



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

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**DECISION N° 063 /2013/NIRP ON THE TENDER N°226/TD/04/13/CoK FOR  
SUPERVISION OF CONSTRUCTION WORKS OF 70,268 KMS OF COBBLESTONE  
ROADS IN THE CITY OF KIGALI.**

**COMPLAINANT : PRISMACONSULT  
AGAINST : CITY OF KIGALI  
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, the members of the National Independent Review Panel (NIRP), on 26/08/2013 and 30/08/2013, analyzed the appeal introduced by PRISMACONSULT contesting the decision on the Tender mentioned above.

**2. SUMMARY OF THE COMPLAINT**

PRISMACONSULT is contesting the CITY OF KIGALI decision related to technical evaluation results because the Law n° 26/2012 of 29/06/2012 was ignored since HYCOGEC CONSULTANT, its co competitors, is not a member of the Institute of Engineers of Rwanda; the principle regarding fairness is breached because the same company is the sole which realised the supervision of one project covering 30 km; and HYCOGEC CONSULTANT is executing three projects with the City Of Kigali.

**3. SUMMARY OF FACTS**

- On 28/05/2013, CITY OF KIGALI advertised the tender;
- On 28/06/2013, Bids were opened;
- On 29/07/2013, PRISMACONSULT received the provisional notification from CITY OF KIGALI;
- On 31/07/2013, PRISMACONSULT introduced the initial appeal before CITY OF KIGALI;
- On 06/08/2013, CITY OF KIGALI responded to the PRISMACONSULT's initial appeal;



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- On 13/08/2013, PRISMACONSULT introduced the appeal to NIRP;
- On 14/08/2013, NIRP requested CITY OF KIGALI to suspend procurement process and submit all documents related to this tender;
- On 19/08/2013, CITY OF KIGALI submitted the requested documents to NIRP;
- On 27/08/2013, NIRP wrote to the Institute of Engineers Rwanda requesting for a list of engineering consultancy firms registered on the roll of that Institute;
- On 30/08/2013, Institute of Engineers Rwanda responded to NIRP.

#### 4. OBSERVATION BY THE PANEL MEMBERS

The Letter from RWANDA ENGINEERING COUNCIL specified that: "...we have so far registered individual engineers only and are in the process of registering firms hence no single firm has been registered nor awarded a practising certificate by RWANDA ENGINEERING COUNCIL".

#### 5. COMMENTS BY THE PANEL MEMBERS

The fact that HYCOGEC CONSULTANT is the only company which executed the supervision of one project covering 30 km, the complainant should raise the content of the Request for Proposals about this issue before the deadline of submission of bids.

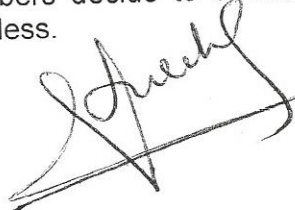
Concerning the fact that HYCOGEC CONSULTANT is executing three projects with the City of Kigali, NIRP members do not found issue on regard of efficiency since the procuring entity which has those projects does not raise the matter of efficiency.

Concerning the membership of Institute of Engineers Rwanda, NIRP members find out that there is no any consultancy firm registered as member of the Institute of Engineers Rwanda even the complainant.

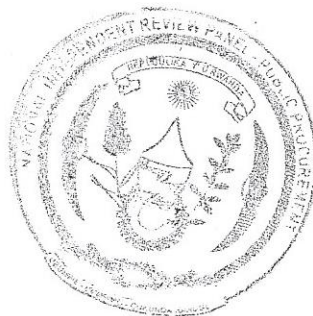
#### 6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

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



**NSENGIYUMVA Silas**  
Vice Chairman of NIRP




**KAZIMA Godfrey**  
Member



**BATETA Jane**  
Member



**BUGINGO Emma Marie**  
Member