

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

DISTRICT DE NYARUGENGE
SECRETARIAT CENTRAL

DATE RECEPTION.....
N° ENREGISTREMENT: 9-JAN-2015.....
TRAITER PAR.....
CLASSEMENT.....

*Paul. Rucitshiro
13/01/2015 James*

RPPA

POUR RECEPTION

DATE: 16/1/2015

SIGNATURE: [Signature]

Kigali, on

176 JAN 2015

N° 010/2015-007/NIRP

THE EXECUTIVE SECRETARY OF NYARUGENGE DISTRICT

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 HIGIRO JAMES contesting the decision taken on the tender N° 28/MF/2014-2015/NYAR-D for Supplying of 138 cows Furizon or Jerise for Girinka Program and delivering the cows to the beneficiaries.

Sincerely,

[Signature]

BUGINGO Emma Marie

Chairperson

CC:

- Director General of RPPA
- Manager of HIGIRO JAMES



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DECISION N° 21/2015/NIRP ON THE TENDER N° 28/MF/2014-2015/NYAR-D FOR SUPPLYING OF 138 COWS FURIZON OR JERISE FOR GIRINKA PROGRAM AND DELIVERING THE COWS TO THE BENEFICIARIES.

COMPLAINANT : HIGIRO JAMES
AGAINST : NYARUGENGE DISTRICT
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 analysed the appeal introduced by HIGIRO JAMES contesting the decision for the above tender.

2. SUMMARY OF THE COMPLAINT

HIGIRO JAMES is contesting the NYARUGENGE DISTRICT's decision to disqualify its bid on the argument that the business activities of his Certificate of enterprise registration do not match with the purpose of the tender, and the offered price is abnormally low compared to the market's price.

3. SUMMARY OF FACTS

- On 25/10/2014, NYARUGENGE DISTRICT advertised the tender;
- On 24/11/2014, Bids were opened;
- On 16/12/2014, HIGIRO JAMES received the letter rectifying the initial provisional notification letter;
- On 17/12/2014, HIGIRO JAMES introduced the initial appeal;
- On 18/12/2014, HIGIRO JAMES received the response of the initial appeal;
- On 19/12/2014, NIRP received the appeal from HIGIRO JAMES;
- On 22/12/2014, NIRP requested NYARUGENGE DISTRICT to suspend procurement process and submit all documents related to this tender;
- On 24/12/2014, NYARUGENGE DISTRICT submitted the requested documents.

4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- Among the administrative documents requested by the tender document, there is a "Kopi ya Registre de commerce (Trading licence)";
- Among the business activities specified in the Certificate of enterprise registration of HIGIRO JAMES there is "A0149 Raising of other animals";
- The business activity of "Raising of other animals" is related to raising and breeding of semi-domesticated or other live animals, game animals, pet animals, raising of silk worms, production of silkworm cocoons etc....¹

5. COMMENTS BY THE PANEL MEMBERS

Since the business activity related to "Raising other animals" does not foresee raising of domestic animals like cows (A0141 Raising of cattle and buffaloes); NIRP members do agree with NYARUGENGE DISTRICT on the decision taken.

Concerning the price offered by the complainant, NIRP members find irrelevant to examine this issue because the bid should be rejected at the administrative level.

6. DECISION BY THE PANEL MEMBERS

Basing on the above background and comments;

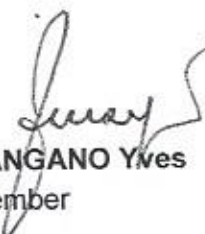
Pursuant to article 70 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, NIRP members decide to dismiss the appeal introduced by HIGIRO JAMES because it is unfounded.



BUGINGO Emma Marie
Chairperson



BAGILIZINA Emmanuel
Vice Chairperson



SANGANO Yves
Member



BIRANGWA Amri
Member



MUKANTABANA Crescence
Member

¹ The International Standard Industrial Classification of All Economic Activities (ISIC), Revision 4,
www.statistics.gov.rw