



**NATIONAL INDEPENDENT REVIEW PANEL (NIRP)
PUBLIC PROCUREMENT**

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**DECISION N° 028/2013/NIRP ON THE TENDER N° 11.07.053/014/NCS/013/NCB/12/PROC-
DIR/YM/jn, FOR RECRUITMENT OF TWO CLEARING AGENCIES**

COMPLAINANT : ADONAI LTD
AGAINST : EWSA
COMPLAINT : APPEAL AGAINST THE DECISION ON 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 20/03/2013 analyzed the appeal introduced by ADONAI LTD contesting the decision on the tender mentioned above.

2. SUMMARY OF THE COMPLAINT

ADONAI LTD is requesting NIRP for re-evaluation of the bids because it is not satisfied with the EWSA decision stating that the validity period of its bid security is less than the validity period required by the tender document.

3. SUMMARY OF FACTS

- On 06/01/2013, EWSA advertised the tender;
- On 07/02/2013, Bids were opened;
- On 01/03/2013, EWSA sent the provisional notification letters to all bidders;
- On 06/03/2013, ADONAI LTD introduced the appeal before EWSA;
- On 15/03/2013, ADONAI LTD lodged its appeal before NIRP;
- On 18/03/2013, EWSA responded to ADONAI LTD' initial appeal;

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4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

1. The clause 18.1 of Instructions to Bidders specify that: " The bid validity period shall be 90 days after the date of the bids opening";
2. The format of the Bid Security mentions that the guarantee of the Bid Security will expire thirty (30) days after the expiration of the bid validity period;
3. The date of opening of bids was 07/02/2013;
4. The validity of the bid security submitted by ADONAI LTD is expiring on May 30, 2013. He claims himself that the Validity Period of its bid is **113 days**.

5. COMMENT BY THE PANEL MEMBERS

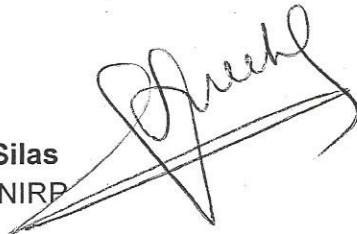
The validity period of the Bid Security submitted by the complainant is not complying with the provision of the tender document, because its validity period is 113 days instead of 120 days.

6. DECISION BY THE NIRP


Basing on the above background and comment;

Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement, NIRP members decide to dismiss the appeal introduced by ADONAI LTD because it is baseless.

NSENGIYUMVA Silas
Vice Chairman of NIRP



BUGINGO Emma Marie
Member



KAZIMA Godfrey
Member



BATETA Jane
Member

