.</p>

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
05	13/09/12	17/10/12	71/2012/ NIRP	RWANDA- MOTOR LTD	RDRP	N°14/G/2011- 2012/RDRC/RDRP for the Supply of 5 new pickups 4X4 to the Rwanda Demobilization and Reintegration Commission (RDRC).	Appeal against its disqualification.	Pursuant to article 71 para 1, 5° of the Law 12/2007 of 27 th /03/2007 on Public Procurement, NIRP members ordered RWANDA DEMOBILISATION AND REINTEGRATION PROGRAMME to request document evidence related to financial capacity to bidders disqualified for not submission of that document, and proceed to the post- qualification evaluation.
06	27/09/12	17/10/12	73/2012/ NIRP	HORIZON - ART	SENATE & PARLIAMENT	N°/CABOR/PARL/SG/PO/2012 Cleaning Service and Maintenance of administrative Building of the Parliament and the Official Residences of President of the Senate and Speaker of the Chamber of Deputies.	Appeal against its disqualification.	Pursuant to article 71 para 1, 4° of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered to award this tender to HORIZON-ART because it was the lowest responsive financial bidder.
07	08/10/12	24/10/12	75/2012/ NIRP	ALPHAT CONSTRUC TION COMPANY LTD	MINEDUC	N° 003/OCB/S/IT/2012- 2013/MINEDUC for hiring tents, chairs, traditional dresses and other decoration and entertainment services for MINEDUC events	Appeal against its disqualification.	Based on articles 4, 5°, 37, para 1, 5° and 39 para 2 of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to nullify the decision taken by MINEDUC to award provisionally the tender to “UMUTEGURO FLEUR LTD” because it has not provided the “Original or a certified copy of VAT registration”. Pursuant to article 71, para 1, 4° of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members recommended to award this tender to ALPHAT CONSTRUCTION COMPANY LTD because it is the lowest responsive bidder.

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
08	18/10/12	07/11/12	78/2012/ NIRP	GLOBAL BUSINESS SOLUTION LIMITED	KIGALI HEALTH INSTITUTE/ RWANDA BIOMEDICAL CENTER (KHI/RBC)	N° 02/F/06/2012 N.O/KHIBD LTD, N° 06/F/06/2012 N.O/KHIBD LTD, N° 03/F/06/2012 N.O/KHIBD LTD, AND N° 01/F/06/2012 N.O/KHIBD LTD for Supply of Physiotherapy Clinical Materials, Supply of Imaging Consumables and Equipment, Supply of Laboratory Consumables and Supply of Clinical Dental Consumables and Equipment, respectively.	Appeal against its disqualification.	<p>Considering the articles 37, para 1 5° and 71 para 1, 3° of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members nullified the decisions taken by KHI/RBC to award the tenders N° 02/F/06/2012 N.O/KHIBD LTD for supply of physiotherapy clinical materials and 06/F/06/2012 N.O/KHIBD Ltd for supply of imaging consumables and equipment to CROWN HEALTCARE (R) LTD;</p> <p>Pursuant to article 71 para 1, 4° of the Law N° 12/2007 of 27/03/2007 on Public Procurement, NIRP members recommended to undertake negotiations with GLOBAL BUSINESS SOLUTION LTD on the tenders N°06/F/06/2012 N.O/KHIBD Ltd for supply of imaging consumables and equipment and N°02/F/06/2012 N.O/KHIBD LTD for supply of physiotherapy clinical materials.</p>
09	22/10/12	19/11/12	79/2012/ NIRP	TRUSCO- RWANDA	RWANDA CIVIL AVIATION AUTHORITY	N°5/S/2012/CNLG/N/RCAA for Provision of Cleaning Works at Kigali International Airport (RCAA).	Appeal against the awarding tender	<p>Since RWANDA CIVIL AVIATION AUTHORITY has not specified the qualities and the quantities of the items to be used in cleaning, the tender committee should not proceed to arithmetic verification since there is no basis for doing it in fair manner for all bidders.</p> <p>Pursuant to the article 71 para 1, 4° of the Law N°12/2007 of 27th/03/2007 on Public Procurement; the NIRP members ordered RWANDA CIVIL AVIATION AUTHORITY to award the tender to ASK-RWANDA for the price proposed in its bid submission letter, ie, 4,274,152 Rwf per month, because it is the lowest responsive bidder.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
10	11/10/12	03/12/12	82/2012/ NIRP	GOLD PROJECT COMPANY LTD	KICUKIRO DISTRICT	N° 11/S/KIC-DIST/2012 for "Kwakira Amahoro mu masoko y'akarere ka KICUKIRO"	Appeal against the decision on tender cancellation	NIRP members found out that the article 171, para 1 of the Law N°12/2007 of 27/03/2007 on Public Procurement on which KICUKIRO DISTRICT referred to cancel this tender was not relevant. Pursuant to article 71 para 1, 5° of this Law, NIRP members required KICUKIRO DISTRICT to evaluate the bids and award the tender to the best responsive bidder.
11	27/12/12	30/01/13	16/2013/ NIRP	COMPUTER POINT LTD	SFB	N°018/G/2012-2013/RT/SFB for Supply and Installation of LAN equipment and cabling of SFB learning complex, modern lecture room, library, clinic, and examination office and ex-IT laboratory building.	Appeal against its disqualification	Pursuant to article 71, para 1, 5° of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered re-evaluation and to consider the bid of ComputerPoint Ltd in the next step of the evaluation.
12	28/12/12	16/01/13	04/2013/ NIRP	AUGECO	RLDSF	N°011MS/2011-2012/RLDSF for Consulting service for external audit of RLDSF on projects financed by the Netherlands through the Netherlands embassy and the Germany through KFW for a period of (1st July, 2011 to 30th June, 2012) for KFW, and (1st July 2011 to 31st August 2012) for Netherlands	Appeal against its disqualification	The tender committee of RLDSF stated that AUGECO provided scanned copies instead of notified copies or original as requested by the tender document; Pursuant to article 71, Para 1, 1° of the Law N°12/2007 of 27 th /03/2007 on Public Procurement; NIRP ordered RLDSF to continue to evaluate the AUGECO technical proposal after verifying the authenticity of the documents submitted in scanned copies.
13	02/01/13	30/01/13	13/2013/ NIRP	FETRA	NCC	N°019/ES/NCC/2012-2013 Gutwara abakozi ba NCC mu muji wa Kigali.	Appeal against its disqualification	Considering article 71, para 1, 3° of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members nullified the NCC decision; Pursuant to article 71 para 1, 4° of this Law, NIRP members ordered to award this tender to FETRA because it was the lowest responsive bidder.

