



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

AVENUE DE LA PAIX, KIGALI-RWANDA
P. O. Box: 4276, Tel.: (250) 501403, 501404, 501405,
Fax: (250) 501402
E-mail: rppa@rwanda1.com

**DECISION N° 64/2013/NIRP ON THE TENDER N° 09/G/ONC/2013/OB/NEC/JULY/2013 FOR
SUPPLY OF BANNERS.**

COMPLAINANT : SELECTKALAOS
AGAINST : NATIONAL ELECTORAL COMMISSION (NEC)
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 as modified and completed to date, on 06/09/2013 members of the National Independent Review Panel (NIRP) analysed the appeal introduced by SELECTKALAOS against the decision on the award of the tender mentioned above.

2. SUMMARY OF THE COMPLAINT

SELECTKALAOS is contesting the NEC decision disqualifying its bid. It is arguing that NEC disqualified it basing on the technical specifications which are not indicated in the tender document.

3. SUMMARY OF FACTS

- On 17/07/2013, NEC advertised the tender;
- On 19/08/2013, NEC opened Bids;
- On 20/08/2013, NEC issued a provisional notification to SELECTKALAOS;
- On 22/08/2013, SELECTKALAOS requested NEC to clarify the reason of its disqualification;
- On 23/08/2013, NEC informed SELECTKALAOS the reason of its disqualification;
- On 27/08/2013, SELECTKALAOS appealed to NEC;
- On 30/08/2013, NEC responded to SELECTKALAOS's initial appeal;
- On 03/09/2013, SELECTKALAOS appealed to NIRP;
- On 03/09/2013, NIRP requested NEC to suspend procurement process and submit all documents regarding the tender;
- On 04/09/2013, NEC submitted the documents requested.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

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- NEC disqualify SELECTKALAOS because its bid did not fulfil technical specifications of banners to be supplied; it didn't write that banners will have 2 logs in quadrichomie;
- Section V of the tender document specifies the technical specifications as follows: PVC Flex; 200D; Size: 6 m * 1 m; 2 Logos Quadrichomie; Eyelets after each 2 meters; QTY: 2400 pces;
- The bid of SELECTKALAOS provides the technical specifications as follows: Printing Banners of PVC Flex 550gs; Size: 6 m * 1 m; Eyelets after each 2 meters;

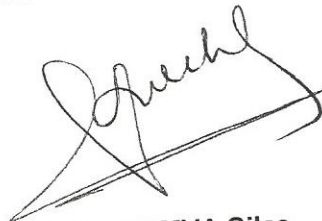
5. COMMENT BY THE PANEL MEMBERS

The technical specifications of the banners submitted by SELECTKALAOS are incomplete because they don't specify 2 Logos Quadrichomie as required by the tender document.


6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and completed to date, NIRP members decide to dismiss the appeal introduced by SELECTKALAOS because it is baseless.



NSENGIYUMVA Silas
Vice Chairman of NIRP

KAZIMA Godfrey
Member



BUGINGO Emma Marie
Member