



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

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**DECISION N° 80/2011/NIRP ON THE TENDER N° 77/T/2010-2011HDFOR STREET
LIGHT INSTALLATION: ROAD RWABUYE-CENTRE VILLEMUKONI-RANGO-
CENTRE VILLE-TABA –NGOMA-MATYAZO IN HUYE DISTRICT**

COMPLAINANT : ALTEC S.A.R.L
AGAINST : IN HUYE DISTRICT
COMPLAINT : APPEAL AGAINST THE DECISION OF 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 21st November 2011, discussed the appeal introduced by ALTEC SARL contesting the decision taken by Huye District of not awarding it lot 2 and 3 of the above tender.

2. SUMMARY OF THE COMPLAINT

ALTEC SARL is claiming that Huye District did not award it a tender (lot 2 and 3) on ground that it proposed unqualified personnel.

3. SUMMARY OF FACTS

- On 02/08/2011, Huye District sent a provisional notification to ALTEC SARL;
- On 04/08/2011, ALTEC SARL introduced the initial appeal to Huye District;
- On 10/08/2011, Huye District responded to ALTEC SARL's concern;
- On 12/08/2011, ALTEC SARL lodged its appeal before Huye District Independent Review panel;
- On 09/09/2011, Huye District Independent Review panel informed both Huye District and ALTEC SARL of the need for the extra time to deeply analyse the case;
- On 17/09/2011, Huye District Independent Review panel issued the decision thereof;
- On 11/10/2011, ALTEC SARL lodged its appeal before NIRP;
- On 12/10/2011, NIRP requested for documents from Huye District;

- On 26/10/2011, Huye District provided NIRP with the requested documents;
- On 10/11/2011, NIRP wrote a letter to Huye District and ALTEC SARL requesting for extra time and precision on the reception date of Huye District Independent Review panel decision;
- On 15/11/2011, ALTEC SARL responded to NIRP's request;
- On 16/11/2011, Huye District responded to NIRP's request.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed that:

- The complainant presented a C.V of the project manager but missed his academic testimonials as requested by the ITB 5.3 (e) and as mentioned in the evaluation report;
- Members also observed that the provisional successful bidder's submission letter is not in conformity with the form provided for in the bidding document and it did neither mention bid validity period nor execution period as requested by the bidding document (see page 25 of the bidding document).

5. COMMENTS

As the provisional successful bidder and the complainant did not fully comply with the bidding document requirements, both should be tolerated, for fairness.

6. DECISION BY THE NIRP

NIRP is hereby nullifying the decision taken by the Huye District Independent Review Panel.

Pursuant to article 71 para.1, 5° of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP orders re-evaluation of the bids on financial stage and consider ALTEC SARL bid in the process after requesting the complainant to provide the academic testimonial for the project manager.

NSENGIYUMVA Silas

Vice Chairman of NIRP

KAZIMA Godfrey

Member

BUGINGO Emma-Marie

Member

BATETA Jane

Member