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
14	07/01/13	20/02/13	21/2013/ NIRP	ICTC	MIDIMAR	N°25-S/OT-OB/MIDIMAR/2012-2013 for Recruitment service of staff for different positions.	Appeal against its disqualification.	<p>The manner MIDIMAR adjusted the financial proposal of ICTC was not in the provision of the Request For Proposal;</p> <p>NIRP members nullified the decision taken by the MIDIMAR to cancel the tender;</p> <p>Pursuant to article 71, para 1, 2^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered MIDIMAR to notify the results of combined score and proceed to the next step.</p>
15	21/02/13	13/03/13	27/2013/ NIRP	MUTARA ENTERPRISES LTD	BNR	N068/F/2012-13-NCB/C/BNR for Supply and Installation of office furniture to BNR Branches.	Appeal against its disqualification.	<p>NIRP members found out that MUTARA ENTERPRISES LTD failed to comply with the tender document for Lots 1, 2, 3, and 5, in term of sizes of equipments he proposed. NIRP members do agree with the decision taken by BNR on those lots;</p> <p>But on lot 4.1, the size proposed by MUTARA ENTERPRISES LTD was complying with the size specified in the tender document.</p> <p>Considering the articles 36 and 71, para 1, 4^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered BNR to award lot4 to MUTARA ENTERPRISES LTD.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by MUTARA ENTERPRISES LTD on lots 1, 2, 3 and 5, because it was baseless.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
16	18/03/13	27/03/13	30/2013/ NIRP	RIGHT VISION CONSTRU- CTION LTD	NAEB	N0034/T/012-013-N/NAEB for Constructions Works of Rusiga Collection Center with a Cold Room at Kirenge Center- Rulindo.	Appeal against its disqualification	<p>Concerning the “ certificates of good execution of work” and the phrase stating that “to comply with this requirement, works cited should be at least 70 percent complete” which was not modified by the Bid Data Sheet,</p> <p>NIRP members found out that the “procès-verbaux de réception provisoire des travaux et équipements” presented by the complainant should be considered as proof of works executed as per the tender document requirements after verifying their authenticity.</p> <p>Given the article 71, para 1, 3^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members nullified the decision taken by NAEB;</p> <p>Pursuant to article 71, para 1, 5^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered re-evaluation and to consider the bid of RIGHT VISION CONSTRUCTION LTD in the next step of the evaluation process after checking the authenticity of the “procès-verbaux de réception provisoire des travaux et équipements” presented.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
17	20/02/13	03/04/13	N°32/2013/ NIRP	JIREH ENTERPRISES LTD	RWANDA BIOMEDICAL CENTER (RBC)	N0 031/S/N/2012-2013/RBC for supply of IT equipments to RBC.	Appeal against its disqualification.	<p>Given the article 71, para 1, 3^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members nullified the decision taken by RBC and recommended to disqualify VISION TECHNOLOGIES COMPANY because its technical offer was not responsive;</p> <p>Pursuant to article 71, para 1, 5^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered re-evaluation and to consider the bid of JIREH ENTERPRISES LTD in the next step of evaluation.</p>
18	26/03/13	10/04/13	N°034/2013 /NIRP	COTAVOKA	RTDA	N0 059/S/2012-N/CORP/RTDA FOR LOT 3: hiring of private transportation for domestic business travel (TAXIS)	Appeal against its disqualification.	<p>NIRP members did agree with RTDA's consideration of the unit price proposed by GASABO TRAVEL AND SPARE PARTS AGENCY including all taxes;</p> <p>NIRP observed that the reason for GASABO TRAVEL AND SPARE PARTS AGENCY not quoting price per hour for overtime was ignored by RTDA and yet it would be basis for disqualification because it was a requirement of the tender document.</p> <p>Given the article 71, para 1, 3^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members nullified the decision taken by RTDA and recommended to disqualify GASABO TRAVEL AND SPARE PARTS AGENCY because its financial offer was not responsive.</p> <p>Pursuant to article 71, para 1, 4^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered to award this tender to COTAVOKA because it was the lowest responsive bidder.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
19	17/04/13	29/04/13	N°037/2013 /NIRP	MTS	REB	03/10/REB/2011-2012/NO for supply of science kit laboratory equipment and chemicals for 12YBE and schools of excellence (LOTS 1, 2, 3, 4, 5 and 6)	Appeal against its disqualification.	<p>Given that the samples were not part of the evaluation criteria;</p> <p>REB should evaluate and compare the bids basing only on the provisions of the tender document.</p> <p>Considering article 39, para 2 of the Law No12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, the evaluation and comparison of bids shall be based only on the procedures and criteria set out in the bidding documents;</p> <p>Considering article 71, para 1, 3° of the Law No12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members nullified the decision taken by REB;</p> <p>Pursuant the article 71, para 1, 5° of the Law No12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members ordered re-evaluation of the bids basing o</p> <p>n the criteria set out in the bidding document.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
20	29/04/13	06/05/13	N°040/2013 /NIRP	MTS	RHA	38/F/RHA-BO/12-13 for supplying and installation of energy saving lights for all public buildings	Appeal against its disqualification.	<p>Considering that NIRP has no proof about the reception date by MODERN TECHNOLOGIES SERVICES LTD of the RHA letter dated on 03/04/2013 responding to it on its request, NIRP members took the decision to analyze this appeal;</p> <p>NIRP members noted that the non-conformities considered as minor deviations by the tender committee were fair for the five bidders who reached the next step because those deviations were common.</p> <p>However among those five bidders, ALTEC SARL did not fulfill other requirements indicated in the evaluation report but not considered in making decision.</p> <p>RHA should conduct all evaluation process in fair manner.</p> <p>Pursuant to article 71 para 1, 5^o of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members ordered the re-evaluation of the bids in fair manner.</p>

B. ADMISSIBLE AND UNFOUNDED APPEALS

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
01	14/06/12	03/07/12	52/2012/ NIRP	GENUINE COMPANY LTD	NYANZA DISTRICT	Tender N° 43/02/2012/t/N /RLDSF/D. Nyanza related to "Travaux de construction des routes asphaltées: ville de Nyanza-musée des arts (1310,89m) ; Rukari-Mwima (632,48m) ; et la route contournant le marché de Nyanza (415m)".	Appeal against its disqualification	<p>NIRP members found out that the evaluation made by NYANZA DISTRICT was unfair. The bid of the complainant could not reach the technical analysis if they could not ignore a criterion of "Liste des matériels de laboratoire du chantier" as required by the Tender document. Furthermore, the appointed team from RPPA did not find any deficiency that has been raised by the NYANZA DISTRICT Tender committee</p> <p>Pursuant the articles 36 and 70 of the Law N°12/2007 of 27th/03/2007 on Public Procurement; the NIRP rejected the appeal introduced by GENUINE COMPANY LTD because it was not founded.</p>
02	27/06/12	09/07/12	53/2012/ NIRP	TOP CLEANERS LTD	KIBAGABAGA HOSPITAL	Tender N° 002/NET/2012 regarding "marché de nettoyage".	Appeal against its disqualification	<p>Considering that the fields of Public Health and Hygiene/Environmental Health are totally different domains;</p> <p>Given that TOP CLEANERS LTD bid have been eliminated because the key staff presented was not related to staff having qualification of Hygiene/Environmental Health</p> <p>Pursuant the article 70 of the Law 12/2007 of 27th/03/2007 on Public Procurement; NIRP members rejected the appeal introduced by TOP CLEANERS LTD because it was baseless.</p>

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
03	22/06/12	16/07/12	54/2012/ NIRP	YAHOO CAR EXPRESS	BNR	Tender N° 67/F/2012/-N0/C/BNR for provision of transport services to BNR staff.	Appeal against its disqualification	<p>Considering that the complainant failed to quote for all vehicles as requested by the tender document, NIRP members decided to reject its appeal because it was baseless;</p> <p>Given that BNR Tender committee evaluation was not fair in terms of tender awarding;</p> <p>Pursuant to article 71, 5° of the Law N° 12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered the Tender committee to re-evaluate the tender, according to the number of vehicles indicated in the bid document and awarded the tender to the lowest and responsive bidder.</p>
04	13/07/12	25/07/12	58/2012/ NIRP	ETN	RAB	Tender N° 01.11/994/012/JJMM/H.Q of supply and installation of electrical materials at Musanze laboratory.	Appeal against its disqualification	<p>Considering that ETN submitted a total price including the items described in the recommendation, its offer should not be disqualified, but after arithmetic verification it was not the lowest bidder.</p>
05	19/07/12	01/08/12	60/2012/ NIRP	ONE STOP	SENATE	Tender N° 733/SEN/ SG/PO2012 regarding Maintenance of Audiovisual Conference System of the Senate's Plenary Hall & Maintenance of Air Conditioner System of the Senate.	Appeal against its disqualification	<p>NIRP members found out that references provided by ONE STOP MULTI SERVICES were not conforming to the requirements. In addition, the RPPA findings confirmed that one of the certificates of completion submitted by ONE STOP SERVICES has been forged and decided to dismiss its appeal.</p>

