



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

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**DECISION N° 031/2013/NIRP ON THE TENDER N° 11.07.053/014/NCS/013/NCB/12/PROC-
DIR/YM/jn, FOR RECRUITMENT OF TWO CLEARING AGENCIES**

COMPLAINANT : STANDARD INTERNATIONAL FORWARDERS 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 27/03/2013 analyzed the appeal introduced by STANDARD INTERNATIONAL FORWARDERS LTD contesting the decision on the tender mentioned above.

2. SUMMARY OF THE COMPLAINT

STANDARD INTERNATIONAL FORWARDERS LTD is requesting NIRP for re-evaluation of the bids because he is not satisfied with the EWSA decision stating that (i) the delivery period being less than 90 days at the date of opening bids yet its submission stipulated clearly 90 days after the expiry of the bid validity period; (ii) EWSA considered a Bid Security from ECOBANK while he presented a Bid Security from ACCESS BANK and (iii) the both provisional successful bidders did no quote for most of services needed.

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 07/03/2013, STANDARD INTERNATIONAL FORWARDERS LTD introduced the appeal before EWSA;
- On 18/03/2013, EWSA responded to STANDARD INTERNATIONAL FORWARDERS LTD's initial appeal;
- On 19/03/2013, STANDARD INTERNATIONAL FORWARDERS LTD lodged its appeal before NIRP.

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4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- The EWSA provisional notification mentioned that "The validity period of the complainant's Bid Security N° ECOCRW 041/13....";
- The reference of the Bid Security of the complainant is N° 3384/CC/LH/EM/13;
- 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";
- The date of opening of bids was 07/02/2013;
- The validity of the Bid Security submitted by STANDARD INTERNATIONAL FORWARDERS LTD states that the guarantee will expire: "... (ii) thirty (30) days after the expiration of the Bid Validity Period, **not later than May 07, 2013**. This guarantee shall become null and void at the expiration of the tenor herein stated, whether or not the original is returned to the guarantor for cancellation";
- Both provisional successful bidders offer free charges for some services to be carried out;
- The complainant offers free charges on the following items: (i) Follow up; (ii) Authorized collection; (iii) Recovery documents; (iv) Preclearance; (v) Transports.

5. COMMENTS BY THE PANEL MEMBERS

STANDARD INTERNATIONAL FORWARDERS LTD provided a Bid Security from ACCESS BANK instead of ECOBANK as stipulated by EWSA in the provisional notification letter;

Contrary to what STANDARD INTERNATIONAL FORWARDERS LTD states in its complainant letter "...our submission stipulated clearly 90 days after the expiry of the bid validity period"; its Bid Security anticipated a deadline period of 07/05/2013, while the tender document required 30 days after the period of Bid Validity, i.e the bid security should be valid until 07/06/2013.


Concerning the services not quoted, NIRP members find out that, the both provisional successful bidders as well as the complainant charge free for some services to be carried out and EWSA does not found issues about to offer free services on this tender.

6. DECISION BY THE NIRP

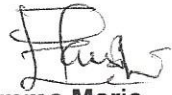
Basing on the above background and comments;

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 STANDARD INTERNATIONAL FORWARDERS LTD because it is baseless.


NSENGIYUMVA Silas
Vice Chairman of NIRP


KAZIMA Godfrey
Member




BUGINGO Emma Marie
Member


BATETA Jane
Member