



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

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**DECISION N° 73/2011/NIRP ON TENDER N° ONP/12/07/2011, REPARATION
RESEAU INTERNET (LOT 2)**

COMPLAINANT: GLOBAL IN ONE

AGAINST : OFFICE NATIONAL DES POSTES (ONP)

**COMPLAINT : APPEAL AGAINST THE DECISION OF AWARDING THE TENDER
TO NON RESPONSIVE BIDDER 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, 24th 2011, discussed the appeal introduced by **GLOBAL IN ONE** complaining about the decision taken by OFFICE NATIONAL DES POSTES of awarding the tender to non responsive bidder.

2. SUMMARY OF THE COMPLAINT

GLOBAL IN ONE is contesting about the decision taken by ONP of awarding the tender to the bidder who did not meet all the administrative requirements.

3. SUMMARY OF FACTS

- On 14/09/2011, GLOBAL IN ONE received provisional notification of tender loss;
- On 20/09/2011, GLOBAL IN ONE made initial appeal before ONP;
- On 27/09/2011, ONP responded to GLOBAL IN ONE's concern;
- On 30/09/2011, GLOBAL IN ONE lodged its appeal before NIRP;
- On 10/10/2011, NIRP requested for documents from ONP;
- On 17/10/2011, ONP provided NIRP with the requested documents.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that:

- ECONETS (the provisional successful bidder) submitted,
 - i. a photocopy of trading licence not bearing a stamp of public notary as requested by the bidding document in chapter I and II of the instructions to bidder and in the tender notice;
 - ii. The “*attestation de non-redevance*” from “*Caisse Sociale du Rwanda*” was not valid and the one that replaced it was submitted on 12/09/2011 yet opening of offers took place on 25/08/2011;

- NIRP also observed that there was an error in the evaluation report on the technical ground because GLOBAL IN ONE does not appear on the list of evaluated companies on lot 2. The tender committee has to rectify it.

5. COMMENT

ECONET should have been eliminated on the administrative level.

6. DECISION BY THE NIRP

Given the article 70 of the Law N° 12/2007 of 27th March 2007 on Public Procurement;

Given article 39 para.3 of the law N° 12/2007 of 27/03/2007 on public procurement which states that “The successful bidder shall be the lowest responsive bidder”,

Pursuant to article 71 para.1 3° of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP decides to annul the decision taken by ONP and order it to award the tender to the GLOBAL IN ONE because it is the most responsive.

NSENGIYUMVA Silas
Vice Chairman NIRP

BATETA Jane
Member

KAZIMA Godfrey
Member

BUGINGO Emma-Marie
Member