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
06	31/07/12	08/08/12	59/2012/ NIRP	AFRIFOAM	REB	Tender N° 003/F/ESQ/RE/2012-2013 of supply of iron sheets and ridges for construction of class rooms, latrines and teacher's houses.	Appeal against its disqualification	As the addendum on the Tender Document required two similar references and as AFRIFOAM was informed and did not appeal for rectifying the content of the addendum before bid submission, NIRP members did agree with RWANDA EDUCATION BOARD for disqualifying AFRIFOAM bid due to lack of references of similar tenders executed as required in the addendum published in New Times of June, 13 2012. NIRP members decided to dismiss its appeal.
07	05/07/12	29/08/12	62/2012/ NIRP	ADVANTAGE TECHNOLOGIES LTD	SFB	Tender N° 015/S/2010-2011/SFB for Development of online management information system (MIS) software at SFB».	Appeal against its disqualification	Basing on information provided by SFB showing that ADVANTAGE TECHNOLOGIES LIMITED AND METSYS SYSTEMS SOLUTION have never executed any contract with KENYA POLYTECHNIC UNIVERSITY COLLEGE nor MOUNT KENYA UNIVERSITY, NIRP members rejected the appeal introduced by ADVANTAGE TECHNOLOGIES LIMITED because it was baseless.
08	09/08/12	29/08/12	63/2012/ NIRP	KEMIT ASBL	REB	Tender N° 09/06/S/2012-2013/NO-REB, related to event presentation materials for innovative nine year basic education fast track strategies.	Appeal against tender awarded.	Given that KEMIT ASBL provided an expired copy of the tax clearance certificate, NIRP members found that its bid could not be qualified to the next stage of evaluation; Pursuant to the article 70 of the Law 12/2007 of 27 th /03/2007 on Public Procurement; NIRP rejected the appeal introduced by KEMIT ASBL because it was baseless.

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
09	10/08/12	05/09/12	64/2012/ NIRP	ERJ	NAEB	Tender N° 059/T/011-012-N/NAEB of Construction works for Gishali Flower Park.	Appeal against its disqualification	<p>The response to NIRP from RRA indicated that only the tax clearance certificate or a statement of arrears for public tender can be used for tenders.</p> <p>Given that ERJ provided a “Copy of statement of arrears” from RRA which did not indicate if it was issued for participation in public tenders;</p> <p>NIRP members decided to dismiss the appeal introduced by ENTREPRISE RUBARE JOSIAS because it was baseless</p>
10	17/08/12	05/09/12	66/2012/ NIRP	HICOMMANDS PRIVATE LTD	MINEDUC	Tender N° 064/S/IT/2011-2012-MINEDUC, of provision of a tracking and inventory system for OLPC Xo monitoring.	Appeal against its disqualification	<p>NIRP members found out that the HICOMMANDS PRIVATE LTD combined score by considering its obtained financial exclusive of local taxes was 92,5%. This score was less than the score of the provisional successful bidder (93%) considering its financial proposal inclusive of applicable local taxes.</p> <p>Concerning a valid “ISO 9001:2008 certification for solutions”, NIRP members found it irrelevant to check or confirm the proof of possession of that certification, since the firm obtained 0/10 mark on this criterion. NIRP members noted that this criterion was among other evaluation criteria but not as a preliminary for qualification to this tender. NIRP members decided to dismiss its appeal.</p>

N°	Date of Reception	Date of the Decision	N° of the decision	Bidder	P E	Tender	Subject of appeal	Decision of NIRP
11	02/10/12	17/10/12	72/2012/ NIRP	ENVIRO- CLEANERS	SENATE & PARLIAMENT	N°/CABOR/PARL/SG/PO/2012 for Cleaning Service and Maintenance of administrative Building of the Parliament and the Official Residences of President of the Senate and Speaker of the Chamber of Deputies	Appeal against its disqualification.	ENVIRO- CLEANERS was not the lowest responsive financial bidder. Pursuant to the article 70 of the Law N° 12/2007 of 27 th /03/2007 on Public Procurement, NIRP members rejected the appeal introduced by ENVIROCLEANERS INTERNATIONAL because it was not the lowest responsive bidder.
12	15/10/12	17/11/12	74/2012/ NIRP	COMMUNIC- ATION SOLUTIONS LTD (CSL)	SPIU/MOH	N° 066/F/2012-AOIO/GF SSF HIV of Supply and Installation of IT Equipment for EMR	Appeal against its disqualification	NIRP members found out that the CSL bid was technically responsive, but it was not financially the lowest, so it was not relevant to re-evaluate the bids technically as it claimed. Basing on the article 70 of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by COMMUNICATION SOLUTIONS LTD because it was baseless.
13	19/10/12	05/11/12	76/2012/ NIRP	IDA FOUNDA- TION.	MPDD/RBC	N°MPD/DA/AOIO/070/2012, of Supply and Delivery of Anti- Malaria Commodities: Long Lastings Insecticide Treated Mosquito Nets.	Appeal against its disqualification	NIRP members noted that IDA/FOUNDATION failed to meet the requirements of the tender document related, especially, to the certificate of completion, a Banking line credit and plan of delivery. Basing on the articles 36, 37 para 1, 5° and 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP decided to dismiss the appeal introduced by IDA FOUNDATION because it was baseless.

