



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

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**DECISION N° 49 /2012/ NIRP ON THE TENDER N° 014/S/12/N/ONATRACOM,
REGARDING "PROVISION OF CLEANING SERVICE & WASHING BUSES"**

**COMPLAINANT : COOPERATIVE NEW LIFE
AGAINST : ONATRACOM
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, the members of the National Independent Review Panel (NIRP), on 06/06/2012 discussed the appeal introduced by COOPERATIVE NEW LIFE contesting the decision taken on the above tender.

2. SUMMARY OF THE COMPLAINT

COOPERATIVE NEW LIFE was disqualified by ONATRACOM tender committee because it failed to provide in its offer a written confirmation authorising the signatory of the bid to commit the bidder, it is now requesting NIRP to reinstate its rights and review the decision already taken by ONATRACOM due to the fact that the reason that led to its disqualification is not worthy because he (NTAGANIRA Modeste) is the president of that Cooperative and that there is no need of including it in its offer.

3. SUMMARY OF FACTS

- On 05/04/2012, ONATRACOM advertised the tender for "Provision of cleaning service & washing buses";
- On 11/05/2012, bids were publically opened;
- On 21/05/2012, ONATRACOM issued provisional notification letter to COOPERATIVE NEW LIFE;
- On 25/05/2012, COOPERATIVE NEW LIFE lodged its initial appeal before the ONATRACOM;
- On 29/05/2012, ONATRACOM responded to COOPERATIVE NEW LIFE's appeal;

- On 04/06/2012, NIRP received the appeal from COOPERATIVE NEW LIFE ;
- On 04/06/2012, NIRP requested ONATRACOM to suspend procurement process and to submit all documents related to this tender;
- On 06/06/2012, ONATRACOM provided to NIRP the requested documents.

4. OBSERVATIONS BY THE PANEL MEMBERS

After analysing the appeal lodged by COOPERATIVE NEW LIFE, NIRP members observed the following:

- The tender document requested "a written confirmation authorizing the signatory of the bid to commit the bidder", among the documents which should accompany the bid, (See Tender notice on page 5 of the Tender document);
- The complainant was administratively disqualified due to its failure to provide a written confirmation authorizing the signatory of the bid to commit the bidder;
- In the COOPERATIVE NEW LIFE's offer, there is no evidence proving that NTAGANIRA Modeste is the President of the Cooperative as he claims.

5. COMMENT BY THE PANEL MEMBERS

Considering that "written confirmation authorizing the signatory of the Bid to commit the Bidder"; was one of the documents duly required by the Tender document and given that the complainant did not provide it;

Considering that nowhere in the COOPERATIVE NEW LIFE's offer is mentioned NTAGANIRA Modeste as President of the COOPERATIVE; NIRP members find it worthy to disqualify it.

6. DECISION BY THE NIRP

Basing on the above observations and comments citing the complainant's failure to provide a written confirmation authorizing the signatory of the bid to commit the bidder which was requested by the tender document;

Pursuant, article 39 para 2 and 70 of the law N°12/2007 of 27/03/2007 on Public Procurement; NIRP decides to reject the appeal introduced by COOPERATIVE NEW LIFE, because it is baseless.

NSENGIYUMVA Silas
Vice Chairman of NIRP

KAZIMA Godfrey
Member



BUGINGO Emma-Marie
Member

BATETA Jane
Member