

DECISION N° ON TENDER N° 14/NLC/ORL/2010-2011 RELATED TO SUPPLY OF IT EQUIPMENTS FOR NATIONAL LAND CENTRE

COMPLAINANT: DIGITAL PLANET (RWANDA) LTD
AGAINST : NATIONAL LAND CENTRE (NLC)
COMPLAINT : APPEAL AGAINST THE RE-EVALUATION RESULTS

1. INTRODUCTION

Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, members of the National Independent Review Panel, "NIRP", on July 20th, 2011, discussed the appeal introduced by **Digital Planet (Rwanda) Ltd** contesting against the re-evaluation results.

2. SUMMARY OF THE COMPLAINT

Digital Planet (Rwanda) Ltd is complaining against the decision taken by NLC of disqualifying it after the re-evaluation because it did not provide manufacturers authorization.

3. SUMMARY OF FACTS

- On 08/06/2011, NLC issued a provisional notification of tender award to Digital Planet (Rwanda) Ltd ;
- On 09/06/2011, Computer Point S.a.r.l inquired for clarification from NLC;
- On 15/06/2011, NLC responded to Computer Point's concern;
- On 17/06/2011, Computer Point S.a.r.l re-appealed before NLC inquiring for further clarifications;
- On 23/06/2011, NLC issued a re-evaluation notification letter to Digital Planet (Rwanda) Ltd of tender loss;
- On 27/06/2011, Digital Planet (Rwanda) Ltd reacted on the re-evaluation notification letter of tender loss;
- On 30/06/2011, Digital Planet (Rwanda) Ltd received a response from NLC;
- On 06/07/2011, Digital planet (Rwanda) Ltd lodged its protest before NIRP.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that Digital Planet provided a certificate of origin and manufacturer's authorization from Basilica a partner of HP instead of providing a manufacturer's authorization from HP.

5. RECOMMENDATION

There was no preservation of confidentiality as the complainant got access to other bidder's documents and NIRP condemns this bad practice.

6. DECISION BY THE NIRP

From the above background therefore, NIRP members found out that the complaint lodged by Digital Planet (Rwanda) Ltd is baseless. Pursuant to Article 70 of the law N° 12/2007 of 27/03/2007 on Public Procurement, NIRP decides to dismiss the appeal lodged by Digital Planet (Rwanda) Ltd.

NSENGIYUMVA Silas

Vice Chairman NIRP

KAZIMA Godfrey

Member

BUGINGO Emma-Marie

Member

BATETA Jane

Member