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
14	26/10/12	05/11/12	77/2012/ NIRP	SUMITOMO CHEMICAL.	MPDD/RBC	N°MPD/DA/AOIO/070/201, of Supply and Delivery of Anti- Malaria Commodities: Long Lastings Insecticide Treated Mosquito Nets.	Appeal against its disqualification	<p>Considering the articles 36 and 37, para 1 5°, NIRP members noted that SUMITOMO CHEMICAL failed to submit contract for supporting the certificate provided.</p> <p>Pursuant to article 70 of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by SUMITOMO CHEMICAL because it was baseless.</p>
15	08/11/12	28/11/12	80/2012/ NIRP	COPE CONSULTING LTD	GENDER MONITORING OFFICE (GMO)	N° 05/S/GMO/BO-NO/2012, for Consultancy service on Conduct a Gender Sensitive Satisfaction Survey on Service Delivery in the Agriculture Sector In Kirehe and Nyaruguru Districts.	Appeal against its disqualification.	<p>NIRP members found out that GMO should not combine the technical and financial scores before evaluating the financial proposals and see if they are in harmony with the technical proposals.</p> <p>However, since the team schedule proposed in the financial proposal has been considerably reduced comparing with the staffing schedule planned in the technical proposal, NIRP members did agree with the GMO decision to disqualify COPE CONSULTING LTD for contrast proposition in terms of staffing schedule.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
16	18/10/12	12/12/12	83/2012/ NIRP	SERVICE HYDRO ENERGIE (S- YNERGIE)	EWSA	N°11.07.053/2146/12/PROC- DIR/YM/pny, for Collecting Data, Preliminary Design and Technical Assistance for Work Supervision for the 109 Potential Micro and Pico Hydro Sites.	Appeal against the decision for withdrawing the provisional notification.	<p>Considering that, S_YNERGIE failed to provide copies of contracts related to the technical references submitted for proving the similarities between its previous experience and the assignment of this tender, NIRP member did agree with EWSA decision to withdraw the notification of provisional award tender for Lot 1 & 3 to S_YNERGIE.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by S_YNERGIE because it was not founded.</p>
17	16/11/12	19/12/12	84/2012/ NIRP	GOLD STAR	MINAGRI	N°035/F/2012/AOI/PHH&S TF- MINAGRI for Supplying of 60,000 tarpaulins (Sheetings) to the Post Harvest Handling and Storage Task Force/MINAGRI	Appeal against tender award	<p>Concerning the contract from MINAGRI, NIRP members found out that it was a one year contract signed on 06/01/2012 which expired in January 2013. Two purchase orders already provided related to that contract could be taken as a proof of similar items supplied.</p> <p>Concerning the purchase order from BALTON, the complainant did not neither indicate it in the initial appeal nor show the elements on which he based on to declare that Purchase Order was not authentic.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by GOLD STAR because it was baseless.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
18	21/11/12	19/12/12	85/2012/ NIRP	VAMBECO ENTERPRISES Ltd	MINAGRI	N°01/W/2012- AOI/MINAGRI/LISP/W for Building works of water supply networks for cattle watering in District of Nyagatare.	Appeal against its disqualification.	<p>NIRP members did agree with the arithmetical correction carried out by MINAGRI on items 2332, 2371, 4015, 4022, 4044, 4231, 4233, 4434, 40373 and 40374, in accordance with the provision of article 27 of the tender document and article 42, para 3 of the Law N°12/2007 of 27/03/2007 on Public Procurement which stipulates that: "...If the price in figures is different from the price in words, the latter shall prevail".</p> <p>Since the provisional successful bidder was blacklisted before the Agreement between different International Financial Institutions; and was not in the list of companies blacklisted by AFDB; NIRP members found out that the provisional successful bidder was eligible for bidding on this tender.</p> <p>NIRP members decided to dismiss the appeal introduced by VAMBECO ENTERPRISE LTD because it was not founded.</p>
19	22/11/12	19/12/12	86/2012/ NIRP	MFI OFFICE SOLUTIONS (R) LTD	OFFICE OF AUDITOR GENERAL (OAG)	N° 002/S/2012-13-N/SP/OAG for Upgrading of IPBAX and Supplying of 20 New IP Phones.	Appeal against its disqualification.	<p>The complainant was disqualified because he offered 32,160,500 Rwf while the successful bidder offer 31,931,598 Rwf , i.e, he proposed a higher price than the successful bidder.</p> <p>The report of evaluation confirmed the compliance of the bid of the successful bidder with technical specifications described in the tender document.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by MFI OFFICE SOLUTIONS (R) LTD because it was baseless.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
20	19/11/12	19/12/12	87/2012/ NIRP	GOLFDATA LTD	MINISPOC	N°001/G/IOCB/MINISPOC/2012 -2013 for Maintenance and Greening of Football Pitch of Amahoro National Stadium and its Surroundings	Appeal against its disqualification.	<p>The scope of services to be carried out was the maintenance and greening for the football pitch of Amahoro National Stadium and its surroundings;</p> <p>All certificate of completion for similar projects presented by GOLFDATA LTD are related to Golf Pitch;</p> <p>The explanations given by MINISPOC for disqualifying the bid of GOLFDATA LTD stated that the certificate of completion it presented were related to Golf Pitch hence works carried out for maintenance a Golf Pitch are different from those for football pitch, especially drainage system.</p> <p>NIRP members decided to dismiss the GOLFDATA LTD appeal.</p>
21	04/12/12	19/12/12	88/2012/ NIRP	DENYS	EWSA	N°11.07.053/4400/11/PROC-DIRJYM/cm, for KIGALI Water Supply from the Northern region in Musanze and Nyabihu (Mutobo Project)	Appeal against its disqualification.	<p>Since the tender document specified that: "all bidders must include all taxes and duties to their prices"; and</p> <p>DENYS did not raise this issue before the submission of its bid; he should include all taxes and duties in its proposed price to enable EWSA to compare its financial bid of others in fair manner;</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by DENYS because it was baseless.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
22	19/11/12	19/12/12	89/2012/ NIRP	SBD LTD	CITY OF KIGALI	N°2568-TD/07/12/CoK for Supply and Installation of Road Traffic Signs	Appeal against its disqualification	<p>Given that i) the tender document did not require an “Attestation de non faillite” as a proof of not bankrupt; ii) the provisional successful bidder proposed to execute all works in compliance with the Rwanda Highway Code and Southern Africa Development Community Road Traffic Signs Manual (SADC-RTSM);</p> <p>Given also that the CITY OF KIGALI indicated that it verified if the provisional successful bidder was bankrupted and found out it was not; NIRP members do agree with the CITY OF KIGALI on the decision taken.</p> <p>NIRP members decided to dismiss the appeal introduced by SBD LTD because it was baseless.</p>
23	17/12/12	02/01/13	01/2013/ NIRP	DP AUDITORS AND CONSULTANTS	SPIU/MOH	NO001/S/2012-13/AONO/GF PROJECTS for Audit of Global Fund Projects	Appeal against its disqualification	<p>Since i) the method of selection was Least Cost Selection, ii) DP AUDITORS & CONSULTANTS were technically qualified; and iii) their financial proposals were the highest on Lots1, 2 & 3 which they competed for; NIRP members did agree with SPIU/MOH on the decision taken.</p> <p>Pursuant to article 70 of the Law N° 12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to reject the appeal of DP AUDITORS & CONSULTANTS because it was baseless.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
24	21/12/12	16/01/13	02/2013/ NIRP	NARULA EXPORT	RNP	N°02/F/2012-2013/IO/RNP/OB for Supply of different Police uniforms and their accessories for Rwanda National Police in the year 2012-2013	Appeal against its disqualification	<p>Concerning the prices that were offered, since both the complainant and provisional successful bidder had quoted CIP Kigali, it was possible to compare them.</p> <p>Basing on the clarifications on laboratory Test results Interpretation Reference No 061/RBS/DG/13 of 16/01/2013, the content of the sample submitted by the provisional successful bidder was within the allowed deviation.</p> <p>NIRP members decided to dismiss the appeal introduced by NARULA EXPORT because it was baseless.</p>
25	27/12/12	16/01/13	11/2013/ NIRP	COMPUTER POINT LTD	REB	N° 19/06/REB/2012-2013/N0 for Purchasing 1200 working stations (Thin Client Computers) to be distributed to 12 YBE for the year 2012-2013.	Appeal against its disqualification	<p>The fact that the complainant committed to deliver and install for 60 schools, and the tender document specified clearly that installation will be on the sites in all districts, NIRP member did agree with decision taken by REB, because all districts are not located in Kigali and its surroundings within a radius of 20 Km from the City.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by COMPUTERPOINT LTD because it was baseless.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
26	24/12/12	16/01/13	05/2013/ NIRP	COGETRAP	NYARU-GURU DISTRICT	N°01/F/T/S/NYRGRU/2011-2012 for "Fourniture de la Fumure Organique; Semence de Pomme de Terre; Chaux Eteinte de Mashyuza et Boutures de French de Cameroun".	Appeal against its disqualification	<p>NIRP members observed that COGETRAP LTD did not introduce the appeal before Independent Review Panel of NYARUGURU DISTRICT after having received the NYARUGURU DISTRICT response to its initial appeal.</p> <p>Pursuant articles 70, para 1 & 2 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP rejected COGETRAP LTD's appeal due to the procedures irregularities.</p>
27	02/01/13	16/01/13	15/2013/ NIRP	ROYAL GROUP	MPDD/RBC	N°019/ES/NCC/2012-2013 for supply and Delivery of Male Circumcision Commodities	Appeal against its disqualification	<p>Pursuant to article 70 of the Law N°12/2007 of 27th/03/2007 on Public Procurement, NIRP members dismissed the ROYAL GROUP appeal due to the procedures irregularities. The appeal was not lodged before NIRP in prescribed time.</p>
28	02/01/13	06/02/13	17/2013/ NIRP	DIAMOND POWER INFRASTRUCTURE	EWSA	N°11.07.053/3514/12/PROC-DIR/YM/ak(Lot-6); 2.)N°11.07.053/6021/12/PROC-DIR/YM/ak, dtd: 19/12/2012 for the execution of supply of materials for lines constructions and maintenance	Appeal against its disqualification	<p>Given that DIAMOND POWER INFRASTRUCTURE LTD and DIAMOND POWER TRANSFORMER LTD have different legal entities and have submitted the Bid individually, i.e, DIAMOND POWER TRANSFORMER LTD submitted for Lot 3 and DIAMOND POWER INFRASTRUCTURE LTD for Lot 6; NIRP members did agree on the decision taken by EWSA.</p> <p>Pursuant to articles 70 of the Law NO 12/2007 of 27/03/2007 on Public Procurement, NIRP members dismissed the appeal introduced by DIAMOND POWER INFRASTRUCTURE LTD because it was baseless.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
29	11/01/13	16/01/13	03/2013/ NIRP	UTEXRWA	RNP	N° 02/F/2012-2013/IO/RNP/OB for Supply of different Police uniforms and their accessories for Rwanda National Police in the year 2012-2013	Appeal against its disqualification	NIRP rejected UTEXRWA's appeal due to the procedures irregularity. The appeal was not lodged before NIRP in prescribed time.
30	30/01/13	06/02/13	18/2013/ NIRP	ISOLUX CORSAN	EWSA	N°11.07.053/3515/12/PROC-DIR/YM/em for the Construction of 220 KV Transmission line MIRAMA (UGANDA)—SHANGO (RWANDA).	Appeal against its disqualification	NIRP members found out that the method used by EWSA for conversion to a single currency followed the tender document provision. Pursuant to article 70 of the Law 12/2007 of 27/03/2007 on Public Procurement, NIRP members dismissed the appeal introduced by ISOLUX CORSAN because it was baseless.
31	22/01/13	22/02/13	24/2013/ NIRP	INTELLIGENT BUILDING SOLUTIONS	RNP	N°13F/2012-2013/IO/RNP/OB LOT1 for the Supply of one aerial apparatus and its accessories to the Rwanda National Police.	Appeal against its disqualification	Since the complainant did not indicate anywhere in its bid a percentage of taxes, there was no way to consider amount of USD 1,388,950 as the price of his offer excluding taxes. The amount of his offer to be considered was USD 1,638,961 as indicated in the bid submission form and in the final price Schedule, and this amount is higher than the one's of the provisional successful bidder. Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss this appeal because it was baseless.

