

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,
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Kigali, on 12th MAY 2015

N° 010/2015-061/NIRP

**THE EXECUTIVE SECRETARY
OF MEDIA HIGH COUNCIL**

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 CENTRE FOR RESEARCH EXCELLENCE, POLICY AND MANAGEMENT contesting the decision taken on the tender N° 018/S/2014-2015/NCB/MHC/UNDP for Hiring Consultant Firm to produce a Media Performance ranking 2015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emma Marie Bugingo'.

BUGINGO Emma Marie

Chairperson

CC:

- Director General of RPPA
- Manager of CENTRE FOR RESEARCH EXCELLENCE, POLICY AND MANAGEMENT



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**DECISION N° 018/S/2014-2015/NCB/MHC/UNDP FOR ,
HIRING CONSULTANT FIRM TO PRODUCE A MEDIA PERFORMANCE RANKING 2015.**

**COMPLAINANT : CENTRE FOR RESEARCH EXCELLENCE, POLICY AND
MANAGEMENT (CREPM)**
AGAINST : MEDIA HIGH COUNCIL (MHC)
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, on 19/05/2015, the National Independent Review Panel (NIRP) analysed the appeal introduced by CREPM against the decision taken on the above tender.

2. SUMMARY OF THE COMPLAINT

CREPM is contesting the MHC's decision to disqualify their technical proposal due to the obtained technical score (62%) which does not qualify them to the next financial evaluation.

CREPM also argues that no media performance ranking has ever been carried out in Rwanda. In addition, their complaint focuses on methodology that it is fully compliant with the Request For Proposal (RFP) requirements

3. SUMMARY OF FACTS

- On 13/02/2015, MHC advertised the tender;
- On 20/03/2015, Technical Proposals were opened;
- On 08/04/2015, MHC wrote a letter to CREPM notifying the provisional outcome of the technical evaluation;
- On 14/04/2015, MHC received an initial appeal letter from CREPM;
- On 17/04/2015, CREPM received the MHC's response to their initial appeal;

On 23/04/2015, CREPM introduced the tender to NIRP.

- On 24/04/2015, NIRP requested MHC to suspend the procurement process and submit all documents related to this tender;
- On 29/04/2015, MHC submitted the requested documents;
- On 13/05/2015, NIRP invited MHC representatives for clarifications;
- On 19/05/2015, NIRP met MHC representatives;
- On 22/05/2015, NIRP informed both MHC and CREPM that an additional time not exceeding 30 days will be required for an appropriate decision to be taken.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- The following criteria are set in the RFP (Instructions to Consultants, Data Sheet, 1.16):
 - o General experience of the firm in the field: 10 points;
 - o Relevant experience in similar services: 20 points;
 - o Quality of the methodology proposed, work plan and Power point presentation: 25 points;
- The Terms of reference of the same RFP indicate that a Winning Firm should fulfil the following : *"1. At least 3 years experience in media operations, Communication, and have done some work in communication or media field related, preferably having good understanding of different instruments and platforms surrounding radio sub media sector in Rwanda will be an added advantage"*;
- The CREPM's Certificate of Domestic Company Registration was issued by RDB in October 2013;
- CREPM got 7/10 on the criterion related to "General experience of the firm in the field";
- The services carried out by CREPM as highlighted in their presented certificates of good completion are:
 - o Elaborating a communication strategy and training of field researchers on data collection and analysis methods, on account of DATA MEDIA;
 - o Elaborating the corporate strategy and conducting training in change management processes, on account of IDA;
 - o Elaborating a communication strategy, on account of NTAWO YOUTH CENTRE;
 - o Developing a communication and advocacy strategy, on account of FAAS RWANDA;
 - o Developing an advocacy strategy and training, on account of KANGURIRWA HUMAN RIGHTS ASSOCIATION;
- CREPM got 6/20 on the criterion related to "relevant experience in similar services";
- WORDCORE COMMUNICATIONS LTD got 7/20 on the criterion related to "relevant experience in similar services";
- The firm (ICTC) presented the certificates of good completion in the following area:
 - o Study on the 2010 Rwanda Reconciliation Barometer's critical quantitative findings, on account of NURC;
 - o "La categorisation d'Ubudehe et son impact sur les conditions de vie des citoyens au Rwanda", on account of "Plate-Forme de la Societe Civile Rwandaise";
 - o Media Performance Index Tools, on account of MHC;

- MTC got 20/25 for the criterion related to "relevant experience in similar services"
- In the approach and methodology described by CREPM it is mentioned that: *"On acceptance of Technical proposal and signing of a contract with the British Council, the consultant would need to have a meeting with the key staff of the project to clarify a number of issues. During such a meeting, the approach and methodology would be discussed..."*
- The MHC justified the CREPM's poor technical score obtained in the criterion of Methodology for lack of the following relevant elements:
 - o Population study;
 - o Sample size;
 - o Scoring scale;
 - o Steps of the study.

5. COMMENTS BY THE PANEL MEMBERS

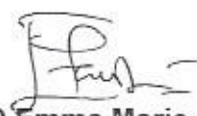
Concerning the methodology, NIRP members do agree with MHC on the score awarded to CREPM in regards to the weakness of the demonstrated methodology.

NIRP members judge imperative to re evaluate all technical proposals on the criteria "General experience of the firm" and "Relevant experience in similar services" basing on the sub criteria as per the RFP requirements.

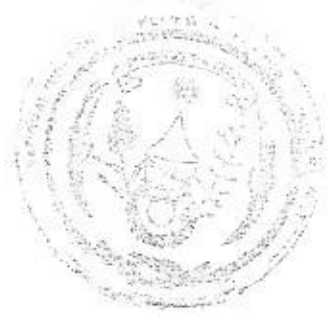
6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

Pursuant to the article 41, para 2, 5^o 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, NIRP members recommend the re-evaluation of all technical proposals and invite the qualified firm(s) to next phase of evaluation and award the tender to the bidder whose proposal attains the highest score as per the RFP instructions.



BUGINGO Emma Marie
Chairperson




BAGILIZINA Emmanuel
Vice Chairperson



MUNYURA Pierre
Member



BIRANGWA Amri
Member



MUKANTABANA Crescencia
Member