

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,
Website: www.rppa.gov.rw

Kigali, on 15 AOUT 2017
N° 010/2017-021/NIRP



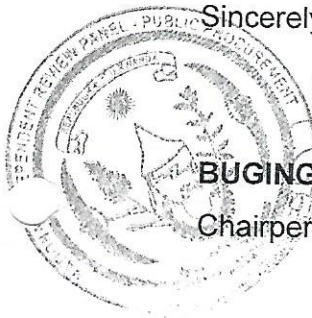
THE PERMANENT SECRETARY
MINISTRY OF PUBLIC SERVICE AND LABOR (MIFOTRA)

Dear Sir,

SUBJECT: TRANSMISSION OF THE DECISION

Pursuant to Article 70 of Law N° 12/2007 of 27/03/ 2007 on Public Procurement as modified and complemented to date, find herein attached, the decision of the National Independent Review Panel "NIRP" related to the appeal introduced by ROCKY TRADERS LTD on tender N°25/DAF/MIFOTRA/2016-2017 FOR "GUTWARA ABAKOZI BA MINISITERI Y'ABAKOZI BA LETA N'UMURIMO MU MUJYI WA KIGALI".

Sincerely,



Emma Marie Bugingo
BUGINGO Emma Marie
Chairperson

* Rocky - TRADERS LTD.
- CHARBI 23/08/2017
- JUSTIN UMURUTARATE
- ID: 1198585504356054



CC:

- Director General of RPPA.
- Manager of ROCKY TRADERS LTD.

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P. O .Box: 4276,
E-mail: info@rppa.gov.rw

Kigali, on

N° 011/2017-002/NIRP

**THE MANAGING DIRECTOR
ROCKY TRADERS LTD**

Dear Sir,

Re: Decision: N°047/2017/NIRP on tender N°25/DAF/MIFOTRA/2016-2017 FOR "GUTWARA ABAKOZI BA MINISITERI Y'ABAKOZI BA LETA N'UMURIMO MU MUJYI WA KIGALI".

Reference is made to your letter received on 24/07/2017, introduced to the National Independent Review Panel (NIRP) requesting for a review of the NIRP decision on argument that the provisionally successful bidder's certificates of good completion were received before their RURA Transport License was issued. Thus the reason you based on to think that they could be forged references.

Reference is made on Article 6 of the RURA Transport Instructions N°.005/TRANS-RURA/2011 of 26/08/2011 "*Agenga Imikorere Y'Umurimo Wo gutwara Abantu ku Butaka bw'URwanda*", that you mentioned in your letter stated above regarding the provisionally successful bidder's presented references that were issued before RURA Trade License, hence the services were rendered before receiving RURA Transport License which is the reason why you requested the panel to reconsider their decision taken on the above mentioned tender.

Reference is made to NIRP decision N° 047/2017/NIRP (...) on the appeal introduced by **ROCKY TRADERS LTD** to NIRP on 23/06/2017, to which your request for consideration concerns.

Reference is also made to the certificates of good completion you presented;

- 1- RDB certificate of good completion issued on 11/02/2016, yet you had rendered the transport service in 2014 (from 1st November, 2014), and that is before your RURA Transport License was issued;
- 2- RMI certificate of good completion issued on 08 July, 2016, yet the service had been rendered between January 2015 to March, 4th 2016, hence work was done four (4) months i.e. January-24th May, 2015 before you received your RURA Transport License which was issued on 25/05/2015;



3- Furthermore, the certificate of good completion from the Office of Ombudsman which was issued on 1st April, 2015, yet the contract was signed on 23rd January, 2014. Thus a year before you got your RURA Transport License of 20/05/2015.

We would like to inform you that the decision taken by the panel members was valid since it based on the facts presented in documents submitted to us on this tender. And on the other hand you also presented certificates of good completion that dated and were received prior the reception of your RURA Transport License. Thus your appeal is unfounded

Therefore, the decision N^o047/2017/NIRP cannot be reversed because it was taken basing on the Law and regulations governing public procurement.



BUGINGO Emma Marie
Chairperson



BIRANGWA Amri
Member



MUKANTABANA Crescence
Member



KAYITESI Eugenia
Member



MUNYURA Pierre
Member