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
32	05/02/13	06/03/13	19/2013/ NIRP	IRAMC	RIAM	N°02/S/2012-2013/NCB/RIAM/IGR "Fourniture de service d'hygiène et jardinage au campus de RIAM sis à Murambi et à Muhima"	Appeal against its disqualification	<p>About the degree of MUTIJIMA Fidèle, NIRP members found out it was not a reason to disqualify IRAMC GENERAL SERVICES LTD since the tender document did not explicitly require the presentation of degrees. RIAM should request to IRAMC GENERAL SERVICES LTD to present the degree of MUTIJIMA Fidèle for checking ;</p> <p>The activities carried out by IRAMC GENERAL SERVICES LTD before its registration are not valid ;</p> <p>Pursuant to article 70 of the Law No12/2007 of 27/03/2007 on Public Procurement, NIRP members dismissed the appeal introduced by IRAMC GENERAL SERVICES LTD because it was baseless.</p>
33	15/03/13	20/03/13	28/2013/ NIRP	ADONAI LTD	EWSA	N011.07.053/014/NCS/013/NC B/12/PROC-DIR/YM/jn, for recruitment of two clearing agencies.	Appeal against its disqualification	<p>The "validity period of the Bid Security" submitted by the complainant was not complying with the provision of the tender document, because its valid period was 113 days instead of 120 days.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by ADONAI LTD because it was baseless.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
34	13/03/13	20/03/13	29/2013/ NIRP	ATRICO LTD	MINISTRY OF DEFENSE	N0 005/PU/MOD/012-013 for supply IT & electronic equipments to the Ministry of Defense.	Appeal against its disqualification.	<p>Correcting the mistake made on the Bid Security by the complainant after evaluation and provisional notification was equivalent to the Bid changing which was contrary to the article 33 of the Law N° 12/2007 of 27/03/2007 on Public Procurement;</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by ATRICO LTD because it was baseless.</p>
35	19/03/13	27/03/13	31/2013/ NIRP	STANDARD FORWADERS INTERNATIONAL	EWSA	N011.07.053/014/NCS/013/NC B/12/PROC-DIR/YM/jn, for recruitment of two clearing agencies.	Appeal against its disqualification	<p>Contrary to what STANDARD INTERNATIONAL FORWARDERS LTD stated in its complaining letter; "...our submission stipulated clearly 90 days after the expiry of the bid validity period"; its Bid Security anticipated a deadline period of 07/05/2013, while the tender document required 30 days after the period of bid validity, i.e the bid security should be valid until 07/06/2013.</p> <p>Concerning the services not quoted, NIRP members found out that, both provisional successful bidders as well as the complainant did not charge for some services to be carried out however EWSA did not found issues about to offer free services for this tender.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by STANDARD INTERNATIONAL FORWARDERS LTD because it was baseless.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
36	01/04/13	22/04/13	035/2013/ NIRP	ETS RUBANGURA & FILS	RDB	NO1311/G/ICB/RDB/A/GOR/12 LOT 2 for supply and installation of a generator for air conditioning system	Appeal against its disqualification	<p>Given that the tender document was not modified;</p> <p>Considering that complainant quoted the technical specifications of the cable in question without following the basis specified in the tender document; its financial offer should be disqualified because it cannot be compared to others.</p> <p>NIRP members decided to dismiss the appeal introduced by Association Momentanée Hymmelec Engineering Ea Ltd – Ets Rubangura & Fils because it was baseless.</p>
37	22/04/13	29/04/13	036/2013/ NIRP	ACTEM	REB	N°32/01/REB/2012-2013, of supply of office consumables on a long term basis.	Appeal against its disqualification	<p>Basing on the documents received, NIRP members observed the following:</p> <p>The complainant letter expressed itself that ACTEM came late for submission of its bid;</p> <p>The bid of ACTEM was not registered;</p> <p>ACTEM was not in the summary of the bid opening report.</p> <p>Given the article 32 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, a tender must be submitted before the deadline for submitting;</p> <p>Pursuant to the article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date; NIRP members decided to dismiss the appeal introduced by ACTEM because it was baseless.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
38	01/04/13	09/05/13	039/2013/ NIRP	AKAGERA BUSINESS GROUP	RNP	N°35/F/2012- 2013/IO/RNP/TRAFFIC for Supply of Different Vehicles to Rwanda National Police	Appeal against its disqualification	<p>The decision taken by tender committee in the administrative evaluation was in fair manner because all bidders including the complainant did not fulfil some of the requirements of the document tender.</p> <p>There was no evidence that AKAGERA MOTORS has been given exclusive right for TOYOTA brands vehicles and Genuine Products in Rwanda.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members decided to dismiss the appeal introduced by AKAGERA BUSINESS GROUP SARL because it was baseless.</p>
39	11/04/13	03/05/13	043/2013/ NIRP	COGACTEX	PRIMATURE	N0 013/F/B.O/SPM-NO/2012- 2013 for Cleaning and Gardening;	Appeal against its disqualification	<p>Since one of the three certificates of similar tenders executed was a result of forgery, the bid of the complainant missed the tender document requirement;</p> <p>NIRP members did not accept the COGACTEX LTD's withdrawal of the appeal because of the lack of the heading and the name of the signatory in the letter.</p> <p>NIRP members found not relevant to examine the issue related to the workplace since there was evidence for forging of the certificate of similar tenders executed.</p>

