

# REPUBLIC OF RWANDA



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

AVENUE DE LA PAIX, KIGALI-RWANDA  
P. O .Box: 4276, Tel.: (250) 501403, 501404, 501405,  
Fax: (250) 501402  
E-mail: [rppa@rwanda1.com](mailto:rppa@rwanda1.com)

## **ANNUAL ACTIVITY REPORT OF THE NATIONAL INDEPENDENT REVIEW PANEL FOR THE FISCAL YEAR 2010/2011 (JULY 2010-JUNE 2011)**

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**LIST OF ABBREVIATIONS**

1. BD : Bidding Document
2. CAMERWA : Centrale d'Achat des Médicaments Essentiels du Rwanda
3. CHUB : Centre Hospitalier Universitaire de Butare
4. ICT : Information Communication Technology
5. INMR : Institute of National Museums of Rwanda
6. IT : Information Technology
7. KIST : Kigali Institute of Science and Technology
8. Ltd : Limited
9. MINAGRI : Ministry of Agriculture
10. MINECOFIN : Ministry of Economic Planning and Finance
11. MINEDUC : Ministry of Education
12. MINIJUST : Ministry of Justice
13. MININFRA : Ministry of Infrastructures
14. MINISANTE : Ministry of Health
15. NIRP : National Independent Review Panel
16. NLC : National Land Centre
17. NPS : National Prisons Services
18. NRL : National Reference Laboratory
19. NUR : National University of Rwanda
20. ORINFOR : Office Rwandais de l'Information
21. PAREF : Projet d'Appui à la Reforestation
22. PE : Procuring Entity
23. RCAA : Rwanda Civil Aviation Authority
24. RDB : Rwanda Development Board
25. RDRC : Rwanda Demobilization and Reintegration Commission

26. RECO & RWASCO	: Rwanda Electricity Corporation & Rwanda Water and Sanitation Corporation
27. RFP	: Request For Proposal
28. RPPA	: Rwanda Public Procurement Authority
29. SA	: Société Anonyme
30. SARL	: Société à Responsabilité Limitée
31. SFB	: School of Finance and Banking
32. TCT	: Tumba College of Technology
33. WDA	: Workforce Development Authority

## **INTRODUCTION**

The National Independent Review Panel, “NIRP”, is provided by the law N° 12/2007 of 27<sup>th</sup> March 2007 on Public Procurement. The panel has the role of receiving, and analyzing the appeals presented by different bidders. To be acceptable, an appeal has

to clarify a specific act of omissions or commissions contravening the law and regulations on public procurement.

Within thirty days (30) from the receipt of the appeal, NIRP makes the decision on the received appeal in conformity with the aforementioned law and regulations. However, if the panel is unable to reach a decision within a thirty-day (30) period, it shall inform both the procuring entity and the complainant of the extra time which shall not go beyond thirty (30) days. The decisions thereof are transmitted to the concerned procuring entity and a copy is reserved to the bidder and any other interested organs.

## **1. APPEAL PROCESS**

Pursuant to the article 70 of the Law on Public Procurement, within 7 days following the time the complainant became aware of the circumstances giving rise to the complaint, the complaint is addressed to NIRP and must be comprised of the following elements:

- The identification of the complainant: names, address, and telephone number;
- The identification of the procuring entity;
- The decision against what the review is requested;
- Date on which the decision was taken and when the complainant become aware of it;
- The organ to which the review is addressed;
- The signature or thumb print of the applicant;
- The payment slip for the appeal fee, and
- A copy of trading license.

When an appeal is introduced, the procurement procedures must be suspended until a decision is taken by the Panel. The documentations which are consulted before making the decision are transmitted by the concerned procuring entity.

Based on the Law and Regulations governing the public procurement, the Panel's decisions are taken either in favor of the applicant, in favor of the procuring entity, or the appeals are rejected due to the irregularity of appealing procedure.

## **2. ACTIVITIES OF THE NIRP DURING THE FISCAL YEAR 2010/2011 (July 2010-June 2011)**

During the financial year 2010/2011, the NIRP received 79 dossiers of appeals on which the decisions were taken in 32 sessions.

The decisions were taken following the observations made during the analysis of different appeals lodged by different complainants. Such analysis permitted Panel members to judge the appeals as admissible and founded, admissible and not founded or inadmissible. Among the 79 received appeals, 12 were admissible and founded, 21 were admissible and not founded whereas the remaining 46 were inadmissible due to the irregularities in appealing procedures.

## **2.1. ADMISSIBLE AND FOUNDED APPEALS**

To be judged admissible and founded, an appeal has to be introduced in accordance with the procedure of appeal provided for in article 69 of the Law N°12/2007 of 27<sup>th</sup> March 2007 on Public Procurement, and article 37 of the Ministerial Order N°001/08/10/MIN of 15/01/2008 establishing the Regulations on Public Procurement and Standard Bidding Documents.

If the appeal is against the Procuring Entity's decision that contravenes the law on Public procurement and its subject matter is sound, NIRP's decision is therefore taken in favor of the complainant.

