

**DECISION N° 54/2011/NIRP ON TENDER N° 012/F/2011-I/PMU GLOBAL FUND/RPPA FOR SUPPLY AND INSTALLATION OF GENERATORS AND CONSTRUCTION WORKS OF THEIR SHELTERS FOR 74 HEALTH CENTRES**

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**COMPLAINANT: HYDROBATEL**

**AGAINST : SINGLE PROJECT IMPLEMENTATION UNIT (SPIU)**

**COMPLAINT : APPEAL AGAINST THE SPIU'S OF DISQUALIFYING IT**

## **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 25<sup>th</sup>, 2011, discussed the appeal introduced by **HYDROBATEL** contesting against the decision taken by SPIU of not awarding him a tender.

## **2. SUMMARY OF FACTS**

- On 10/06/2011, HYDROBATEL received a notification letter of tender rejection;
- On 14/06/2011, HYDROBATEL reacted on the SPIU's decision of disqualifying it;
- On 28/06/2011, SPIU responded to HYDROBATEL's concern by inviting it to a meeting that took place on 30<sup>th</sup> of June 2011;
- On 06/07/2011, HYDROBATEL made some clarifications on the meeting of 30<sup>th</sup> June 2011;
- On 12/07/2011, RPPA responded to HYDROBATEL's clarifications;
- On 13/07/2011, SPIU also responded to HYDROBATEL's clarifications showing that it is both administratively and technically qualified but still its bid was rejected due to the fact that it was not the lowest;
- On 15/07/2011, HYDROBATEL lodged its initial appeal before NIRP;
- On 20/07/2011, NIRP requested for documents from SPIU;
- On 25/07/2011, SPIU submitted the documents.

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

NIRP members observed that HYDROBATEL proposed two options of delivery in its bid, the airfreight option which responds to the requirement of the delivery period of 120 days as per tender document has been considered; its financial offer was ranked the second.

#### **4. 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 HYDROBATEL because his offer is not the lowest

**NSENGIYUMVA Silas**  
Vice Chairman NIRP

**KAZIMA Godfrey**  
Member

**BUGINGO Emma-Marie**  
Member

**BATETA Jane**  
Member

