



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

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10<sup>th</sup> FLOOR, GRAND PENSION PLAZA  
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Reception  
Maman Musekeru  
FOR ALTEC  
Assistant Manager  
26/03/2015

Kigali, on 23<sup>rd</sup> 03 2015  
N° 010/2015-039/NIRP

**THE PERMANENT SECRETARY OF MINISTRY OF  
AGRICULTURE AND ANIMAL RESOURCES**

Dear Sir,

SUBJECT: TRANSMISSION OF THE DECISION

Pursuant to article 70 of the 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 ALTEC LTD contesting the decision taken on the tender N° 263/F/014/LWH for Supply of 1,600 Tons of Compost in Ngoma – 22 sites".

Sincerely,

**BUGINGO Emma Marie**  
Chairperson

MINAGRI RECEPTION  
DATE 27 3 2015  
SIGNATURE

CC:

- ✓ - Director General of RPPA
- ✓ - Coordinator of Land Husbandry Water Harvesting & Hillside Irrigation Project
- Manager of ALTEC LTD



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**DECISION N° 013/2015/NIRP ON THE TENDER N° 263/F/014/LWH FOR SUPPLY OF  
1,600 TONS OF COMPOST IN NGOMA - 22 SITES"**

**COMPLAINANT : ALTEC LTD**  
**AGAINST : MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES  
(MINAGRI-LWH-RSSP PROJECTS)**  
**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 complemented to date, members of the National Independent Review Panel (NIRP), on 17/03/2015 analysed the appeal introduced by ALTEC LTD contesting the decision for the above tender.

### 2. SUMMARY OF THE COMPLAINT

ALTEC LTD is contesting the MINAGRI-LWH-RSSP PROJECTS's decision to disqualify its bid on the argument that they did not provide the technical specifications of the compost to be supplied.

ALTEC LTD state that: "...Technical specifications of the compost to be supplied in our bid was not a requirement".

### 3. SUMMARY OF FACTS

- On 18/12/2014, MINAGRI-LWH-RSSP PROJECTS advertised the tender;
- On 20/01/2015, Bids were opened;
- On 11/02/2015, ALTEC LTD received the provisional notification letter;
- On 13/02/2015, ALTEC LTD introduced the initial appeal;
- On 20/02/2015, ALTEC LTD received the response to the initial appeal;
- On 20/02/2015, NIRP received the appeal from ALTEC LTD;

- On 23/02/2015, NIRP requested MINAGRI-LWH-RSSP PROJECTS to suspend procurement process and submit all documents related to this tender;
- On 25/02/2015, ALTEC LTD contested the MINAGRI-LWH-RSSP PROJECTS's response to their initial appeal;
  - On 06/03/2015, MINAGRI-LWH-RSSP PROJECTS submitted the requested documents.

#### 4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- The documents comprising the bid requested by the tender document include the following criterion:  
*"Detailed description of the essential technical and performance characteristics of the goods to be supplied establishing conformity to technical specifications provided".* (Section I. ITB 11.1. c);
- The tender document presents the summary of technical specifications for the compost manure (Section VI. 3. Technical Specifications);
- The bid of ALTEC LTD does not present the technical specification of the compost to be supplied;
- Mr RUNUYA Jean Marie Vianney was presented as the person who is duly authorized to sign the bid for and on behalf of ALTEC LTD;
- The ALTEC LTD's initial appeal was signed by Jackson SEMINEGA as an authorised attorney;
- The document of Power Attorney authorizing Mr Jackson SEMINEGA to act on behalf of the company was neither included in the bid of ALTEC LTD nor presented during the initial appeal;
- After lodging the appeal to NIRP, ALTEC LTD contested the response of MINAGRI-LWH-RSSP PROJECTS to their initial appeal, and stated: *"...even thus the power of attorney was not required in the tendering procedures; I am attaching it for your information and as a proof that Mr Jackson SEMINEGA is Authorised Signatory to act on behalf of the company".*

#### 5. COMMENT BY THE PANEL MEMBERS

Since the initial appeal introduced by ALTEC LTD was signed by Mr Jackson SEMINEGA without presenting the document of Power of Attorney, this initial appeal was invalid because Mr Jackson SEMINEGA was not, at that time, authorized to appeal before the MINAGRI-LWH-RSSP PROJECTS.

#### 6. DECISIONS BY THE PANEL MEMBERS

Basing on the above background and comment;

Pursuant to articles 69 and 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, NIRP members decide to dismiss the appeal introduced by ALTEC LTD due to the breach of procedures.



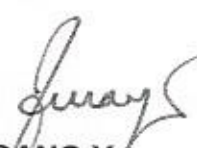
**BAGILIZINA Emmanuel**  
Vice Chairperson



**MUKANTABANA Crescence**  
Member



**KAYITESI Eugenia**  
Member



**SANGANO Yves**  
Member



**BIRANGWA Amri**  
Member