## **2.2. ADMISSIBLE AND UNFOUNDED APPEALS**

The complainants introduced their appeals taking into consideration the appeal's procedure but ignoring the basis of facts. Therefore, after analyzing the latter, Panel members decided to reject and dismiss appeals.

## **2.3. INADMISSIBILITY OF APPEALS**

For the appeals to be inadmissible, the complainant would have acted contrary to the provisions of article 69 of the law N°12/2007 of 27<sup>th</sup> March 2007 on Public Procurement, and article 37 of the Ministerial Order N°001/08/10/MIN of 15/01/2008 establishing the Regulations on Public Procurement and Standard Bidding Documents while lodging his or her protest.

## **3. SUMMARY OF THE APPEALS INTRODUCED DURING THE FISCAL YEAR OF 2010-2011**

The table below shows the number of the appeals presented during the fiscal year 2010/2011:

DESIGNATION	NUMBER OF APPEALS	PERCENTAGE
A. ADMISSIBLE AND FOUNDED APPEALS	12	15.2%
B. ADMISSIBLE AND UNFOUNDED APPEALS	21	26.6%
C. INADMISSIBLE APPEALS	46	58.2%
<b>TOTAL</b>	<b>79</b>	<b>100%</b>

The above table shows that many cases were rejected due to appeals procedure irregularities. Among 46 appeals that were rejected due to the irregularities in the appealing procedures, 22 appeals were rejected because of not respecting the prescribed seven (7) days to lodge a protest, 19 were rejected due to the complainants' failure to pay the appeal's fees and the remaining five (5) were rejected due to the appellants' failure to make an administrative review to the respective Procuring Entities.

It has been observed that some Procuring Entities delay or do not respond to the clarifications raised by the complainants hence failure at times to meet the prescribed period.

NIRP also observed that delays are made by Procuring Entities to submit the requested documents within the required time frame of three or five days as required by the law.

#### 4. SUMMARY OF THE APPEALS INTRODUCED DURING THE PERIOD 2007-2011

DESIGNATION	PRESENTED APPEALS				PERCENTAGE			
	2007	2008	2009	2010/2011	2007	2008	2009	2010/2011
Admissible	9	11	17	12	31.03%	39.3%	36.95%	15.2%

and founded appeals								
Admissible and unfounded appeals	8	14	19	21	27.6%	50%	41.30%	26.6%
Inadmissible appeals for procedure defects	12	3	10	46	41.4%	10.7%	21.73%	58.2%
Total	29	28	46	79	100%	100%	100%	100%

As indicated above, the fiscal year 2010/2011 is marked by the sharp increase of the request for review compared to the preceding years. The appeals were 29, 28, and 46 in 2007, 2008 and 2009 respectively compared to 79 of the fiscal year of 2010/2011.

Furthermore, it was observed that the main part of the presented appeals was rejected due to procedural irregularities in the fiscal year 2010/2011 where 58.2% of the introduced appeals which is highest percentage since 2007.

In order to reduce the number of rejected appeals due to the procedural irregularities, NIRP members recommended that the Secretary of the panel should always receive and register only complete dossier in the presence of the complainant.

## **CONCLUSION AND RECOMMENDATION**

The trend of appeal files keeps on increasing. However, as it is shown, most cases were rejected due to procedural irregularities especially because of failure to comply with prescribed seven days to lodge their respective complaints and non-payment of appeal fees. In order to minimize such recurring scenario, NIRP members do recommend the general awareness among the Business Community and procuring entities on public procurement law and regulations.



## ANNEX: DECISIONS TAKEN ON THE APPEALS INTRODUCED DURING 2010-2011

### A. ADMISSIBLE AND FOUNDED APPEALS

N°	Reception date	Date of the Decision	Complainant	P E	Tender N° and title	Subject of appeal	Decision of NIRP
01	08/07/10	05/08/10	KPC	MINECOFIN	Tender N° 036/MINECOFIN /BO/2010 for provision of cleaning services	Request to review a decision of awarding the tender to unqualified Company	NIRP recommended MINECOFIN to reevaluate the bids in accordance with the criteria set in Bidding Document.
02	01/09/10	25/10/10	KPC and Shelter International	NUR	Tender N° 067/S/2010-N/UNR/RPPA for "Gutunganya ubusitani, gukora isuku mu mazu, mu biro n'ahahegereye, gufotora no gutwara amabaruwa mu kigo no hanze ya Kaminuza Nkuru y'u Rwanda".	-KPC claimed that the provisional successful bidder did not have the required experience.  -SHELTER INTERNATIONAL is requesting for a review of the evaluation report.	NIRP decided to cancel the decision of awarding the tender to ASK-RWANDA (the provisional successful bidder) and recommended the re advertisement.
03	14/09/10	11/10/10	MCI	ORINFOR	Tender N° 038/F/2010-IR/ORINFOR/RPPA for modification works for OBK Building and supply, installation and commissioning of Radio and Television studios and other related services.	Appeal against technical disqualification.	Considering that all bidders had major technical deviations,  Considering that the 2 financial offers are above the " <i>devis confidential</i> "  The Panel decided as following: to ensure the principle of fairness, economy, effectiveness and competition, ORINFOR is recommended to demand the provisional successful bidder and MCI to rectify the major deviations and review their bid prices.

