

DECISION N° 55/2011/NIRP ON THE TENDER N° PAPSDSK C/10/011/2011 FOR CONSTRUCTION WORKS OF 4 HEALTH CENTERS IN KIGALI CITY

COMPLAINANT : SOCIETE NATIONALE DE L'ART ET DES TECHNIQUES DE CONSTRUCTION "SNATCO"

AGAINST : PROGRAMME D'APPUI INSTITUTIONEL A LA MISE EN ŒUVRE DU PLAN STRATEGIQUE DE DEVELOPPEMENT SANITAIRE DE KIGALI (PAPSDSK)

COMPLAINT : APPEAL AGAINST THE DECISION OF THE TENDER AWARD

1. INTRODUCTION

Pursuant to the 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 01st August 2011, discussed the appeal introduced by SNATCO contesting the decision made on the award of the tender N° PAPSDSK C/10/011/2011 for construction works of 4 Health Centers in Kigali City.

2. SUMMARY OF THE COMPLAINT

SNATCO is claiming that PAPSDSK rejected its bid while it fulfilled all the requirements of the tender document. Therefore, the company is requesting for a review of the process of awarding the tender N° PAPSDSK C/10/011/2011 for construction works of 4 Health Centers in Kigali City.

3. SUMMARY OF FACTS

- On 27/06/2011, PAPSDSK sent a provisional notification to SNATCO;
- On 30/06/2011, PAPSDSK received the initial appeal introduced by SNATCO;
- On 15/07/2011, PAPSDSK sent the definitive notification to SNATCO and responded to its letter;
- On 22/07/2011, SNATCO introduced the appeal to NIRP.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

From 30/06/2011, the day on which SNATCO introduced its initial appeal before the PAPSDSK and the date on which it received the response, there is a period of fifteen (15) days. From this, SNATCO did not respect the prescribed period to introduce its appeal;

SNATCO did not pay the appeal fee.

5. DECISION BY THE NIRP

Considering that SNATCO did not respect the prescribed period of 7 days for introducing its appeal as stated for by the Law on public procurement;

Considering that SNATCO did not pay the required appeal fees;

Given the article 69, 70 and 71 of the Law 12/2007 of 27th March 2007 on Public Procurement;

Given the article 34 of the Ministerial Order N° 001/08/10/MIN of 15/01/2008 establishing Regulations on Public Procurement and Standards Bidding Document;

The NIRP decides to reject the appeal introduced by SNATCO because of the appeal procedure's irregularity;

NSENGIYUMVA Silas

Vice Chairman of NIRP

BUGINGO Emma-Marie

Member

KAZIMA Godfrey

Member

BATETA Jane

Member