

**DECISION N° 49/2011/NIRP ON TENDER N° 094/G/RRA/2010/11 FOR SUPPLYING TEN (10) PICK-UPS DOUBLE CABIN 4\*4**

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**COMPLAINANT: RWANDAMOTORS S.A**

**AGAINST : RWANDA REVENUE AUTHORITY (RRA)**

**COMPLAINT : APPEAL AGAINST THE RRA'S DECISION OF REJECTING ITS OFFER**

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 July 20<sup>th</sup>, 2011, discussed the appeal introduced by **RWANDAMOTORS s.a** contesting against the RRA's decision of disqualifying it.

### **1. SUMMARY OF THE COMPLAINT**

**RWANDAMOTORS s.a** is contesting against the decision taken by RRA on tender N° 094/G/RRA/2010/11 for supplying ten (10) pick-ups double cabin 4\*4 of rejecting its offer basing on ground that the fuel consumption of vehicles quoted by **RWANDAMOTORS s.a** is higher than required.

### **2. SUMMARY OF FACTS**

- On 15/06/2011, RRA issued a provisional notification of tender loss to **RWANDAMOTORS s.a**;
- On 16/06/2011, **RWANDAMOTORS s.a** made an administrative review before RRA;
- On 22/06/2011, RRA responded to **RWANDAMOTORS'** concern;
- On 28/06/2011, **RWANDAMOTORS** lodged its protest before NIRP.

### **3. OBSERVATIONS MADE BY THE PANEL MEMBERS**

NIRP members observed that **RWANDAMOTORS s.a** quoted ford rangers whose average fuel consumption is 9.3 litres per 100 km which is above 9.1 litres per 100 kms (1 litre per 11 kms) as requested by the bidding document (see page 55 of the bidding document).

### **4. DECISION BY THE NIRP**

From the above background therefore, NIRP members found out that the complaint lodged by RWANDAMOTORS s.a is baseless and in accordance with Article 70 of the law N° 12/2007 of 27/03/2007 on Public Procurement, NIRP decided to dismiss the appeal lodged by RWANDAMOTORS s.a

**NSENGIYUMVA Silas**

Vice Chairman NIRP

**KAZIMA Godfrey**

Member

**BUGINGO Emma-Marie**

Member