

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.rw

Kigali, on

10.6 AVR 2015

N° 010/2015-045/NIRP

**THE DIRECTOR GENERAL OF RWANDA
COOPERATIVE AGENCY**

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 TEMENOS LTD contesting the decision taken on the tender N° 001/ICS/QCBS/2014-2015/RCA for Computerization of UMURENGE SACCOS.

Sincerely,

A circular official stamp of the National Independent Review Panel (NIRP) is visible behind the signature. The signature is in black ink and appears to be 'Emma Marie Bugingo'.

BUGINGO Emma Marie

Chairperson

CC:

- Director General of RPPA
- Manager of TEMENOS LTD



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**DECISION N° 016 /2015/NIRP ON THE TENDER N° 001/ICS/QCBS/2014-2015/RCA FOR
COMPUTERIZATION OF UMURENGE SACCOs**

COMPLAINANT : TEMENOS LTD
AGAINST : RWANDA COOPERATIVE AGENCY (RCA)
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 24 and 31/03/2015 analysed the appeal introduced by TEMENOS LTD contesting the decision for the above tender.

2. SUMMARY OF THE COMPLAINT

TEMENOS LTD is contesting the RCA's decision to disqualify their bid on the argument that they don't fulfil some requirements of the Request for Proposal (RFP).

According the RCA, the requirements 15; 24; 94 and 183 were not complying with the TEMENOS LTD's proposal while the cost of the requirements 114; 118; 108 and 162 were not quoted for.

In addition, RCA state that the TEMENOS LTD's solution cannot support HR management as per the RFP requirement.

TEMENOS LTD argue that the RCA reasons for their disqualification are unjustifiable and request the NIRP to re-evaluate their bid. Besides, TEMENOS LTD is wondering why the provisional notification letter didn't mention the scores of competitors.

3. SUMMARY OF FACTS

- On 12/12/2014, RCA shortlisted the tender;
- On 06/02/2015, Bids were opened;
- On 27/02/2015, TEMENOS LTD received the initial provisional notification letter;
- On 03/03/2015, TEMENOS LTD introduced the initial appeal;
- On 05/03/2015, TEMENOS LTD received the response of the initial appeal;



On 09/03/2015, NIRP received the appeal from TEMENOS LTD;
On 10/03/2015, NIRP requested RCA to suspend procurement process and submit all documents related to this tender;
On 13 and 17/03/2015, RCA submitted the requested documents;
On 25/03/2015, NIRP invited RCA representatives for clarifications;
On 31/03/2015, NIRP met RCA representatives.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- Among technical requirement (R) as per the tender document is : *"R94: The System should be able to facilitate HR Management (Payroll, Performance evaluation, annual leave, etc)"* (Section VI. Terms of Reference. Technical specifications, Page 60 of the RFP);
- Among technical requirements (R) set also in the tender document are :
 - o *"R108: The System should allow short term investment management such as T-bills and T-bonds at all levels of primary and secondary market modules";*
 - o *"R114: The System should allow SACCO excess and reserve liquidity management;*
 - o *"R118: Billetage of money;*
 - o *"R162: Asset-Liability Management analysis (including maturity, interest and forex positions".*
(Section VI. Terms of Reference. Technical specifications, Pages 61& 67 of the RFP).
- On the R94, TEMENOS LTD state that: *"Not Supported. HR Management like Payroll, Performance evaluation, etc needs to be handles outside T24 MCB Solution. We will interface to RCA's 3rd party HR solution of choice";*
- On the R108; 114; 118, R162, TEMENOS LTD state that:
 - o *R108. Supported. T-bills and T-bonds can be catered through the Securities functionality in T24 which allows for investment management for own positions and implementation of this module are not included and are available on application";*
 - o *R114: Supported. Computation of relevant rations and reserves to aid liquidity management can be catered through the Business Intelligence tool, Insight Risk integrated with T24 MCB. We will be happy to discuss the exact requirements on this in the coming sessions. Costs for this module have not been included into this proposal";*
 - o *R118. Supported: This functionality is only currently available in our Vault Management System however this module is typically only proposed for Central Banks. We welcome further discussions around this requirement. Costs for VMS module have not been included into this bid.*
 - o *"R162: T24 MCB offers position management inquiries to know the cash flows across all functionalities in T24. Apart from this, it is also offers its Business Intelligence tool Insight Risk to define cash flow bucketing and construct forward cash-flow schedules. Insight Risk ALM offers automatic recognition of asset and liability cash flow mismatches. This module is not presently included in the cost of this bid, price is available on application should the RCA require this".*
- On the R108; 114; 118, R162, TEMENOS LTD, through their complaint letter, points that: *"we had mentioned that the system supports all functionality though in certain places we had mentioned that the cost is not included and would be out post discussion mutually...";*
- In their complaint letter, TEMENOS LTD also points that: *"Above all out 201 technical specification stated in RFP, we had just not supported one or two points and few (hardly three) we had mentioned cost to be discussed once the scope is cleared becomes reason for rejection when these points are of very limited importance in the whole project. Which has **hardly 1-2%** impact on the scope and price of the project";*



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- On the Technical Proposal Evaluation, as specified in the RFP: "... a Proposal shall be rejected at this stage if it does not respond to important aspects of the Terms of Reference..." (Section II, Instructions to Consultants, 5.3);
- TEMENOS LTD never raised the issue related to the scores in their initial appeal.

5. COMMENTS BY THE PANEL MEMBERS

Considering that the evaluated technical proposal of TEMENOS LTD mentions that some required system will not be supported and other requirements will be subject to further discussion in term of the cost,

Basing on the TEMENOS LTD's self-confession for not being responsive on some RFP's requirements;

NIRP members do agree on the decision taken by RCA on those issues as per the RFP instructions of this tender;

Concerning the question of scores, the proposal was rejected at the stage of verifying its responsiveness to the important aspects of the Terms of Reference (Section II, Instructions to Consultants, 5.3).

In addition to that, as it was not raised to RCA during the initial appeal, NIRP members have no mandate to examine it at this stage, in accordance with the article 57, para 2 of the Ministerial order N°001/14/10/TC of 19/02/2014 establishing regulations on public procurement, standard bid.

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 as modified and complemented to date, NIRP members decide to dismiss the appeal introduced by TEMENOS LTD because it is unfounded.


BUGINGO Emma Marie
Chairperson


BAGILIZINA Emmanuel
Vice Chairperson




MUNYURA Pierre
Member


BIRANGWA Amri
Member


SANGANO Yves
Member