



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

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**DECISION N° 024/2014/NIRP ON THE TENDER N° 026/S/NCB/OB/IPRC-K/2013-2014
FOR PROVISION OF CLEANING AND GARDENING SERVICE OF IPRC CARS,
BUILDINGS AND PREMISES.**

**COMPLAINANT : SHINE RWANDA LTD
AGAINST : INTEGRATED POLYTECHNIC REGIONAL CENTER (IPRC)
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 complemented to date, the members of the National Independent Review Panel (NIRP), on 12/03/2014 analysed the appeal introduced by SHINE RWANDA LTD contesting the decision on the tender award.

2. SUMMARY OF THE COMPLAINT

SHINE RWANDA LTD is contesting the IPRC's decision to disqualify its bid. IPRC disqualified the bid because the proposed salary for cleaner (less than thirty thousand (30,000 Rwf) is abnormal in comparison to the experience and the average salary for a cleaner as per the RPPA reference prices.

SHINE RWANDA LTD is arguing that IPRC does not specify in the tender document that the salaries for cleaners should be in line with the average salary for a cleaners as per the RPPA reference price. SHINE RWANDA LTD is also wondering how the provisional successful bidder (COMELEC) which doesn't comply with the qualification required was awarded this tender.



Website: www.rppa.gov.rw

[Handwritten signatures and initials]

3. SUMMARY OF FACTS

- On 12/11/2013, IPRC advertised the tender;
- On 12/12/2013, Bids were opened;
- On 21/01/2014, SHINE RWANDA LTD received the provisional notification letter;
- On 03/02/2014, SHINE RWANDA LTD introduced the initial appeal before IPRC;
- On 07/02/2014, SHINE RWANDA LTD received the response of its initial appeal from IPRC;
- On 12/02/2014, NIRP received the appeal from SHINE RWANDA LTD;
- On 14/02/2014, NIRP requested IPRC to suspend procurement process and submit all documents related to this tender;
- On 21/02/2014, IPRC submitted the documents requested;
- On 20/02/2014, IPRC disqualified COMELEC from the tender due the forgeries documents he provided.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- The bid of the complainant quotes 25,000 Rwf Net Pay, as monthly salary for a cleaner;
- The Bidding form related to the price schedule form of the tender document show that all prices, salaries of cleaners included, must be proposed with all taxes inclusive;
- The tender document does not require to specify the Pay as you earn (TPR) and RSSB's contributions for the salaries of cleaners.

5. COMMENTS BY THE PANEL MEMBERS

The price schedule form of the tender document requests the bidder to show the unit price and the total price with all taxes inclusive, but it cannot be apply for the requirements for the salaries of cleaners and supervisors as it does not request the bidders to show the pay as you earn (TPR) and the contribution to the social security fund (RSSB).

As the tender document does not indicate the pay as you earn (TPR) and the contribution to the social security fund (RSSB), yet this being the main concern for this appeal, NIRP members find out that that the basis for evaluation is not the same to all bidders, thus the comparison of the bids cannot be done fairly and requires a detailed arithmetical verification which must take into consideration the pay as you earn (TPR) and the contribution to the social security fund (RSSB) for all bids.

The salaries of cleaners should specify clearly the Pay as you earn tax (TPR) and RSSB's contributions instead of using the formula of "All taxes inclusive" which is appropriate for goods and services.

Taking into consideration that the provisional successful bidder is no longer COMELEC, NIRP judge not relevant to examine the second point of the appeal.







6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

Pursuant to the articles 19 and 40 and 41, 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, NIRP members order that the procurement proceedings be cancelled, due to the weakness of the tender document which does not allow a fair competition and recommend IPRC to re-advertise the tender after the review of the tender document.



BUGINGO Emma Marie
Chairperson

BIRANGWA Amri
Member

MUNYURA Pierre
Member

SANGANO Yves
Member

MUKANTABANA Crescence
Member