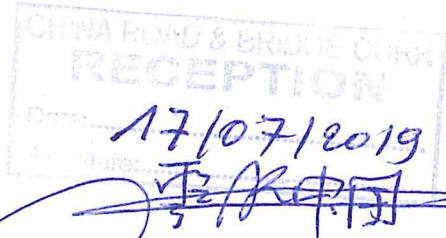


REPUBLIC OF RWANDA



**INDEPENDENT REVIEW PANEL (IRP)
PUBLIC PROCUREMENT**

KN 3 AV, 2 KIGALI/RWANDA
10th FLOOR, GRAND PENSION PLAZA
P. O. Box: 4276,
E-mail: Info@rppa.gov.rw



Kigali, on 15 JUL 2019

N° 010/2019-009/IRP

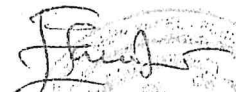
EXECUTIVE SECRETARY NYABIHU DISTRICT

Dear Sir,

SUBJECT: TRANSMISSION OF THE DECISION

Pursuant to Article 12 of Law N°62/2018 of 25/08/2018 governing public procurement, the members of the Independent Review Panel (IRP), herewith attach, their decision on the appeal introduced by JV CRBC (RB) & NPD LTD, on tender **RW-RTDA-58005-CW-RFB FOR REHABILITATION, UPGRADING AND MULTI-YEAR MAINTENANCE WORKS OF INDICATIVE FEEDER ROADS IN NYABIHU DISTRICT 93Km.**

Sincerely,


BUGINGO Emma Marie
Chairperson

CC:

- Director General of RPPA
- Manager of JV CRBC (RB) & NPD LTD



INDEPENDENT REVIEW PANEL (IRP)
PUBLIC PROCUREMENT
KN 3 AV. 2 KIGALI/RWANDA
10th; FLOOR, GRAND PENSION PLAZA
P.O BOX:4276
E-mail: info@rppa.gov.rw

Kigali, on, 11th JUL 2019
N° 010/2019-008/IRP

**EXECUTIVE SECRETARY
NYABIHU DISTRICT**

Dear Sir,

Re: Response to your letter

We acknowledge receipt of JV CRBC (RB) & NPD LTD's complaint dated on 11/06/2019, requesting IRP to review the taken by NYABIHU DISTRICT disqualifying your bid for lot 1 & 3 on tender RW-RTDA-58005-CW-RFB FOR REHABILITATION, UPGRADING AND MULTI-YEAR MAINTENANCE WORKS OF INDICATIVE FEEDER ROADS IN NYABIHU DISTRICT 93Km.

Reference is made to Grant agreement/additional financing for the feeder roads development project (N° TFA5256, TFA5145), between the Republic of Rwanda and International Bank for Reconstruction and Development (IBRD) and International Development Association (IDA), in Section III, procurement A (1) page 14, where it is stated that:

"Goods, Works, and Non-Consulting Services, required for the project and to be financed out of the proceeds of the Grant shall be procured in accordance with the requirements set forth or referred to in section I of the procurement guidelines (...)"

Reference is also made to the grant procurement guidelines in appendix I (e) and appendix III (point 3 & 11) on pages (38, 45 & 47), where it is stated that:

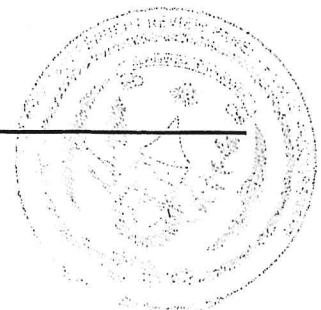
(e). "If after publication of the award the borrower receives protests or complaints from bidders, (...), the complaint and the borrower's response shall be sent to the bank for its review and comments".

A handwritten signature in black ink, appearing to be 'JCP'.

A handwritten signature in black ink, appearing to be 'JCP'.

A handwritten signature in black ink, appearing to be 'JCP'.

A handwritten signature in black ink, appearing to be 'JCP'.



3. "(...), the bank reviews the procurement procures, documents, bid evaluation, award recommendations and contract to ensure that the process is carried out in accordance with the agreed procedures, as required in the loan agreement".

11. (...), a complaint against the borrower should be addressed to the Task Team Leader for the project, with a copy to the Country Director and regional procurement Manager. The names of the Task team leaders are available in the PAD".

According to Article 2 of Law N°62/2018 of 25/08/2018 governing public procurement, it states that:

"In case this Law conflicts with provisions of a bilateral or multilateral treaty or other form of agreement related to public procurement to which the Government of Rwanda is a party, the provisions of those agreements prevail".

Given, that as per the grant agreement and the law provision stated above, the Independent Review Panel does not have the mandate to review this appeal.



BUGINGO Emma Marie
Chairperson



MUKANTABANA Crescence
Member



BIRANGWA Amri
Member



MUNYURA Pierre
Member