N°	Reception date	Date of the Decision	Complainant	P E	Tender N° and title	Subject of appeal	Decision of NIRP
04	12/10/10	25/10/10	E.R.J.	MININFRA	Tender N° 071/T/2010-N/MININFRA/RPPA for works for periodical maintenance	ERJ requested for a review of the tender awarding because it estimated to be technically qualified and the lowest bidder.	The Panel decided to cancel the decision of awarding the tender and recommended the re advertisement because no bid was responsive.
05	18/10/10	22/11/10	MN GENERAL TRADING LTD	RECO&RWASCO	Tender N° 11.07.053 /3118/10/proc-dir/ym/kjp for acquisition of Lubricant	Appeal against administrative disqualification	Considering that the BD has included 2 forms of the bid guarantees (from a bank and from insurance company);  NIRP recommended RECO & RWASCO the evaluation on technical ground the offer submitted by MN GENERAL TRADING LTS
06	29/11/10	29/12/10	GTC	Rutsiro District	Tender for "exécution des travaux d'élaboration du plan de lotissement du centre de négoce de Congo-Nil"	Appeal against the decision taken by the Independent review panel of Rutsiro district.	NIRP cancelled the decision of the Independent Review Panel of Rutsiro District because it was noted that the latter received and decided on the appeal from REX CONSTRUCT while this company has not lodged an initial appeal;  The NIRP recommended the re-advertisement of the said tender because the RFP was not set up following the standard format.

N°	Reception date	Date of the Decision	Complainant	P E	Tender N° and title	Subject of appeal	Decision of NIRP
07	30/12/10	31/01/11	LEX CHAMBERS	MINIJUST	005/MINIJUST-JRLO/2010-2011 for extend legal aid baseline study including geographical mapping	Appeal against a technical disqualification	Since technical evaluation had been carried out by one person instead of Tender Committee, NIRP decided to cancel the results of technical evaluation and recommended MINIJUST to proceed with the re-evaluation of proposals.
08	03/02/11	07/03/11	GFR Technologies	RDB	Tender N° 563/S/NCB/RDB-A&F/GOR/10 relating to the maintenance services for RDB ICT equipments and Radio communication equipments	Appeal against the decision of the tender award	NIRP decided to reject the appeal introduced by GFR technologies and to cancel the tender process and recommend the re-advertisement of this tender.
09	25/02/11	21/03/11	Communication Solutions Ltd	MINISANTE	Tender N° 21/F/2010-N/MOH for supplying, installation, cabling and commissioning of ICT infrastructure for Ministry of Health.	Appeal against tender award	NIRP requested the Ministry of Health to review the evaluation process and re-consider Communication Solutions Ltd in the process of this tender for technical evaluation.

<b>N°</b>	<b>Reception date</b>	<b>Date of the Decision</b>	<b>Complainant</b>	<b>P E</b>	<b>Tender N° and title</b>	<b>Subject of appeal</b>	<b>Decision of NIRP</b>
10	06/06/11	30/06/11	Africa Medical Supplier	SPIU	Tender N° 003/F/2011-l/pmu-global fund/RPPA for the supply, installation and test of laboratory equipment for the unit and the training of users	appeal against the SPIU's decision of excluding it from the tender evaluation	NIRP ordered re-evaluation of bids and consider Africa Medical Supplier on lot 2 and lot 4.
11	14/06/11	30/06/11	SONARWA s.a	RBC/CAMERWA	Tender N° RBC/CAMERWA/ADNR/34/2011 for insurance of buildings and warehouses of pharmaceutical products of RBC/CAMERWA	appeal against tender award	NIRP decided to annul the decision taken by RBC/CAMERWA and award the tender to SONARWA s.a because it is the most responsive bidder.
12	22/06/2011	30/06/11	ERJ	Karongi District	Tender N° 015/T/2010-2011/1/MINISANTE-PEACE PLAN/DK for execution works for construction of kibuye district hospital in karongi District	appeal against tender award	Pursuant to article 71 para.1 section 5 of the law N°12/2007 of 27/03/2007 on Public Procurement, NIRP orders re-evaluation of the bids and consider ERJ's bid in the process.

## B. ADMISSIBLE AND UNFOUNDED APPEALS

N <sup>o</sup>	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N <sup>o</sup> and title	Subject of Appeal	Decision of NIRP
01	12/07/10	05/08/10	ECOBATRAP	Gicumbi District	Tender N <sup>o</sup> 04/BD/2010 for "kubaka ibiraro 4 ku muhanda Cyamutara-Muhazi-Gasange".	ECOBATRAP is appealing against the decision of the Gicumbi Independent Review Panel of cancelling the tender.	NIRP upheld the decision of the Independent Review Panel of Gicumbi District because it noted that there was a divergence in BD and the Tender Notice related to the sites visit.
02	26/07/10	30/08/10	Shelter International	RCAA	Tender N <sup>o</sup> 13/S/2010/VGTMG/N/RCAA for provision of the service of vegetation management	The company is requesting for a review of its illegal disqualification from the tender evaluation.	NIRP decided to reject the appeal lodged by Shelter International due to the fact that its bid was not in conformity with the bidding document.
03	30/08/10	22/09/10	RUMA Certified Public Accountants	OCIR-THE	Tender N <sup>o</sup> 065/S/2010-N/OCIR for external audit for OCIR-THE's financial statement	RUMA claimed that it provided all the requirements but OCIR-THE, illegally, disqualified it	Considering that RUMA did not provide a recognized qualification of IFAC, NIRP rejected its appeal because it did not respect the RFP.
04	15/09/10	04/10/10	KG HARVEST CO LTD	CHUK	Tender N <sup>o</sup> AOCHUK 10/S/CHUB/027 for cleaning and gardening services	KG HARVEST CO LTD claimed that CHUK awarded the tender to the bidder who did not have 2 years of experience required by the BD	NIRP decided to reject the appeal introduced by KG HARVEST CO LTD because its financial offer was higher than that of the successful bidder who was qualified both technically and financially.

