

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 27 FEV 2015.

N° 010/2015-025/NIRP

**THE PERMANENT SECRETARY OF THE MINISTRY OF
FOREIGN AFFAIRS AND COOPERATION**

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 ALPHA MEDIA LTD contesting the decision taken on the tender N° 006/F/2014-2015-N/MINAFFET for "Hiring a company for printing of promotional materials and other printings",

Sincerely,



BUGINGO Emma Marie

Chairperson

CC:

- ✓ Director General of RPPA
- Manager of ALPHA MEDIA LTD



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**DECISION N° 010 /2015/NIRP ON THE TENDER N° 006/F/2014-2015-N/MINAFET FOR
"HIRING A COMPANY FOR PRINTING OF PROMOTIONAL MATERIALS AND OTHER
PRINTINGS"**

COMPLAINANT : ALPHA MEDIA LTD
AGAINST : MINISTRY OF FOREIGN AFFAIRS AND COOPERATION (MINAFET)
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 24/02/2015 analysed the appeal introduced by ALPHA MEDIA LTD contesting the decision for the above tender.

2. SUMMARY OF THE COMPLAINT

ALPHA MEDIA LTD is contesting the MINAFET's decision to disqualify its bid on the argument that they did not provide a written confirmation authorizing the signatory of the bid to commit the bidder as per the tender document requirement.

3. SUMMARY OF FACTS

- On 05/11/2014, MINAFET advertised the tender;
- On 05/12/2015, Bids were opened;
- On 23/01/2015, ALPHA MEDIA LTD received the provisional notification letter;
- On 23/01/2015, ALPHA MEDIA LTD introduced the initial appeal;
- On 10/02/2015, ALPHA MEDIA LTD received the response of the initial appeal;
- On 11/02/2015, NIRP received the appeal from ALPHA MEDIA LTD;
- On 12/02/2015, NIRP requested MINAFET to suspend procurement process and submit all documents related to this tender;
- On 17/02/2015, MINAFET 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 a "Written confirmation authorizing the signatory of the Bid to commit the bidder". (Section II. ITB 11.1. 9);
- The bid of ALPHA MEDIA LTD does not present a Written confirmation authorizing the signatory of the Bid to commit the bidder;
- After receiving the provisional notification letter, SEMUGAZA Alphonse, the Managing Director of ALPHA MEDIA LTD states that: "...as Managing Director of the Company I can not seek authority from any body to commit to the bidding document".

5. COMMENTS BY THE PANEL MEMBERS

As ALPHA MEDIA LTD failed to provide a "Written confirmation authorizing the signatory of the Bid to commit the bidder", yet requested by the tender document;

Given that ALPHA MEDIA LTD never requested for clarifications about this issue before the deadline of bids submission as specified by the article 20, para 2 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

Basing on the article 25, para 2 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 where it is stipulated that "A bid shall be responsive if it substantially conforms to the requirements specified in the bidding document"; NIRP members do concur with the decision taken by MINAFFET on this issue.


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 ALPHA MEDIA LTD because it is unfounded.


BAGILIZINA Emmanuel
Vice Chairperson


BUGINGO Emma Marie
Chairperson


MUNYURA Pierre
Member




KAYITESI Eugenia
Member


SANGANO Yves
Member


BIRANGWA Amri
Member


MUKANTABANA Crescence
Member