

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,
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Kigali, on 12 3 MARS 2015
N° 010/2015-041/NIRP



Plus Reception
IMANZI Joseph
Director general IMANZI Business Center Ltd

Edouard
le 29/03/2015

THE PERMANENT SECRETARY OF MINISTRY OF HEALTH

Dear Madam,

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 JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD contesting the decision taken on the tender N° 20/W/2014-2015/N/MINISANTE for Execution Works for Removal, Transport, Burying and Replacement of Asbestos (Roofs and False Ceiling) from Health Facility in Eastern Province.

Sincerely,


BUGINGO Emma Marie
Chairperson

CC:

- Director General of RPPA
- JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD



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DECISION N° 019 /2015/NIRP ON THE TENDER N° 20/W/2014-2015/N/MINISANTE FOR EXECUTION WORKS FOR REMOVAL, TRANSPORT, BURYING AND REPLACEMENT OF ASBESTOS (ROOFS AND FALSE CEILING) FROM HEALTH FACILITY IN EASTERN PROVINCE.

COMPLAINANT : JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD
AGAINST : MINISTRY OF HEALTH (MOH)
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 JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD contesting the decision for the above tender.

2. SUMMARY OF THE COMPLAINT

JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD is contesting the MOH's decision to disqualify their bid on the argument that they provided bid security in the name of IMANZI BUSINESS CENTER LTD instead of being in the name of the JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD as per the tender document requirement.

JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD is arguing that as IMANZI BUSINESS CENTER LTD leads the Joint Venture, it is the one which should provide the Bid Security.

3. SUMMARY OF FACTS

- On 02/09/2014, MOH advertised the tender;
- On 02/10/2014, Bids were opened;
- On 13/02/2015, JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD received the provisional notification letter;
- On 16/02/2015, JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD introduced the initial appeal;
- On 21/02/2015, JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD received the response of the initial appeal;

- On 25/02/2015, NIRP received the appeal from JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD;
- On 26/02/2015, NIRP requested MOH to suspend procurement process and submit all documents related to this tender;
- On 03/03/2015, MOH submitted the requested documents.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- On the required Bid Security, the tender document specifies that: "The Bid Security under JV must be in the name of the JV that submits the bid" (Instructions to Bidders, 17.6);
- The Bid Security presented by the JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD is in the name of IMANZI BUSINESS CENTER LTD.


5. COMMENT BY THE PANEL MEMBERS


Since the Bid Security presented by the complainant do not comply with the tender document requirement, NIRP members do agree with the decision taken by MOH, in accordance to the article 25 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.


6. DECISION BY THE PANEL MEMBERS


Basing on the above background and comment;

Pursuant to article 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 JV MASERA COMPANY LTD & IMANZI BUSINESS CENTER LTD because it is unfounded.


BAGILIZINA Emmanuel
 Vice Chairperson


KAYITESI Eugenia
 Member


MUKANTABANA Crescence
 Member


BIRANGWA Amri
 Member


SANGANO Yves
 Member