

DECISION N° 63/ N° 11.07.053/1877/11/PROC-DIR/Y/M/jn FOR AVAILING NEEDED EQUIPMENT AND TEMPORARY MANPOWER TO EWSA

COMPLAINANT : ASSOCIATION MOMENTANNE ENTREPRISE DE CONSTRUCTION MURENZI EDOUARD & FILS ET AFRI-BUSINESS CENTER (AMEAC)

AGAINST : ENERGY WATER AND SANITATION AUTHORITY (EWSA)

COMPLAINT : APPEAL AGAINST THE DECISION OF NOT AWARDING IT A TENDER

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 August 22nd 2011, discussed the appeal introduced by AMEAC contesting against the EWSA's decision of not awarding it.

2. SUMMARY OF THE COMPLAINT

AMEAC is contesting against the decision of not awarding it a tender and award it to non qualifying companies.

3. SUMMARY OF FACTS

- On 21/07/2011, EWSA wrote provisional notification of unsuccessful bid to AMEAC;
- On 23/07/2011, AMEAC wrote to EWSA contesting against the provisional notification of unsuccessful bid and received by the latter on 26/07/2011;
- On 03/08/2011, EWSA responded to AMEAC's concern;
- On 09/08/2011, AMEAC lodged its appeal before NIRP.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that:

- Bidding document provides that the tender is composed of two lots and that one bidder can submit his/her offer for both lots but shall not be awarded more than one lot (page 29, ITB 1.1);
- The firms that were awarded tenders, their respective bid guarantee corresponds to the lots they won;
- The complainant was eliminated because its financial offer was not the lowest.

5. DECISION BY THE NIRP

Pursuant to article 39 Para 3 and article 70 of the law N° 12/2007 of 27/03/2007 on Public Procurement;

NIRP decides to dismiss the appeal lodged by AMEAC because it is baseless.

NSENGIYUMVA Silas
Vice President of NIRP

BUGINGO Emma-Marie
Member

KAZIMA Godfrey
Member

BATETA Jane
Member