								<p>Pursuant to the article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date;</p> <p>NIRP members decided to dismiss the appeal introduced by COGACTEX LTD because it was not founded.</p>
40	16/05/13	20/05/13	042/2013/ NIRP	EMMR	SPIU/MOH	N0 055/T/2012-13/N/GF-SSF HIV for execution of construction works of health products warehouse for RBC/MPDD, phase I.	Appeal against its disqualification	<p>The "CERTIFICATE OF CREDIT WORTHINESS" submitted by the complainant did not comply with the form of the "Formulaire de promesse d'une ligne de crédit" of the tender document, because the Bank which provided that certificate was not committed as per the tender document requirement.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members decided to dismiss this appeal because it was baseless</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
41	19/04/13	10/06/13	044/2013/ NIRP	COGEAR LTD	MININFRA	N° 405/PO/013 for insurance of Government vehicles, Motorcycles and Boats	Appeal against its disqualification	<p>Basing on the investigations results indicating lack of proof for the alterations of the bid of the provisional successful bidder after the opening of the bids;</p> <p>Basing on the provision of the tender document, Instructions to Bidders 29.3 (a) and (b), NIRP members checked the arithmetic verification done by MININFRA and found out that the corrected amount of "SOCIETE NOUVELLE D'ASSURANCES DU RWANDA" was 764,498,481 Rwf which was lower than the COGEAR LTD's amount (768,739,239 Rwf) after the discount.</p> <p>MININFRA exceeded 21 days as period allowed to achieve the evaluation of bids and there was no clear reasons advanced; and it had never notified it to bidders. This was a violation of the provision of the regulations on Public Procurement. However, this was not a ground of disqualification of the bid of COGEAR LTD.</p> <p>Considering the provision of article 8, para 4, of Ministerial Order N° 001/08/10/MIN of 15/01/2008 establishing Regulations on Public Procurement and Standard Bidding Documents; basing on the provision of article 71, para 1, 1^o, of the Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members denounced the time taken by</p>

								<p>MININFRA for evaluation of bids;</p> <p>Given the article 42, para 1, of the Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, stipulating that: "The procuring entity shall correct any arithmetic error once it occurs in a bid";</p> <p>Considering the provision of the tender document in Section I, Instructions to Bidders, Clause 29.3 (a) and (b), the corrections of arithmetic errors in the SOCIETE NOUVELLE D'ASSURANCES DU RWANDA's financial offer carried out by MININFRA respect the provisions of the Law;</p> <p>Considering the results of investigations;</p> <p>Pursuant to the article 70 of the Law 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members decided to dismiss the appeal of COGEAR LTD because it was baseless.</p>
42	28/05/13	17/06/13	045/2013/ NIRP	QUEST WORKS & LEXION ION	RDB	N ^o RDB/RITCCE/QCBS/S/01/20 12 for Consultancy services for the Design and Supervision of the Information Communication Technologies (ICT) Center of Excellence (CoE) Rwanda.	Appeal against its disqualification	<p>Panel members checked and found out that the process of evaluation of technical and financial proposals was done in accordance with the provisions of the Request for Proposals.</p> <p>Though panel members denounced the fact that the request for the extension of proposals validity period delayed, members commented that the request was accepted by competing firms and the extension did not influence the final results of</p>

								<p>evaluation.</p> <p>Pursuant to the article 70 of the Law n°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members decided to dismiss the appeal introduced by QUEST WORKS & LEXION + ION because it is baseless.</p>
43	05/06/13	17/06/13	046/2013/ NIRP	SORAS	IRST	N°015/IRST/2012-2013/S/NO for "Acquisition d'un service d'assurance incendie pour le laboratoire de biocarburant de l'IRST se trouvant à Mulindi-Kigali";	Appeal against its disqualification	<p>Considering the article 14 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, according to which article 21 of the latter was modified and completed as follows: "Review request on decisions taken in the jurisdiction of Kigali City shall be referred to the Independent Review Panel at the National level while those concerning decisions taken in other jurisdictions shall be referred to the respective Independent Review Panels at District level"; "SORAS ASSURANCES GENERALES LTD" request should be referred to the Independent Review Panel at Huye District level.</p> <p>Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members dismissed the complaint because it is not in its jurisdiction.</p>

C. INADMISSIBLE APPEALS

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
01	10/07/12	25/07/12	57/2012/ NIRP	DAMOSSE DAFA LTD	RRA	Tender N° 108/G/RRA/ 2011-12 related to the supply of electric, plumbing and masonry materials for RRA for a period of one year.	Appeal against its disqualification	Pursuant articles 69 and 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP rejected DAMOSSE DAFA LTD's appeal due to the procedures irregularity, because it did not introduce its initial appeal before the Procuring entity.
02	17/01/13	20/02/13	20/2013/ NIRP	ENTREPRISE ELECOM	GASABO DISTRICT	N° 032/GAS/2012-13 of "Travaux de Réhabilitation du Marché de Kimironko, District de Gasabo"	Appeal against tender award.	NIRP members observed that ENTREPRISE ELECOM did not introduce the initial appeal before GASABO DISTRICT. NIRP rejected this appeal due to the procedures irregularity, because it did not introduce its initial appeal before the Procuring Entity.
03	21/02/13	13/03/13	26/2013/ NIRP	PAPETERIE CHEAP	GASABO PROSECUTI- ON INTERMEDI- ATE LEVEL	N°02/ONPJ/GI/GSBO/2012-2013/BO for "Fourniture du matériel de Bureau"	Appeal against its disqualification	NIRP members found out that PAPETERIE CHEAP lodged its appeal before NIRP 10 days after having received the GASABO PROSECUTION INTERMEDIATE LEVEL response letter to its initial appeal, Pursuant to article 70 of the Law N°12/2007 of 27 th /03/2007 on Public Procurement, NIRP members dismissed the Papeterie CHEAP appeal due to the procedures irregularity. The appeal was not lodged before NIRP in prescribed time.

D. APPEAL AGAINST CABINET DECISION

Nº	Reception date	Date of the decision	Bidder	Procuring Entity	Tender Nº and title	Subject of Appeal	Decision of NIRP
01	27/12/12	02/02/13	PELLA	MINERENA	Nº01/MINIRENA-RNRA-GMD/2012 for Development of Musha-Ntungu Cassiterite Mining Concession	Appeal contesting the Cabinet decision	Referring to article 1, 14 ⁰ of the Law 12/2007 of 27/03/2007 on Public Procurement, where it defines a Procuring Entity, the Cabinet is not therefore classified as a Procuring Entity; this being the reason to why the National Independent Review Panel could not review Cabinet's decision.

