



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

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DECISION N°004/2013/NIRP ON THE TENDER N°011MS/2011-2012/RLDSF, FOR CONSULTING SERVICE FOR EXTERNAL AUDIT OF RLDSF ON PROJECTS FINANCED BY THE NETHERLANDS THROUGH THE NETHERLANDS EMBASSY AND THE GERMANY THROUGH KFW FOR A PERIOD OF (1st JULY, 2011 TO 30th JUNE, 2012) FOR KFW, AND (1st JULY 2011 TO 31st AUGUST 2012) FOR NETHERLANDS.

**COMPLAINANT : AUGECO LTD
AGAINST : RLDSF
COMPLAINT : APPEAL AGAINST THE DECISION ON 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 16/01/2013, analyzed the appeal introduced by AUGECO LTD contesting the decision on the Tender mentioned above.

2. SUMMARY OF THE COMPLAINT

AUGECO LTD is contesting the RLDSF decision to disqualify its bid because it did not present the (a) Notified of trading licence, (b) at least two notified certificates of good performance in field of Auditing, (c) original or notified certificate of Rwanda Social Security Board, (d) the notified certificate of registration in ICPAR as a company not as an individual person.

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3. SUMMARY OF FACTS

- On 24/10/2012, RLDSF advertised the tender;
- On 26/11/2012, Technical proposal were opened;
- On 14/12/2012, RLDSF sent provisional notification related to the evaluation of technical proposal;
- On 17/12/2012, AUGECO LTD introduced the initial appeal before RLDSF;
- On 28/12/2012, AUGECO LTD introduced the appeal to NIRP;
- On 31/12/2012, NIRP requested RLDSF to suspend procurement process and to submit all documents related to this tender;
- On 09/01/2013, RLDSF submitted the requested documents to NIRP.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observe the following:

- The Request For Proposal, on page 13 clause, indicates documents comprising the bid;
- RLDSF did not respond to the initial appeal of AUGECO LTD;
- The tender committee of RLDSF stated that AUGECO LTD provided scanned copies instead of notified copies or original as requested by the tender document (See Inyandikomvugo y'Inama yo ku wa 17/12/2012).

5. COMMENT BY THE NIRP

Since AUGECO LTD submitted the information required by the Request For Proposal through scanned copies, NIRP members consider those non-conformities do not constitute material deviation because they have no impact on the technical nor the financial proposals. RLDSF should verify the authenticity of those documents.

6. DECISION BY THE NIRP

Basing on the above background and comment;

Pursuant to article 71 Para 1, 5⁰ of the Law 12/2007 of 27th March 2007 on Public Procurement; NIRP members order re-evaluation with consideration of the technical proposal of AUGECO LTD after verifying the authenticity of the documents. .

NSENGIYUMVA Silas
Vice Chairman of NIRP



KAZIMA Godfrey
Member



BATETA Jane
Member