N <sup>o</sup>	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N <sup>o</sup> and title	Subject of Appeal	Decision of NIRP
05	20/09/10	04/10/10	FIFO	NLC	Tender N <sup>o</sup> 1/NLC/ORLT/2010 for cleaning and gardening maintenance.	Appeal against administrative disqualification	NIRP decided to reject the appeal introduced by FIFO because it submitted financial offer which did not correspond to the requirements of the bidding document.
06	19/10/10	22/11/10	Mr.RUDAHUNGA Vincent	MINECOFIN	Tender N <sup>o</sup> 007/S/EOI /PSCBP/MINECOFIN/2010 for recruitment of 2 regional procurement coaches for RPPA	Appeal against the re-evaluation results	NIRP rejected the appeal introduced by Mr. RUDAHUNGA Vincent and recommended MINECOFIN to proceed to the financial evaluation taking into consideration the new results transmitted by the Panel.
07	28/10/10	22/11/10	SKENIA MOTORS LTD	NUR	Tender N <sup>o</sup> 01/2010/ F/MN/TBI/NUR-SIDA for supply of a bus to the NUR	Appeal against the decision of technical disqualification	NIRP rejected the appeal lodged by SKENIA MOTORS LTD because the Power of attorney was supposed to be signed by the General Manager, was signed by the accountant.
08	17/12/10	10/01/11	KCP	RCAA	02/S/2010/CIA/N/RCAA ii for provisional of cleaning work of interior aerodromes	Appeal against a decision disqualifying it	NIRP decided to reject KPC's appeal because it had the highest financial offer.
09	23/12/10	10/01/11	Shelter International	RCAA	02/S/2010/CIA/N/RCAA ii for provisional of cleaning work of interior aerodromes	Appeal against a decision of disqualifying it	NIRP decided to reject Shelter International's appeal because it did not introduce its appeal against the provisions of the terms of reference (ITB 5.4) of the Bidding Document before submission of its offer and introduced its appeal after provisional notification.

N <sup>o</sup>	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N <sup>o</sup> and title	Subject of Appeal	Decision of NIRP
10	28/12/2010	10/01/11	ECPE	Bugesera District	GUKORA IBYAPA BY'AMAGARE 15.000 N'AMATO 2.000.	Appeal against the decision taken by the District Independent Review Panel, of cancelling the tender that had been provisionally awarded to ECPE	NIRP decided to cancel the decision taken by Independent Review Panel of Bugesera District which ordered the re – advertisement of the tender, and recommended Bugesera District to continue the procedure of awarding the tender.
11	12/01/11	07/02/11	Napier Healthcare Solutions (INDIA)	NRL	011/S/2010-1/CDC/NRL for laboratory information system	Appeal against the decision of a technical disqualification	NIRP decided to reject the appeal introduced by Napier Healthcare Solutions (INDIA) LTD which replaced KARISHMA. The said appeal is not legally founded due to the fact that KARISHMA did not provide all requirements on administrative ground.
12	26/01/11	15/03/11	Intersec Security Company	CAMERWA	CAMERWA/DA/AONO/126/2011 for supply of security services of warehouses and office of CAMERWA ASBL	Appeal against the result of the tender evaluation	NIRP upheld CAMERWA's decision disqualifying Intersec Security Company because the latter submitted a proposal that did not comply with the requirements of the RFP.

N°	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
13	02/02/11	07/02/11	INTERNATIONAL TEAM AUDITORS	PAREF	007/MINIFOM/NAFA/PAREF/2011 relating to the conduct of financial audit on specific accounts of partners of PAREF	Appeal against the decision of a technical disqualification	NIRP decided to reject the appeal lodged by International Team Auditors because it did not respect the appealing procedures.
14	28/02/11	16/03/11	Alliance Insurance Brokers	Ministry of Defense	Tender N° 004/008/PU/MOD /010-011 for providing insurance brokerage services	Appeal against the decision taken by MOD to disqualify AIB	NIRP dismissed its appeal basing on Article 27 Para. 1&2 of the law N° 12/2007 of 27/03/2007 on public procurement because AIB would have raised its concern on Terms of reference before the deadline of submitting its bid.
15	15/03/11	14/04/11	E.C.E.C	Gasabo District	Tender N° TN/033/GAS/2010-11 for « surveillances des travaux de construction du marche modern de Mulindi dans le secteur Ndera/Gasabo »	Appeal against the decision of the tender award	NIRP decided to reject the appeal lodged by ECEC due to its financial proposal that did not conform to the requirements specified in the RFP.
16	17/03/11	04/04/11	KPC	KFH-K	Tender N° 36/2010/S /HD/KFH relating to the cleaning services for King Faisal Hospital	Appeal against the decision of the tender award	KPC did not respect the requirements of the RFP as regards the bid bond; NIRP decided to reject the appeal introduced by KPC
17	14/04/11	06/06/11	CSL	ISAE	Tender N° 23/F/ISAE/10-01 for network cabling of ISAE new building.	Appeal against tender award.	NIRP found out that the complaint lodged by Communication Solutions Ltd is baseless and decided to dismiss it.