E. TERMINATION OF PROCUREMENT PROCEEDINGS

Nº	Reception date	Date of the decision	Nº of the decision	Bidder	Procuring Entity	Tender Nº and title	Subject of Appeal	Decision of NIRP
01	30/07/12	14/08/12	61/2012/NIRP	MEIL-ZTC-PNU	EWSA	Tender Nº 07.053/3547/12/PROC-DIR/pny, related to the tender of designing, material supply and installation of RWABUSORO 100 MW power plant and peat mining.	Appeal against tender awarded	<p>Considering that MEIL-ZTC-PNU CONSORTIUM did not submit similar technical references as they were requested by the Tender document; basing on the articles 36 and 70 of the Law N⁰12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal of MEIL-ZTC-PNU CONSORTIUM because it was baseless.</p> <p>Considering the discussion with the EWSA Management Team, there was no clear proof that the RUHN POWER bid arrived on time or not;</p> <p>Pursuant to articles 32 and 71, para 1, 7⁰ of the Law N⁰12/2007 of 27/03/2007 on Public Procurement NIRP members ordered the termination of the procurement proceedings.</p>

02	27/09/12	17/10/12	070/2012/ NIRP	ENVIRO- CLEANERS	RIAM	N°02/S/2012- 2013/NCB/RIAM/BO for “Gukora isuku mu Nyubako n’ubusitani bya RIAM muri Campus ya Kigali na Muhanga	Appeal against its disqualification.	NIRP members found out that evaluation made by the RIAM tender committee is not in harmony with the tender document requirements. Pursuant to the article 71 para 1, 7 ⁰ of the Law N°12/2007 of 27 th /03/2007 on Public Procurement; NIRP members ordered that the procurement proceedings be terminated.
03	07/11/12	28/11/12	081/2012/ NIRP	GLOCEMAR	NEMBA HOSPITAL	N° 006/HN/2012 related to the “Exécution des travaux de construction des Fosses à déchets, incinérateurs, Latrine et achat et installation d’une Citerne d’eau pour les Centre de santé se trouvant dans la zone de rayonnement de l’Hôpital de NEMBA”.	Appeal against the awarding tender	Considering that the tender document is poorly drafted because (i) it did not give detailed technical specifications, drawings nor bill of quantities and was not drafted following the Standard Bidding Document for Small Works, (ii) it planned the scores for preliminary evaluation; Considering also the irregularities observed in the bids of the complainant and the provisional successful bidder; NIRP members found out that it was not possible to award this tender in conformity of the provision of the Law N° 12/2007 of 27/03/2007 on Public Procurement. Pursuant to article 71, para 1, 7° of the same Law, NIRP members ordered that the procurement proceedings be terminated and recommended NEMBA HOSPITAL to re-advertise the tender after the review of the tender document following the Standard Bidding Document for Small Works.

04	08/01/13	23/01/13	12/2013/ NIRP	ALPHA MEDIA	MININFRA	N° 2148/PO/2012 for Supply and installation of sound and video system in the meeting room.	Appeal against its disqualification	<p>NIRP members did agree with the MININFRA decision to eliminate ALPHA MEDIA because he copied and pasted the technical specifications of the tender document.</p> <p>However NIRP members judged as material deviation the non-conformity to the bid submission form and not providing the Company's technical reference by the provisional successful bidder;</p> <p>Pursuant to article 71, para 1, 7⁰ of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered that the procurement proceedings be terminated.</p>
05	04/01/13	23/01/13	14/2013/ NIRP	KG HARVEST	MUHIMA HOSPITAL	N°003/MUHOP/09/2012 for cleaning services in Muhima Hospital	Appeal against its disqualification	<p>NIRP members noted that MUHIMA HOSPITAL breached Public Procurement Procedures when (i) requested to the bidders to withdraw their bids after opening session (ii) the time of evaluation used after the opening session of 01/10/2012 exceeded 21 days; (iii) modified the tender document and sent it only to the bidders which were bid for, while it was an open tender; (iv) gave four days only for preparation of new bids.</p> <p>Pursuant to article 71 para 1, 7⁰, of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members ordered that the procurement proceedings be terminated.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
06	08/01/13	13/02/13	20/2013/ NIRP	ENVIROCL- EANERS INTERNATI- ONAL	IRP OF BURERA DISTRICT	N°001/N/2012-2013/HOP/BUT “ryo Gutunganya ubusitani, gukora isuku mu nyubako zose z’ibitaro n’ahahegereye, guterura abarwayi, gupakira no gupakurura ibikoresho by’ibitaro no gucunga umutekano w’ibitaro bya Butaro”	Appeal against the Independent Review Panel of Burera District.	<p>Given the no-conformities observed in the bid of the complainant and one’s of the provisional successful bidder as well as in the evaluation report carried out by BUTARO HOSPITAL;</p> <p>Considering that different activities of this tender are grouped in one lot while there are specifically different;</p> <p>Pursuant to article 71, para 1, 7° of the Law N° 12/2007 of 27/03/2007 on Public Procurement, NIRP ordered that the procurement proceedings be terminated and advised to re-advertise the tender after redrafting the tender document and separation of dissimilar activities in different lots.</p>
07	15/05/13	17/06/13	047/2013/ NIRP	ECOGENE- RAL	RAB	N0 1.11/152/013/JJMM/H.Q regarding the provision of cleaning services at RAB HEADQUARTERS (LOT1) and cleaning services at RAB hatchery & animal resources extension-Rubirizi (Lot2)	Appeal against its disqualification	<p>Members of the NIRP commented that the bidding document did not give enough information to allow a fair competition.</p> <p>The criteria to evaluate and compare bids were not transparent as far as the calculation of prices is concerned. Some bidders quoted prices per task, others quoted prices per number of personnel.</p> <p>Pursuant to the article 41, para 1, 7° of the Law 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members ordered that the procurement proceedings be terminated.</p>

F. PROCURING ENTERED IN CONTRACT WITH THE PROVISIONAL SUCCESSFUL BIDDER WHILE PROCESS OF APPEAL WAS ONGOING

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
01	31/01/13	27/02/13	25/2013/ NIRP	DAMU GENERAL SERVICES	RCS	N° 30/OB/2012-2013 for "Gukora isuku muri RCS"	Appeal against its disqualification	<p>RCS should not disqualify the bid of the complainant for not presenting separately the Social Security contribution because it was included in the price proposed;</p> <p>RCS should not have signed the contract with the provisional successful bidder while the process of appeal was ongoing;</p> <p>Since the complainant did not propose the salary of the supervisor as required by the tender document, NIRP members do agree with RCS on the decision taken.</p> <p>Pursuant to articles 36 and 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by DAMU GENERAL SERVICES because it was baseless.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
02	01/03/13	10/04/13	N°033/2013 /NIRP	JULIA SHOP	MINAGRI	Tender N° 24/F/2012-ICB/MINAGRI, LOT 2 to Supply of 3,000 MT of DAP fertilizer	Appeal against its disqualification.	<p>MINAGRI should not have signed the contract while the process of appeal was ongoing;</p> <p>The reason (Delays on execution of the previous contract) for withdrawing the provisional notification from JULIA SHOP was not specified in the tender document;</p> <p>MINAGRI has neither warned JULIA SHOP for the delays in delivery of the ongoing contract nor applied the modalities for dispute settlement as per the contract provision.</p> <p>Considering article 71, para 1, 1^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members denounced the decision taken by MINAGRI for disqualifying JULIA SHOP and for signing contract during appeal process;</p> <p>Pursuant to article 71, para 1, 6^o of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members recommended MINAGRI to pay cost incurred by JULIA SHOP in participating in the bidding process.</p> <p>JULIA SHOP was requested to submit to NIRP the reasonable cost incurred in participating in the bidding process not later than 15 days from the date of reception of this decision.</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
03	18/03/13	13/05/13	041/2013/ NIRP	EHAC	IRP Rwamagana	N0 37/T/N/12-13/RGNA for "Kubaka inzu y'urubwiruko yo mu Murenge wa Fumbwe".	Appeal against its disqualification	<p>RWAMAGANA DISTRICT should not have signed the contract while the process of appeal was ongoing;</p> <p>Considering that (i) EHAC submitted its bid in conformity with the form of the tender document; (ii) No where in the tender document is specified a price without taxes; the price offered by EHAC should be considered as with all taxes as specified in the clause 14.3 of the instructions to bidders;</p> <p>The decision of Independent Review Panel of RWAMAGANA DISTRICT is not valid because it was signed only by its chairman and its motivation is not founded.</p> <p>Considering article 71, para 1, 1^o of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members denounced the decision taken by RWAMAGANA DISTRICT for disqualifying EHAC and for signing contract during appeal process;</p> <p>Pursuant to 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 annulled the decision taken by the Independent Review Panel of RWAMAGANA DISTRICT;</p> <p>Pursuant to article 71, para 1, 6^o of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members</p>

