



**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° 027./2014/NIRP ON THE TENDER N° 035/S/RHA-BO/13-14 FOR PROVISION OF FIRE AND ALLIED PERILS INSURANCE SERVICE FOR THE GOVERNMENT BUILDINGS.

COMPLAINANT : SORAS ASSURANCES GENERALES LTD (SORAS)
AGAINST : RWANDA HOUSING AUTHORITY (RHA)
COMPLAINT : APPEAL AGAINST THE DECISION ON 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 17th and 24th March 2014, NIRP members analysed the appeal introduced by SORAS against the decision for the tender award.

2. SUMMARY OF THE COMPLAINT

SORAS is contesting the RHA's decision which issued a score of 86,50 %, as a result of tender evaluation while the provisional successful bidder got 91,74 %.

SORAS is arguing that the technical score should be 89,50 % instead of 86,50% because RHA did not consider copies of the contracts issued by SORWATHE, i.e. the one which starts on 21st May 2009 and the other covering the current period (01/07/2013-30/06/2014); thus obtaining a score of 2 points instead of 0. Also argues that, the contracts issued by NAKUMATT Ltd, i.e. that of 01st March 2010 and the one which ends on 28th February 2014 were not considered yet would make him score 2 points instead of 1.

3. SUMMARY OF FACTS

- On 03/01/2014, RHA invited bidders to tender;
- On 20/01/2013, Bids were opened;
- On 12/02/2014, SORAS received a provisional notification letter from RHA;
- On 18/02/2014, RHA received an initial appeal letter from SORAS;
- On 20/02/2014, RHA responded to SORAS 's initial appeal;
- On 26/02/2014, SORAS introduced the appeal to NIRP;
- On 27/02/2014, NIRP requested RHA to suspend procurement process and submit all documents related to this tender;
- On 07/03/2014, RHA submitted the documents requested.

J.P. *BM*

[Signature] *[Signature]*

[Signature]

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- The bid of the complainant does not present the contract with SORWATHE which starts on 21st May 2009 and the contract with NAKUMATT Ltd which starts on 01st March 2010;
- The contracts with SORWATHE which starts on 21st May 2009 to 20th May 2010; and that of NAKUMATT Ltd which starts on 01st March 2010 to 28th February 2011; were attached to the complainant letter addressed to NIRP;
- The bid of the complainant presents the contract with SORWATHE of 1st July 2013 to 30th June 2014 (one year) and two contracts with NAKUMATT Ltd of 1st March 2013 to 28th February 2014 (one year).

5. COMMENT BY THE PANEL MEMBERS

The contract with SORWATHE of 21st May 2009 to 20th May 2010 and the one with NAKUMATT Ltd of 01st March 2010 to 28th February 2011 were not provided in the SORAS' bid therefore they cannot be considered.

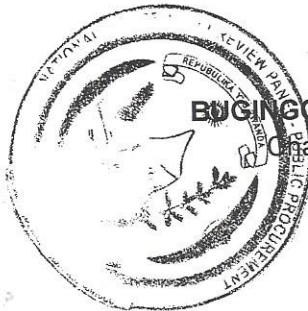
6. DECISION BY THE NIRP

Basing on the above background and comment;

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 SORAS because it is not founded.



BAGILIZINA Emmanuel
Vice Chairperson



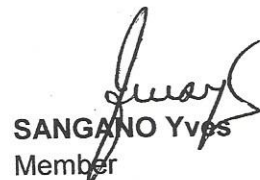
BUGINGO Emma Marie
Chairperson



KAYITESI Eugenia
Member



BIRANGWA Amri
Member



SANGANO Yves
Member