

REPUBLIC OF RWANDA



**INDEPENDENT REVIEW PANEL (IRP)
PUBLIC PROCUREMENT**

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

Kigali, on

N° 010/2021-288/IRP

**DIRECTOR GENERAL RWANDA
AGRICULTURAL BOARD (RAB)**

Dear Sir,

SUBJECT: TRANSMISSION OF THE DECISION

Pursuant to Article 12 of Law N°62/2018 of 25/08/2018 governing public procurement, the members of the Independent Review Panel (IRP), herewith attach, their decision on the appeal introduced by SOITEC LTD, on tender N°000013/G/NCB/2020/2021/RAB FOR SUPPLY OF AGRICULTURAL INPUTS (ORGANIC MANURE, TRAVERTINE)

Sincerely,



BUGINGO Emma Marie
Chairperson

CC:

- Director General of RPPA
- Manager of SOITEC LTD



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**DECISION N° 051/2021/IRP ON THE N°000013/G/NCB/2020/2021/RAB FOR SUPPLY
OF AGRICULTURAL INPUTS (ORGANIC MANURE, TRAVERTINE)**

COMPLAINANT : SOITEC LTD
AGAINST : RWANDA AGRICULTURAL BOARD (RAB)
COMPLAINT : NOT SPECIFIED

1. INTRODUCTION

Pursuant to Article 12 of Law N°62/2018 of 25/08/2018, governing public procurement, the members of the Independent Review Panel (IRP), on 12/02/2021 analysed the appeal introduced by SOITEC LTD contesting the decision for the above tender.

2. SUMMARY OF THE COMPLAINT

SOITEC LTD was disqualified because they did not submit the external linkage credit line as required.

While lodging an appeal to IRP, SOITEC LTD did not specify any element of commission or omission contrary to the law governing public procurement. SOITEC LTD went ahead and requested IRP for review without pointing any reason of their complaint.

3. SUMMARY OF FACTS

On 22/10/2020; SOITEC LTD RAB advertised the tender online.

On 23/11/2020, RAB opened bids online.

On 10/12/2020, SOITEC LTD was provisionally notified of evaluation results online.

On 11/12/2020, SOITEC LTD lodged an appeal to RAB online.

On 18/12/2020, RAB responded to SOITEC LTD's appeal online.

On 21/12/2020, SOITEC LTD appealed to IRP online.

4. OBSERVATION BY THE PANEL MEMBERS

The members of IRP observed the following:

- SOITEC LTD did not specify any element of commission or omission contrary to the law governing public procurement by RAB.
- According to Article 50 para 2 of Law N°62/2018 of 25/08/2018 governing public procurement, it is stated that:

“An application for review shall not be acceptable unless it identifies a specific act of omission or commission contravening this Law (...)”

5. COMMENT BY THE PANEL MEMBERS

Basing on the above mentioned observations and provision, IRP found that SOITEC LTD did not specify any element of commission or omission yet the law requires a bidder to do so. Thus their appeal is inadmissible.

6. DECISIONS BY THE PANEL MEMBERS

Basing on the above background and comment;

Pursuant to Article 12 of Law N°62/2018 of 25/08/2018 governing public procurement, IRP members decide to dismiss the appeal lodged by SOITEC LTD is inadmissible.



BUGINGO Emma Marie
Chairperson



KAYITESI Eugenia
Member



MUNYURA Pierre
Member



MUKANTABANA Crescence
Member



BIRANGWA Amri
Member