

**DECISION N° 67/2011/NIRP ON THE TENDER N° 01/NOCB/WORK/KIE/2011-2012
REGARDING CLEANING WORK FOR THE ENTIRE CAMPUS**

COMPLAINANT : SHELTER-INTERNATIONAL
AGAINST : KIGALI INSTITUTE OF EDUCATION “KIE”
COMPLAINT : APPEAL AGAINST 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 26th August 2011, discussed the appeal introduced by SHELTER-INTERNATIONAL contesting the decision made by Kigali Institute of Education “KIE” on the award of the tender N° 01/NOCB/WORK/KIE/2011-2012 regarding Cleaning work for the entire Campus.

2. SUMMARY OF THE COMPLAINT

SHELTER-INTERNATIONAL is claiming that KIE awarded the tender to another bidder yet it claims to be the only one that is technically qualified to be awarded the stated tender. Therefore, the company is requesting for a review of the process of awarding this tender N° 01/NOCB/WORK/KIE/2011-2012 regarding Cleaning work for the entire Campus.

3. SUMMARY OF FACTS

- On 22/07/2011, KIE sent the provisional notification to all bidders and received by SHELTER-INTERNATIONAL on 27/07/2011;
- On 29/07/2011, SHELTER-INTERNATIONAL introduced the initial appeal before KIE;
- On 29/07/2011, KIE provided the final unsuccessful notification to all bidders and received by SHELTER-INTERNATIONAL on 01/08/2011;
- On 10/08/2011, SHELTER-INTERNATIONAL introduced the appeal to NIRP;
- On 17/08/2011, the NIRP sent a letter of suspension of the procurement procedures and request for documents to KIE;
- On 22/08/2011, KIE sent the requested documents to the NIRP.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

Members of the NIRP, after analyzing all documents related to the mentioned tender, observed that SHELTER-INTERNATIONAL was eliminated because of its financial offer was the higher than that of the successful bidder.

Secondly, from 01/08/2011, the day on which SHELTER-INTERNATIONAL received the final unsuccessful notification to 10/08/2011, the day on which it introduced its appeal before NIRP, there is a period of ten (10) days. From this point of view, SHELTER-INTERNATIONAL introduced its appeal after the prescribed period had expired.

5. DECISION BY THE NIRP

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

Given the articles 69 and 70 of the law N° 12/2007 of 27/03/2007 on Public Procurement;

The NIRP decides to dismiss the appeal introduced by SHELTER-INTERNATIONAL because of the appeal procedure's irregularity;

NSENGIYUMVA Silas

Vice Chairman of NIRP

KAZIMA Godfrey

Member

BUGINGO Emma-Marie

Member

BATETA Jane

Member

