

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 12.6 JAN 2015
N° 010/2015-013/NIRP

**THE COMMISSIONER FOR FINANCE &
CHIEF BUDGET MANAGER OF
RWANDA NATIONAL POLICE**

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 CALL ME LTD contesting the decision taken on the tender N° 09/S/2014-2015/NO/RNP/OB for Service of Cleaning Rwanda National Police Quarters in the Year 2014-2015..



BUGINGO Emma Marie

Chairperson

CC:

- Director General of RPPA
- Manager of CALL ME LTD



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**DECISION N° 06/2015/NIRP ON THE TENDER N° 09/S/2014-2015/NO/RNP/OB FOR SERVICE
OF CLEANING RWANDA NATIONAL POLICE QUARTERS IN THE YEAR 2014-2015.**

COMPLAINANT : CALL ME LTD
AGAINST : RWANDA NATIONAL POLICE (RNP)
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 13/01/2015 and 20/01/2015 analysed the appeal introduced by CALL ME LTD contesting the decision for the above tender.

2. SUMMARY OF THE COMPLAINT

CALL ME LTD is contesting the RNP's decision to disqualify its bid on the argument that the company provided other items like Fuel not requested by the tender document.

3. SUMMARY OF FACTS

- On 01/10/2014, RNP advertised the tender;
- On 04/11/2014, Bids were opened;
- On 26/11/2014, CALL ME LTD received the initial provisional notification letter;
- On 28/11/2014, CALL ME LTD introduced the initial appeal;
- On 05/12/2014, CALL ME LTD received the response of the initial appeal;
- On 12/12/2014, NIRP received the appeal from CALL ME LTD;
- On 15/12/2014, NIRP requested RNP to suspend procurement process and submit all documents related to this tender;
- On 18/12/2014, RNP submitted the requested documents;
- On 07/01/2015, NIRP invited RNP representatives for clarifications;
- On 09/01/2015, NIRP informed both CALL ME LTD and RNP that an additional time not exceeding 30 days will be needed to issue an appropriate decision to the appeal;
- On 13/01/2015, NIRP met RNP representatives.



4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- Fuel of 80 liters was only requested under consumables items of cleaning services at Kigali Police General Headquarters
- CALL ME LTD proposed 100 liters of fuel for cleaning services at PTS Gishali; 5 liters of fuel for cleaning services at Gikondo and 40 liters of fuel for cleaning services at Kigali Metropolitan Police Building;
- The tender document does not request fuel at PTS Gishali, Department of Intelligence located at Gikondo, at Kigali Metropolitan Police Building;
- The evaluation report indicates that: "...CALL ME LTD added some items that are not required...";
- In the letter responding to the initial appeal, RNP indicates : "...you added some items that were not required in the Bidding document such as: 100 Liters of fuel for cleaning services at PTS Gishali; 5 Liters of fuel for cleaning services at the Department of Intelligence located at Gikondo and 40 Liters of fuel for cleaning services at Kigali Metropolitan Police Building";
- During clarifications, RNP representatives pointed that adding items that were not required by the tender document is a mistake as it violates the article 30 of Ministerial order N°001/14/10/TC of 19/02/2014 establishing regulations on public procurement, standard bidding documents and standard contracts, which stipulates that "...The evaluation and comparison of bids shall be done basing only on criteria specified in the bidding document and no addition or omission of any criteria shall be allowed".

5. COMMENT BY THE PANEL MEMBERS

Since CALL ME LTD added fuel which was not requested, and never raised clarifications on the content of the tender document before the deadline of bids submission, NIRP members do concur with the decision taken by RNP.

6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comment;

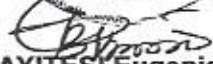
Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, NIRP members decide to dismiss the appeal introduced by CALL ME LTD because it is unfounded.


BAGILIZINA Emmanuel
Vice Chairperson



BIRANGWA Amri
Member


BUGINGO Emma Marie




KAYITESI Eugenia
Member


MUKANTABANA Crescence
Member


SANGANO Yves
Member