

REPUBLIC OF RWANDA



NATIONAL INDEPENDENT REVIEW PANEL (NIRP) PUBLIC PROCUREMENT

AVENUE DE LA PAIX, KIGALI-RWANDA
P. O .Box: 4276, Tel.: (250) 501403, 501404, 501405,
Fax: (250) 501402
E-mail: rppa@rwanda1.com

DECISION N° *038* /2013/NIRP ON APPEAL AGAINST RPPA DECISION TO EXCLUDE A BIDDER FROM PARTICIPATION IN THE PUBLIC PROCUREMENT

COMPLAINANT : VECOG
AGAINST : RPPA
COMPLAINT : APPEAL AGAINST THE DECISION FOR EXCLUSION FROM
PARTICIPATION IN THE PUBLIC PROCUREMENT

1. INTRODUCTION

Pursuant to the article 70 of the Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, the members of the National Independent Review Panel (NIRP), on 13/03/2013; 03/04/2013; 10/04/2013; 15/04/2013; 22/04/2013 and 06/05/2013 analysed the appeal introduced by VECOG contesting the above decision taken.

2. SUMMARY OF THE COMPLAINT

VECOG is contesting the RPPA decision to exclude it from participation in the public procurement because it is not respect the law and regulations governing the public procurement. In fact, VECOG is arguing that it has never been called for a hearing session.

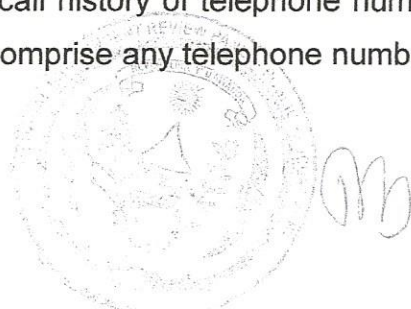
3. SUMMARY OF FACTS

- On 05/11/2012, RPPA received from MINIJUST a request to exclude VECOG from participation in the public procurement;
- On 20/11/2012, RPPA wrote a letter inviting VECOG for a hearing session;

- On 11/01/2013, RPPA summoned VECOG by advertising through IMVAHO NSHYA N° 2549;
- On 25/02/2013, RPPA Board of Directors took decision to exclude VECOG from participation in the public procurement;
- On 11/03/2013, NIRP received the appeal introduced by VECOG;
- On 14/03/2013, NIRP invited VECOG representatives for clarifications;
- On 28/03/2013, NIRP received VECOG letter clarifying the contract execution;
- On 09/04/2013, NIRP informed both VECOG and RPPA that an additional time not exceeding 30 days will be needed in order to take an appropriate decision;
- On 11/04/2013, NIRP wrote a letter to VECOG requesting his call history from MTN Rwandacell from 21/11/2012 to 27/11/2012;
- On 18/04/2013, NIRP received VECOG letter informing that it was not possible for it to get call history from MTN Rwandacell;
- On 23/04/2013, NIRP requested RWANDA NATIONAL POLICE for assistance to get call history of telephone number 0788 573957 from MTN Rwandacell from 21/11/2012 to 27/11/2012;
- On 06/05/2013, NIRP received call history of telephone number 0788 573957 from 21/11/2012 to 27/11/2012 from RWANDA NATIONAL POLICE.

4. OBSERVATIONS BY THE PANEL MEMBERS

- RPPA excluded VECOG from participation in the public procurement because it did not honor the contract for reparation works of Ministry of justice (external painting, partition wall, roofing and PVC pipes replacement) for reasons not linked with Ministry of Justice;
- The addresses of VECOG included in the contract between MINIJUST and VECOG are its telephone N° 0788573957 and e-mail: gasanavincent@yahoo.fr ;
- RPPA did not use an e-mail of VECOG to summon it for a hearing session;
- The call history of telephone number 0788573957 from 21/11/2012 to 27/11/2012 does not comprise any telephone number of staff members of RPPA.



A handwritten signature in blue ink, consisting of stylized letters.

5. COMMENT BY THE PANEL MEMBERS

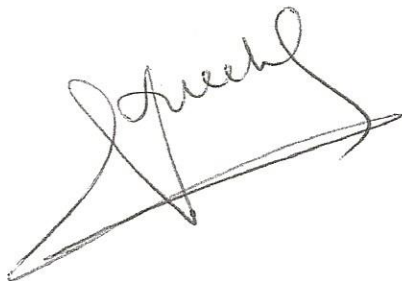
RPPA should use all available channels of communication before making decision to exclude VECOG from participation in the public procurement.

6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comment;

Considering article 19, para 7 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members annul the decision taken by RPPA;

Considering article 18, para 2 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members recommend RPPA to provisionally suspend VECOG for a period not exceeding one month, the time to take an appropriate decision to this issue.



NSENGIYUMVA Silas
Vice Chairman of NIRP

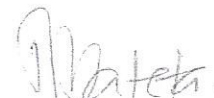


BUGINGO Emma Marie
Member



KAZIMA Godfrey

Member



BATETA Jane

Member