

REPUBLIC OF RWANDA



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

KN 3 AV, 2 KIGALI/RWANDA
10th FLOOR, GRAND PENSION PLAZA
P. O .Box: 4276,
E-mail: rppa@rwanda1.com

**DECISION N° 030/2014/NIRP ON THE TENDER FOR SUPERVISION OF
CONSTRUCTION WORKS OF 78,260 KM OF COBBLESTONE ROADS IN THE CITY
OF KIGALI.**

**COMPLAINANT : PRISMA CONSULT
AGAINST : CITY OF KIGALI
COMPLAINT : APPEAL AGAINST THE DECISION OF 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 complemented to date, on 11/03/2014; 31/03/2014 and 03/04/2014, NIRP members analysed the appeal introduced by PRISMA CONSULT against the CITY OF KIGALI's decision for its disqualification.

2. SUMMARY OF THE COMPLAINT

PRISMA CONSULT is contesting the CITY OF KIGALI decision where he got a technical score of 65.2%.

PRISMA CONSULT further contests the Terms of References that were modified against the Enterprise; and the illegal procurement proceedings of the tender.

3. SUMMARY OF FACTS

- On 06/11/2013, CITY OF KIGALI advertised the tender;
- On 06/12/2013, Technical proposals were opened;
- On 06/02/2014, PRISMA CONSULT received the provisional notification letter from CITY OF KIGALI;
- On 12/02/2014, CITY OF KIGALI received an initial appeal letter from PRISMA CONSULT;
- On 18/02/2014, CITY OF KIGALI responded to PRISMA CONSULT 's initial appeal;

ep. Q BMJ H
P

- On 24/02/2014, CITY OF KIGALI received a letter from PRISMA CONSULT informing the disagreement about the CITY OF KIGALI's response to its initial appeal;
- On 25/02/2014, PRISMA CONSULT introduced the appeal to NIRP;
- On 03/03/2014, CITY OF KIGALI submitted the documents requested;
- On 25/03/2014, NIRP informed CITY OF KIGALI and PRISMA CONSULT that an additional time not exceeding 30 days will be needed in order to take an appropriate decision;
- On 02/04/2014, NIRP invited CITY OF KIGALI and PRISMA CONSULT representatives for clarifications on this tender;
- On 03/04/2014, NIRP met CITY OF KIGALI and PRISMA CONSULT representatives.

4. OBSERVATIONS BY THE PANEL MEMBERS

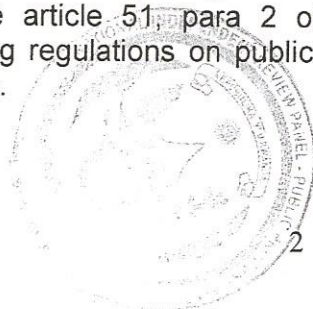
NIRP members observed the following:

- The complainant is claiming on the tender for supervision of construction works of 78,260 km of cobblestone roads in the City of Kigali;
- The provisional notification letter attached to the complaint letter indicates the tender N° 241/TD/11/13 for supervision of construction works of 70,268 km of cobblestone roads in the City of Kigali;
- According to the letter of CITY OF KIGALI N° 1399/07.01.05/14, " the City does not have any tender for supervision of construction works of **78,260 km** of cobblestone roads in the City of Kigali, and that the current tender which is ongoing is related to the N° 241/TD/11/13 for supervision of construction works of 70,268 km of cobblestone roads in the City of Kigali";
- During the meeting with NIRP members, the PRISMA CONSULT representative stated that the title of tender cited in the complaint letter was mentioned by error, and that PRISMA CONSULT is appealing to the tender as mentioned in the provisional notification letter.

5. COMMENTS BY THE PANEL MEMBERS

PRISMA CONSULT made an error and wrote inexistent tender in the appeal letter, however, following the above observations, NIRP members consider that the appeal is subject to the tender N° 241/TD/11/13 for supervision of construction works of 70,268 km of cobblestone roads in the City of Kigali.

Concerning the complaints regarding the illegal procurement proceedings and the Terms of References that were modified against PRISMA CONSULT, NIRP members judge that the complainant should have raised those issues to the CITY OF KIGALI before the deadline of proposals submission as stipulated by the article 20 of the Law N°05/2013 of 13/02/2013 modifying and completing the Law N° 12/2007 of 27/03/2007 on Public Procurement; and the article 51, para 2 of the Ministerial order N°001/14/10/TC of 19/02/2014 establishing regulations on public procurement, standard bidding documents and standard contracts.



Handwritten signatures and initials are present at the bottom of the page, including several illegible scribbles and a distinct signature on the right side.

6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

Pursuant to the article 70 of the Law 12/2007 of 27th March 2007 on Public Procurement as modified and complemented to date, NIRP members reject the appeal introduced by PRISMA CONSULT because it is not founded.




BUGINGO Emma Marie

Chairperson



BAGILIZINA Emmanuel

Vice Chairperson



SANGANO Yves

Member



BIRANGWA Amri

Member



MUKANTABANA Crescence

Member