								<p>recommended RWAMAGANA DISTRICT to pay cost incurred by EHAC in participating in the bidding process.</p> <p>EHAC was requested to submit to NIRP the reasonable cost incurred in participating in the bidding process not later than 15 days from the date of reception of this decision</p>
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G. BIDDER REQUESTING NIRP TO REVIEW ITS DECISION

Nº	Reception date	Date of the Decision	Nº of the decision	Bidder	Procuring Entity	Tender Nº and title	Subject of appeal	Decision of NIRP
01	14/09/12	05/10/12	69/2012/ NIRP	HICOM- MANDS PVT LTD	MINEDUC	Nº064/S/IT/2011-2012- MINEDUC, of Provision of a Tracking and Inventory System for OLPCXo Monitoring	HICOMMANDS PVT LTD argued that the provisional successful bidder was not eligible to participate in the tender because it was not a Company Certified ISO.	<p>As HICOMMANDS PRIVATE LTD submitted technical references belonging to another company HICOMMANDS TECH INDIA LTD, and the provisional successful bidder did not provide an ISO 9001-2008 certificate, NIRP members found out that the both are not eligible for participating in this tender.</p> <p>Based on the article 339 of the law Nº 18/2004 of 20/06/2004 relating to the civil, commercial, labour and administrative procedure, NIRP decided to nullify their initial decision Nº 66/2012/NIRP of 05/09/2012 for the tender Nº064/S/IT/2011-2012-MINEDUC, of Provision of a Tracking and Inventory System for OLPCXo Monitoring.</p> <p>Pursuant to articles 70 and 71 para 1, 7º of the Law Nº12/2007 of 27/03/2007 on Public Procurement, NIRP members decided to dismiss the appeal introduced by HICOMMANDS PRIVATE LTD because it was baseless and ordered that the procurement proceedings be terminated.</p>

N°	Reception date	Date of the Decision	N° of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of appeal	Decision of NIRP
02	18/10/12	12/12/12	83/2012/ NIRP	SERVICE HYDRO ENERGIE (S_YNER GIE)	EWSA	N°11.07.053/2146/12/PRO C-DIR/YM/pny, for Collecting Data, Preliminary Design and technical assistance for work supervision for the 109 potential Micro and Pico Hydro Sites	Contesting the NIRP decision taken on appeal of the tender	NIRP decision based on information provided by EWSA. After failure to provide documents proving sufficiently previous experience, NIRP requested EWSA to write to S-YNERGIE partners/clients indicated in technical proposal to provide proof for having contracted with S-YNERGIE in similar services. NIRP further requested for additional time to allow them avail the information. However, it was not all partners/clients indicated in S_YNERGIE proposal that responded on time and on its favor. Thus NIRP could not re-visit the decision taken.

H.APPEAL AGAINST DEBARMENT

N°	Reception date	Date of decision	Bidder	Procuring Entity	Decision of NIRP
01	20/12/12	03/12/12	BANI LTD	RPPA	<p>«Dushingiye ku ngingo ya 19, igika cya kane cy' itegeko N°12/2007 ryo ku wa 27/03/2007 rigenga Amasoko ya Leta, yashingiweho mu kuyiheza, ivuga ko : «Imenyasha rivugwa mu gika cya mbere rigomba kumenyeshya icyemezo cyo guhagarika uwegukanye isoko cyangwa uwapiganwe mu gihe cyo gukora iperereza. icyo gihe ntikigomba kurenga amezi atandatu (6)»;</p> <p>Dushingiye ku ngingo ya 18, igika cya 2 cy'itegeko N°12/2007 ryo ku wa 27/03/2007 rigenga Amasoko ya Leta, iteganya ko «...Icyemezo cyo guhezwa kibanzirizwa no guhagarika mu masoko ya Leta » ;</p> <p>Dushingiye kandi ko icyemezo cyafashwe n'Inama y'ubuyobozi ya RPPA kigaragaza ko hari iperereza ririmo gukorwa ;</p> <p>Dusanze Inama y'ubuyobozi ya RPPA yaragombaga guhagarika BANI Ltd mu gihe hagikorwa iperereza, aho kumuheza.</p> <p>Tugendeye ku bimaze kuvugwa hejuru;</p> <p>Dusabye Inama y'ubuyobozi ya RPPA guhindura icyemezo yafashe, igafata igiteganyijwe n'itegeko N°12/2007 ryo ku wa 27/03/2007 rigenga Amasoko ya Leta».</p>

N°	Reception date	Date of the decision	N° of the decision	Bidder	Procuring Entity	Subject of Appeal	Decision of NIRP
02	11/03/13	06/05/13	038/2013/ NIRP	VECOG	RPPA	Appeal against its exclusion from participation in the public procurement	<p>RPPA should use all available channels of communication before making decision to exclude VECOG from participation in the public procurement.</p> <p>Considering article 19, para 7 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members annulled the decision taken by RPPA;</p> <p>Considering article 18, para 2 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members recommended RPPA to provisionally suspend VECOG for a period not exceeding one month, the time to take an appropriate decision to this issue.</p>

I. ONGOING APPEALS ON THE END OF FY 2012-2013

N°	Reception date	Bidder	Procuring Entity	Tender N° and title	PROGRESS
01	20/05/2013	NEW FOREST COMPANY LTD	EWSA	N°34/G/2012-ICB/EARP/DF for Supply of wooden poles	NIRP waited for a long time documents from EWSA which would allow to take an appropriate decision to the appeal.
02	20/05/2013	NEW FOREST COMPANY LTD	EWSA	N°27/G/2012-ICB/EASSDP-OFID for Supply of Low Voltage and Medium Poles and Accessories	An additional time was requested for deep analysis of this appeal.
03	28/05/2013	MUTARA ENTERPRISES LTD	MINALOC	N023-F/MINALOC/2012-2013 for Supply and Installation of Office Furniture.	NIRP invited MINALOC representatives for further clarifications.
04	30/05/2013	GOLFDATA	MINISPOC	001/G/IOCB/MINISPOC/2012-2013 for Maintenance and greening of Football Pitch of Amahoro National Stadium and its surroundings	An additional time was requested for deep analysis of this appeal.
05	04/06/2013	ENTREPRISE DU GENIE DES INFRASTRUCTURES	MIDIMAR	N038-S/NCB/MIDIMAR/2012-2013 for Provision of food supplement to sick orphans and non-accompanied children in Kigeme refugee Camp, training and sensitization on the prevention of diseases resulting from the lack of hygiene	NIRP invited MIDIMAR representatives for further clarifications.

2. MEMBERS OF NATIONAL INDEPENDENT REVIEW

No	Name	Position	Date of nomination	Comment
1	BIZIMANA RUGANINTWALI Pascal	Chairman	15/12/2010	Has been appointed Permanent Secretary in MINIJUST, thus he cannot act as a member of NIRP.
2	NSENGIYUMVA Silas	Vice Chairman	15/12/2010	
3	BATETA Jane	Member	15/12/2010	
4	KAZIMA Godfrey	Member	15/12/2010	
5	BUGINGO Emma Marie	Member	15/12/2010	