

REPUBLIC OF RWANDA



NATIONAL INDEPENDENT REVIEW PANEL (NIRP)  
PUBLIC PROCUREMENT

KN 3 AV, 2 KIGALI/RWANDA  
10<sup>th</sup> FLOOR, GRAND PENSION PLAZA  
P. O. Box: 4276,  
E-mail: [www.rppa.gov.rw](http://www.rppa.gov.rw)

Kigali, on 27 MARS 2017  
N° 010/2017-220/NIRP

PERMANENT SECRETARY  
MINISTRY OF EDUCATION

RPPA  
POUR RECEPTION  
DATE 21/03/2017  
SIGNATURE [Signature]

Dear Sir,

Pour réception  
Secrétariat Central / MINEDUC  
le 21/03/2017  
signature... [Signature]

SUBJECT: TRANSMISSION OF THE DECISION

Pursuant to Article 70 of Law N° 12/2007 of 27/03/ 2007 on Public Procurement as modified and complemented to date, find herewith attached, the decision of the National Independent Review Panel "NIRP" related to the appeal introduced by **FAST NET COMPANY LTD** on tender N° 20/N/T-MINEDUC-OB/2016-2017 FOR SUPPLY OF BEVERAGE FOR MINEDUC MEETINGS AND CONFERENCE FOR A PERIOD OF ONE YEAR RENEWABLE.

Sincerely,

Received by KAJENEZA Justin  
Secretary

0788887489

[Signature]

BUGINGO Emma Marie  
Chairperson



CC:

- Director General of RPPA
- Manager of FAST NET COMPANY LTD



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**DECISION N° 036/2017/NIRP ON THE TENDER N° 20/N/T-MINEDUC-OB/2016-2017  
FOR SUPPLY OF BEVERAGE FOR MINEDUC MEETINGS AND CONFERENCE FOR A  
PERIOD OF ONE YEAR RENEWABLE**

**COMPLAINANT : FAST NET COMPANY LTD**  
**AGAINST : MINISTRY OF EDUCATION (MINEDUC)**  
**COMPLAINT : APPEAL AGAINST TENDER DISQUALIFICATION**

**1. INTRODUCTION**

Pursuant to Article 70 of Law N° 12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, members of the National Independent Review Panel (NIRP), on 17/03/2017 analysed the appeal introduced by **FAST NET COMPANY LTD** contesting the decision for the above tender.

**2. SUMMARY OF THE COMPLAINT**

FAST NET COMPANY LTD, is contesting the decision taken by MINEDUC for tender award on the argument that the credit line is not complying as per the tender document requirements.

FAST NET COMPANY LTD argues that the reason forwarded by MINEDUC is false because the tender document does not require a credit line specific to the tender, thus unfounded justification.

**3. SUMMARY OF FACTS**

On 17/02/2017; FAST NET COMPANY LTD received a provisional notification letter from MINEDUC;

On 17/02/2017, MINEDUC received an initial appeal from FAST NET COMPANY LTD;



On 22/02/2017, MINEDUC responded to FAST NET COMPANY LTD;

On 27/02/2017; FAST NET COMPANY LTD appealed for the 2<sup>nd</sup> time protesting the MINEDUC response;

On 13/03/2017; NIRP received an appeal from FAST NET COMPANY LTD after twelve (12) days of delay.

#### 4. OBSERVATION BY THE PANEL MEMBERS

FAST NET COMPANY LTD did not lodge its appeal the National Independent Review Panel within seven (7) days.

#### 5. DECISIONS BY THE PANEL MEMBERS

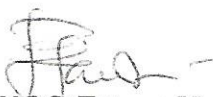
Basing on the above background and observation;

Given Article 69 paragraph 2 of Law n°12/2007 of 27/03/2007 on Public Procurement;

*“A request for review shall not be acceptable unless it was submitted within seven (7) days after the bidder became aware of the circumstances giving rise to the request”.*

The complainant failed to lodge the complaint before the National Independent Review Panel as required

Pursuant to Article 70 of Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, NIRP members decide to dismiss the appeal due to the breach of procedures.


  
**BUGINGO Emma Marie**  
Chairperson

  
**KAYITESI Eugenia**  
Member

  
**MUNYURA Pierre**  
Member



  
**MUKANTABANA Crescence**  
Member

  
**BIRANGWA Amri**  
Member