

DECISION N° 46/2011/NIRP ON TENDER N° RBC/CAMERWA/ADNR/342011 FOR INSURANCE OF BUILDINGS AND WAREHOUSES OF PHARMACEUTICAL PRODUCTS OF RBC/CAMERWA

COMPLAINANT: SONARWA S.A

AGAINST : RBC/CAMERWA
COMPLAINT : APPEAL AGAINST THE TENDER AWARD

1. INTRODUCTION

Pursuant to 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 June 30th, 2011, discussed the appeal introduced by **SONARWA S.A** contesting against the RBC/CAMERWA's decision of not awarding it the above tender yet it claims its bid to be the most responsive one.

2. SUMMARY OF THE COMPLAINT

SONARWA S.A lodged an appeal against the RBC/CAMERWA's decision of not awarding it the tender yet all its documents show both competitive technical and financial offers as required by the bidding document.

3. SUMMARY OF FACTS

- On 31/05/2011, CAMERWA issued a provisional notification of tender loss;
- On 03/06/2011, SONARWA S.A lodged its initial appeal before CAMERWA;
- On 07/06/2011, RBC/CAMERWA responded to SONARWA;
- On 14/06/2011, SONARWA S.A lodged its appeal before NIRP.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that:

- SONARWA S.A is the lowest bidder financially compared to COGEAR S.A (there is a difference of 2.571.227 rwf);
- Observed that Tender Committee (TC) awarded marks using ratios, but when it comes to the time of compensation, TC never used it;
- On the proposed time of compensation, CORAR proposed three (3) days and it scored 5/5; SONARWA proposed five (5) days and scored 4/5 while COGEAR

proposed fifteen (15) days and scored 3/5. The marks were awarded arbitrarily because applying the formula of ratios, they must have scored as follows:

- ✓ CORAR= $5 \times 3/3=5$
- ✓ SONARWA= $5 \times 3/4=3.75$
- ✓ COGEAR= $5 \times 3/15=1$

This is logical because in the proposed time of compensation, COGEAR is five times CORAR therefore, the reverse is true in marks awarding;

- Based on the above observation, NIRP recommend the re-evaluation of the tender on the sub criterion of “time of compensation” as illustrated bellow:

SONARWA S.A technical score is **$70.43-4+3.75=70.18$**

Therefore SONARWA’s combined score is **$49.13/70+30/30= 79.13$**

And

COGEAR S.A technical score is **$73.2-3+1=71.2$**

Therefore COGEAR’s combined score is **$49.84/70+28.51/30=78.35$**

5. DECISION BY THE NIRP

Pursuant to article 71 para.1 section 3 of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP decides to annul the decision taken by RBC/CAMERWA and award the tender to SONARWA S.A because it is the most responsive bidder.

NSENGIYUMVA Silas

Vice Chairman NIRP

KAZIMA Godfrey

Member

BUGINGO Emma-Marie

Member

BATETA Jane

Member