



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

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**DECISION N° 83/2011/NIRP ON TENDER N° 738/S/NCB/RDB/A&F/GoR/11 FOR
HIRING A COMPANY FOR MAINTENANCE SERVICES OF RDB GENERATORS FOR A
PERIOD OF ONE YEAR**

COMPLAINANT: HIGH-TECH Ltd
AGAINST : RDB
COMPLAINT : APPEAL AGAINST THE TENDER AWARD

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 November 18th 2011, discussed the appeal introduced by HIGH-TECH Ltd contesting against the RDB's decision of not awarding it the above tender.

2. SUMMARY OF THE COMPLAINT

HIGH-TECH Ltd lodged an appeal against the RDB's decision awarding the above tender to another bidder without complying with the contents of the bidding document and yet his company met the entire requirements.

3. SUMMARY OF FACTS

- On 22/07/2011, RDB issued a provisional notification to HIGH-TECH Ltd;
- On 29/07/2011, HIGH-TECH Ltd made initial appeal before RDB;
- On 08/06/2011, RDB responded to HIGH-TECH Ltd's concern;
- On 09/08/2011, HIGH-TECH Ltd provided clarifications to RDB;
- On 20/09/2011, HIGH-TECH Ltd claimed for unfair disqualification;
- On 21/09/2011, RDB responded to its appeal;
- On 06/10/2011, HIGH-TECH Ltd claimed for unfair disqualification;
- On 12/10/2011, HIGH-TECH Ltd lodged its appeal before NIRP;
- On 14/10/2011, NIRP requested for documents from RDB;

- On 18/10/2011, RDB provided NIRP with the requested documents.

4. OBSERVATIONS MADE BY THE PANEL MEMBERS

NIRP members observed that HIGH-TECH Ltd appealed several times before RDB and thus not respecting appealing process.

5. DECISION BY THE NIRP

Considering that HIGH-TECH Ltd did not respect the prescribed period of 7 days for introducing its appeal as stated by the Law on public procurement;

Given the article 69 Para. 3 of the Law 12/2007 of 27th March 2007 on Public Procurement;

The NIRP decides to reject the appeal introduced by HIGH-TECH Ltd because of the appeal procedure's irregularity.

NSENGIYUMVA Silas
Vice Chairman NIRP

BUGINGO Emma-Marie
Member

KAZIMA Godfrey
Member

BATETA Jane
Member