N°	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
18	21/04/2011	02/05/11	DIDADA Supply S.A.R.L	MINALOC	Tender N° 110/F/2009-N/MINALOC/RPPA of supplying one thousand laptops to MINALOC	Appeal against the decision taken by RPPA of suspending DIDADA supply from participating in public procurement proceedings for a period of six months	NIRP is only competent to review the debarring decisions; it therefore rejected the appeal in question in compliance with the provisions of article 19 Para. 6 of the law N° 12/2007 of 27/03/2007 on public procurement
19	02/05/11	16/05/11	Green World Consult Ltd	EWSA	Tender N° 11.07.053/180/11/PROC-DIR/YM/irn related to preparing of a resettlement of action plan for the interconnection of electrical grids of the Nile Equatorial lakes countries Project - Rwanda	Appeal against the decision of the tender award	Considering that Jean BIGAGAZA is not a representative of the Green and clean solution Ltd consult and that he is not implicated in any stage of that tender, NIRP decided to reject the appeal it lodged before the panel
20	24/05/11	06/06/11	BERAHO Ignace	PSC	Tender N° 002/SER/PSC/2011 for research on public sector reforms	Appeal against the cancellation of the tender	Due to his failure of providing trading licence, NIRP decided to reject his appeal
21	14/06/2011	27/06/11	GTSPA Ltd	MININFRA	Tender N° 011/S/2011-MININFRA/RPPA for transport services for civil servants	Appeal against its disqualification	Considering that GTSPA Ltd did not fulfill the requirements of tender document; NIRP decided to dismiss its appeal

### C. INADMISSIBLE APPEALS

N°	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N° and title	subject of appeal	Decision of NIRP
01	18/06/10	05/08/10	Envirocare Consultants	CHUB	Tender N° 38/CHUB /ITC/ ADM/S/01/2010 for cleaning services	The appellant is requesting for a review of the whole tender process because it estimates that CHUB did not respect the Law and Regulations on Public Procurement.	The NIRP rejected the said appeal because the bidder, instead of appealing to NIRP, he/she first presented the second appeal to the Independent Review Panel of Huye District.
02	18/06/10	05/08/10	ASK RWANDA	CHUB	Tender N° 38/CHUB /ITC/ ADM/S/01/2010 for cleaning services	ASK RWANDA is requesting for a review of the evaluation result because it is agreed on it.	The NIRP rejected the said appeal because the bidder appealed to NIRP before the District Independent Review Panel.
03	08/07/10	05/08/10	COMPUTER POINT	MINECOFIN	Tender N° 035/DHRSS/ MINECOFIN/BO/2010 for supply and installation of IT equipment, lot 1	The complainant is requesting for a review of the technical evaluation because it estimated its bid to be technically conform to the BD.	NIRP rejected the said appeal because the bidder did not respect the period of 7 days to lodge the appeal.

N°	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
04	26/07/10	30/08/10	ECOGEN	MININFRA	Tender N° 898/PS/010 for «service de consultance pour développer les plans stratégiques du MININFRA pour la période du 2010-2015»	Appeal against tender cancellation	NIRP decided to reject the appeal lodged by ECOGEN because the tender cancellation was legally sound.
05	02/08/10	30/08/10	Shelter International	OCIR THE	Tender N° 066/S/2010-N/OCIR-THE for cleaning services	The bidder is claiming that it did not get a technical notification and not an invitation for a financial opening. For thus, it is requesting for a review of the evaluation process.	Considering that Shelter International did not lodge an initial appeal to OCIR THE, NIRP rejected its appeal due to the irregularity of appeal procedure.
06	03/08/10	30/08/10	Summit Consulting Group Ltd	TCT	Tender N° 69/S/2010-N/TCT for study of construction works of staff houses, students' dormitory, multipurpose hall, playgrounds, fence external latrines and external store.	The company is requesting for a review of its disqualification because it was not satisfied with the evaluation results.	Considering that the appellant did not respect the prescribed period of 7 days to introduce its appeal, NIRP rejected the latter due to the irregularity of appeal procedure.

