

DECISION N° 53/2011/NIRP ON TENDER N° 4903/PS/010, RELATED TO SUPPLY OF 1300 SOLAR LIGHTING SYSTEM FOR IMIDUGUDU AND PUBLIC INSTITUTIONS IN RURAL AREAS IN RWANDA

**COMPLAINANT: MODERN TECHNOLOGIES SERVICES s.a.r.l (MTS)
AGAINST : MINISTRY OF INFRASTRUCTURE (MININFRA)
COMPLAINT : APPEAL AGAINST THE DECISION TAKEN BY MININFRA OF
DISQUALIFYING IT ON ADMINISTRATIVE GROUNDS**

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 July 25th, 2011, discussed the appeal introduced by **MTS s.a.r.l** contesting against the decision of MININFRA of disqualifying it.

2. SUMMARY OF THE COMPLAINT

MTS s.a.r.l is complaining against decision taken by MININFRA of disqualifying it basing on the grounds that MTS s.a.r.l did not fulfill the requirements of criteria 6 and 24 specified in the administrative compliance grid of the tender dossier that were not provided therein.

3. SUMMARY OF FACTS

- On 08/06/2011, MTS s.a.r.l received a notification letter of tender loss dated 25/04/2011;
- On 13/06/2011, MTS s.a.r.l made initial appeal before MININFRA;
- 23/06/2011, MTS s.a.r.l lodged its appeal before NIRP;
- On 08/07/2011, NIRP wrote to MININFRA requesting for tender related documents;
- On 25/07/2011, MININFRA provided NIRP with the requested documents.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that:

- MTS s.a.r.l did not provide the proof for economic and financial capacity (total turnover as per criteria) with supporting documents as requested by the bidding document Part C of administrative compliance Grid, page 68;

- MTS s.a.r.l did not provide two samples of complete solar kits as requested by the bidding document Part C of administrative compliance Grid, page 69.

5. DECISION BY THE NIRP

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 MTS s.a.r.l because it is baseless.

NSENGIYUMVA Silas
Vice Chairman NIRP

BUGINGO Emma-Marie
Member

KAZIMA Godfrey
Member

BATETA Jane
Member