

**DECISION N° 70/2011/NIRP ON TENDER N° 012/T/2011/AOIR/FIDA/KWAMP FOR
“EXECUTION DES TRAVAUX DES CONSTRUCTION DE QUATRE BARRAGES DE
RETENUE D’EAU POUR LE DEVELOPPEMENT DE L’IRRIGATION COLLINAIRE DANS LES
BASSINS VERSANTS DE KINONI ET MWOGA, DANS LE DISTRICT DE KIREHE,
PROVINCE DE L’EST”**

COMPLAINANT: CIVIL ENGINEERING CONTRACTORS S.A.R.L

AGAINST : MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES

COMPLAINT : APPEAL AGAINST TECHNICAL DISQUALIFICATION

1. INTRODUCTION

Pursuant to 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 October, 05th 2011, discussed the appeal introduced by **CIVIL ENGINEERING CONTRACTORS S.A.R.L** complaining against the decision taken by Ministry of Agriculture and Animal Resources (MINAGRI) of disqualifying it on technical grounds.

2. SUMMARY OF THE COMPLAINT

CIVIL ENGINEERING CONTRACTORS S.A.R.L is contesting against the decision taken by MINAGRI of disqualifying it on grounds that it is lacking the required experience, aging equipments and lack of references of similar works executed.

3. SUMMARY OF FACTS

- On 25/08/2011, MINAGRI/KWAMP requested for no-objection to the evaluation report for construction works of 4 dams for hillside irrigation from IFAD;
- On 02/09/2011, IFAD granted MINAGRI KWAMP the requested no-objection;
- On 09/09/2011, CIVIL ENGINEERING CONTRACTORS S.A.R.L received a provisional notification of tender loss;
- On 13/09/2011, CIVIL ENGINEERING CONTRACTORS S.A.R.L made initial appeal before MINAGRI;

- On 20/09/2011, CIVIL ENGINEERING CONTRACTORS S.A.R.L lodged its appeal before NIRP;
- On 22/09/2011, NIRP requested for documents from MINAGRI;
- On 30/09/2011, MINAGRI provided NIRP with the requested documents.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that:

- most of the proposed key personnel by CIVIL ENGINEERING CONTRACTORS S.A.R.L do not have the required experience in construction of similar construction works as requested by tender document on IAS 5.5 (d);
- CIVIL ENGINEERING CONTRACTORS S.A.R.L did not have specific reference in similar works as requested by the bidding document on IAS 5.5 (b) and defined on 5.3 (c);
- IFAD granted MINAGRI/KWAMP no-objection to the evaluation report for construction works of 4 dams for hillside irrigation.

5. DECISION BY THE NIRP

Pursuant to article 70 of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP decides to dismiss the appeal lodged by CIVIL ENGINEERING CONTRACTORS S.A.R.L because it is baseless.

NSENGIYUMVA Silas
Vice Chairman NIRP

BATETA Jane
Member

KAZIMA Godfrey
Member

BUGINGO Emma-Marie
Member