N°	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
07	03/08/10	30/08/10	ENGIN	MININFRA	Tender N° 048/S/2010-IR//RPPA for "services de consultants pour la réalisation des campagnes de sensibilisation et animation pour la réalisation des ouvrages d'assainissement dans les provinces du Nord, de l'Ouest et du sud".	ENGIN estimated that its technical offers could have scored 90% while the evaluation committee attributed 59.6%.Therefore, it requested for a reevaluation of the its technical proposal.	NIRP rejected the appeal because the appellant did not respect the prescribed period of 7 days to lodge its appeal.
08	30/08/10	22/09/10	RWANDA MOTOR SA	NPS	Tender N° 033/F/2010-N/SNP-MININTER/BO for supply of 11 vehicles and their accessories	The bidder requested for a review of the decision of its disqualification because it estimated that its technical offer matched the requirement of the BD and it was the lowest bidder financially	NIRP rejected the appeal because the appellant did not lodge the initial appeal to the procuring entity.
09	07/09/10	25/10/10	ENDSCO LTD	RBS	Tender N° 012/S/10-N/RBS for cleaning services	ENDSCO LTD requested for a review of the process awarding the tender.	The NIRP observed that ENDSCO LTD did not appeal on technical ground where its appeal had the basis. The bidder appealed after the notification on financial ground. Therefore, the Panel rejected this appeal due to the irregularity of appeal procedure.

N°	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
10	01/09/10	25/10/10	Net Pro (Rwanda) Ltd	PAPSTA	Tender N° 013/F/2010-QN/FIDA/PAPSTA for "Acquisition de 7 panneaux de signalisation dans les nouvelles zones de répliation".	Appeal against an unlawful tender cancellation	NIRP decided to dismiss the appeal lodged by Net Pro Ltd because it did not respect the prescribed period of appeal.
11	14/09/10	04/10/10	WODEC LTD	RUSIZI District	Tender for cleaning services	WODEC LTD claimed that the district neither respect the BD, nor the Law on Public Procurement.	NIRP decided to reject WODEC's appeal because it did not pay the appeal' fees.
12	17/09/10	04/10/10	Shelter International	KIST	Tender No KIST.07/2010 for cleaning and garbage collection services.	The bidder is requesting for a review of the tender evaluation results because the score of 77% attributed by KIST was not at its satisfaction given that it evaluated its offer at 100%.	NIRP decided to reject SHELTER INTERNATIONAL's appeal because it did not pay the appeal' fees.
13	17/09/10	04/10/10	Shelter International	NYARUGENGE District	Tender No 007 MS/2010-2011 NYG for cleaning services.	Shelter International claimed that the district did not respect the tender evaluation process	The NIRP decided to reject Shelter International's appeal because it did not pay the appeal' fees.
14	11/10/10	22/11/10	UVEAUVE	ORINFOR	Tender No 038/F/2010-IR/ORINFOR/RPPA for modification works for OBK Building and supply, installation and commissioning of Radio and Television studios and other related services.	The bidder claimed that ORINFOR should have considered all administrative documents submitted previously in September by the same company and not disqualified the latter.	NIRP decided to reject UVEAUVE's appeal because it did not pay the appeal' fees.

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15	11/10/10	22/11/10	Envirocleaners International	Kimironko Health Center	Tender for cleaning Kimironko health centre	The bidder accused Kimironko Health Center for not respecting the article 48 of the Law on Public Procurement.	NIRP decided to reject the appeal because the complainant did not pay the fees for appeal.
16	03/11/10	22/11/10	PAPETERIE AMICALE	MINEDUC	Tender No 030/IT/2010-2011/MINEDUC/RPPA for office supplies	Appeal against technical disqualification	NIRP decided to reject the appeal because the complainant did not pay the fees for appeal.
17	04/11/10	22/11/10	Mr. NKUNDIMANA Pascal	CHUB	Tender No 74/CHUB/ITC/ADMN/S/09/2010 for Cuban doctors accommodations	Appeal against technical disqualification	The NIRP observed that the complainant did not pay the fees for appeal and therefore, rejected the appeal lodged by him.
18	08/11/10	22/11/10	SURGIPHARM	NRL	Tender No 6/F/AOIO-2010/CDC/LNR for blood-gas-electrolytes analyzer	The bidder requested for a review of the technical evaluation because it was not agreed on its results.	After observing that Surgipharm did not pay the fees for appeal, NIRP decided to reject its appeal.
19	08/11/10	22/11/10	ALPHA MEDIA	RECO & RWASCO	Tender N° 11.07.053/2545/10/PROCDIR/YM/NGE for renting 17 billboards.	The bidder accused the procuring entity for not respecting the process of the tender awarding.	NIRP decided to reject the appeal lodged by Alpha Media after observing that the complainant did not pay the fees for appeal.
20	26/11/10	13/12/10	COGEELEC Rwanda	Bugesera District	Tender N° 006/T/N-BUGESERA/2010 for construction works of Juru Health Center in Bugesera District	The appellant claimed that the TC and the IRP of Bugesera District did not consider its technical offer which was conforming to the BD requirements.	The NIRP underlined that COGEELEC RWANDA did not respect the prescribed period of 7 days. Its appeal was rejected due to the irregularity of appeal procedure.
21	29/11/10	13/12/10	Envirocleaners International	Senate	Tender for cleaning services for the Senate	The company requested for a review of the process awarding the tender and the evaluation process.	NIRP rejected its appeal because it did not respect the prescribed period of 7 days to lodge its appeal.

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22	13/12/10	13/12/10	TESECOM	RECO & RWASCO	Tender N° 11.07.053 /4331/10/PROCDIR/YM/IRN for "Disponibilisation d'équipement et la main d'œuvre dans la Province du Sud"	TESECOM claimed that the RECO & RWASCO disqualified it while the complainant estimated its technical offer conform to the BD.	NIRP rejected its appeal because it did not respect the prescribed period of 7 days to lodge its appeal.
23	15/12/10	29/12/10	GALANA OIL KENYA LTD	RECO & RWASCO	Tender N° 11.07.053 /1181/10/PROCDIR/YM/j n for acquisition HFO and LFO for JABANA II and GIKONDO POWER PLANTS FROM RECO & RWASCO	RECO & RWASCO disqualified GALANA OIL KENYA LTD because the former did not consider the reference provided by the latter.	NIRP rejected its appeal because it did not respect the prescribed period of 7 days to lodge its appeal.
24	23/12/10	10/01/11	GATEX SUPA Company	RCAA	Tender N° 02/S/2010 /CIA/N/RCAA ii for Provision of Cleaning Work of Interior Aerodromes.	Appeal against the tender awarding	NIRP decided to reject the appeal introduced by GATEX SUPA COMPANY because of its failure to pay appeal's fees.
25	28/12/10	10/01/11	Gentil Designers	Bugesera District	Tender for "GUKORA IBYAPA BY'AMAGARE 15.000 N'AMATO 2.000".	Appeal against the tender cancelation by the District IRP.	The NIRP decided to cancel the decision made by the IRP of Bugesera District and to reject the appeal introduced by GENTIL DESIGNERS because of the appeal procedure irregularity.
26	20/01/11	31/01/11	ECOTRA	RECO RWASCO	Tender N° 11.07.053 /3823/10PROCDIR/YM/i rn for "travaux de construction d'un réservoir d'eau de 400 m3 de capacité à Munyinya, District de Muhanga"	Appeal against administrative disqualification	NIRP decided to reject the appeal introduced by ECOTRA because it did not introduce an initial appeal to RECO RWASCO.

N°	Reception date	Date of the decision	Bidder	Procuring Entity	Tender N° and title	Subject of Appeal	Decision of NIRP
27	26/01/11	31/01/11	DAMU GENERALS	WDA	Tender N° 008/op/WDA/2010-2011 for cleaning service	Appeal against financial disqualification	NIRP decided to reject the appeal introduced by DAMU GENERAL because it did not pay appeals fees.
28	26/01/11	31/01/11	U.J Business Company Ltd	Muhima Hospital	Tender N° 066/F.B/2010 for various furniture's advertised by Muhima hospital	Appeal against administration disqualification	NIRP decided to reject the appeal lodged by U.J.BUSINESS COMPANY LTD because it did not pay the appeal's fees.
29	02/02/11	16/02/11	STUDIO HUMBURG MEDIA	ORINFOR	Tender N° 038/F/2010-IR/ORINFOR/RPPA for transformation of OBK building into a media house of ORINFOR	Appeal against a technical disqualification	NIRP decided to reject the appeal introduced by MCI because it did not respect the prescribed period of 7 days
30	03/02/11	07/03/11	BAKUZAGARA UWERA ELIANE	BUTAMWA COLLEGE	Tender N° 01/CDB /2010-2011 for food supply to BUTAMWA COLLEGE.	Appeal against the tender award.	NIRP decided to reject the appeal introduced by BUKUZAGARA UWERA Eliane because she did not respect the prescribed period of 7 days for introducing her appeal.



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31	07/02/11	16/02/11	Fair Construction	MININFRA	Tender N° 106/T/2010-N/MINIFRA/RPPA for the works for the rehabilitation and periodic maintenance of Nakinama-Vunga-Satinsyi Road in Nyabihu District.	Appeal against the tender evaluation results	NIRP decided to reject the appeal introduced fair construction because it did not pay appeals fees.
32	08/02/11	28/02/11	CIVIL ENGINEERING CONTRACTORS sarl	MININFRA	Tender N° relating to the « exécution des travaux d'urgence d'aménagement de la digue (marrais Cyaruhogo se trouvant entre PK 14+400 et PK 20+300) sur la route en terre Rwamagana-Zaza (30 km)	appeal against the decision of the tender award	NIRP decided to reject the appeal introduced by Civil Engineering Contractors GM SARL because it did not respect the prescribed period to lodge its appeal.
33	16/02/11	28/02/11	ECOSEC	MININFRA	Tender N° 06/T/2010-N/MINIFRA/RPPA for the works for the rehabilitation and periodic maintenance of murram eroad Nyakinama-Vunga-Satinsyi in Nyabihu District	Appeal against the tender evaluation results	NIRP decided to reject the appeal introduced by ECOSEC because it did not pay the appeal's fees.

<b>N°</b>	<b>Reception date</b>	<b>Date of the decision</b>	<b>Bidder</b>	<b>Procuring Entity</b>	<b>Tender N° and title</b>	<b>Subject of Appeal</b>	<b>Decision of NIRP</b>
34	25/02/11	07/03/11	TANTIA Construction	RECO-RWASCO	Tender N° 20/G/2010-ICB/2010/EARP-DF for connection works of LV Networks and Service connections in the Western Province.	Appeal against technical disqualification	NIRP decided to reject the appeal introduced by TANTIA CONSTRUCTIONS Ltd because of the not respecting the appealing period and failure to pay the appeals fees.
35	01/03/11	07/03/11	ENTREGELE SARL	RECO-RWASCO	Tender N° 11.07.053 /4113/PROCDIR/YM/IR N for water and electricity connections	Appeal against technical disqualification	NIRP decided to reject the appeal introduced by ENTREGELE SARL because it did not pay appeal's fees.
36	01/03/11	07/03/11	D.TECH	SFB	Tender N° 010/G /2010/NO/ SFB relating to the supply and installation of Inox Stainless cooking stove	Appeal against technical disqualification	NIRP decided to reject the appeal introduced by D-TECH SYSTEMS because it did not respect the prescribed period of 7 days for introducing its appeal.
37	04/03/11	21/03/11	RHIBATI	RECO-RWASCO	Tender N° 11.07.053 /4113/10/PROCDIR/YM/ir n for water and electricity connections.	Appeal against technical disqualification	NIRP decided to reject the appeal introduced by RHIBATI because it did not pay the appeal's fees.

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38	07/03/11	04/04/11	AVI PRODUCTION	RBC/RHCC	Tender N° 002/S/2010-N/RHCC relating to "kwandika no gutunganya ikinamico y'uruhererekane itanga inyigisho zitandukanye ziyanye n'ubuzima"	Appeal against the decision of tender award	NIRP decided to reject the appeal introduced by AVI PRODUCTION because it did not respect the prescribed period of 7 days for introducing its appeal.
39	11/03/11	21/03/11	Hotel Credo	I.N.M.R	Tender N° 03/S/B.O /I.N.M.R/ 2010-2011 relating to the reception of workers, guests and the rent of the conference halls	Appeal against technical disqualification	NIRP decided to reject the appeal introduced by Hotel Credo because it did not respect the prescribed period of 7 days to introduce its appeal.
40	16/03/11	21/03/11	Enviro cleaners International	Kicukiro District	Tender N° 14/S/2010/CDF for cleaning, greening and gardening services to Kicukiro District.	Appeal against a tender award	NIRP decided to reject the appeal introduced by Envirocleaners International because it did not pay the required appeal fees.
41	24/03/11	04/04/11	GEOINFO AFRICA	Kicukiro District	Tender N° 12/S/KIC-DIST/2011 Regarding The Services Physical Planning, Cadastral Survey And Production Of Deed Plans In Various Sites Of Kicukiro District and training of district technicians	Appeal against tender cancellation	NIRP decided to reject the appeal introduced by GEOINFO AFRICA because it did not respect the prescribed period of 7 days for introducing its appeal.

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42	04/04/10	04/04/10	EDITRACE	EWSA	Tender N° 11.07.053/4855/10/PROC-DIR/YM/em relating to "travaux de répartition avec cloison en MDF dans les antennes de Muhima, Kacyiru et Remera	EWSA did not consider its bid because it was the only bidder at the opening	NIRP decided to reject the appeal introduced by EDITRACE because it did not respect the prescribed period of 7 days to introduce its appeal.
43	05/04/11	28/04/11	AMIRAN-KENYA Ltd	MINAGRI	Tender N° 101/t/2010-I/MINAGRI/RPPA for « Exécution de travaux d'aménagement de 2 systèmes d'irrigation collinaire par aspersion dans la plaine de la rivière Muvumba (District de Nyagatare) pour le compte du MINAGRI »	Appeal against the MINAGRI's decision disqualifying it yet it claims to be the best qualified bidder	NIRP decided to reject the appeal introduced by AMIRAN-KENYA Ltd because it did not respect the prescribed period of 7 days to introduce its appeal.
44	18/05/11	27/05/11	Logic media Ltd	SPIU/ MOH	Tender N° 002/F/2011-1/PMU Global Fund/RPPA for supplying 521 motor-cycles	Appeal against the SPIU's decision of disqualifying LML	NIRP rejected the appeal introduced by Logic media Ltd because it did not respect the prescribed period of 7 days to introduce its appeal.
45	09/06/11	13/06/11	BANDAG S.A	Ministry of Defense	TENDER N° 002/009 /PU/MOD/010-011 for the supply of vehicles tyres and tubes to the Ministry of Defense	Appeal against the MOD decision of not awarding it a tender	NIRP rejected the appeal introduced by BANDAG S.A because it did not respect the prescribed period of 7 days to introduce its appeal.
46	14/06/11	27/06/11	Magasin Faruki	RDRP	TENDER N° 07/G/2010-2011/RDRP/RDRP for the supply of medical devices to the disabled ex-combatants	Appeal against the RDRP's decision of disqualifying it	NIRP rejected the appeal introduced by Magasin Faruki because it did not respect the prescribed period of 7 days to introduce its appeal.



