



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

KN 3 AV, 2 KIGALI/RWANDA  
10<sup>th</sup> FLOOR, GRAND PENSION PLAZA  
P. O. Box: 4276,  
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**DECISION N° 09.../2015/NIRP ON THE TENDER N° 003/F/EQS/REB/2014-2015 FOR  
SUPPLY OF IRON SHEETS AND RIDGES FOR CONSTRUCTION OF CLASSROOMS  
AND LATRINES TO ALL DISTRICTS IN THE COUNTRY.**

**COMPLAINANT : KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD  
AGAINST : RWANDA EDUCATION BOARD (REB)  
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 24/02/2015, members of National Independent Review Panel (NIRP) analysed the appeal introduced by KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD contesting the decision for the above tender.

### 2. SUMMARY OF THE COMPLAINT

KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD is contesting the REB's decision disqualifying them on the argument that they provided a bid submission form not signed and stamped, and not provided an original or notified copy of trade licence.

KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD is arguing that all documents provided were valid.

### 3. SUMMARY OF FACTS

- On 06/08/2014, REB advertised the tender;
- On 08/09/2014, Bids were opened;
- On 12/11/2014, NIRP took a decision on the appeal of the same tender lodged by ECOMEM CO LTD, which dismissed the appeal because it was unfounded;



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- On 06/01/2015, NIRP took a decision on the appeal of the same tender lodged by UNIVENTURE INVESTMENTS LTD, which recommended the re-evaluation of all bids;
- On 19/01/2015, REB re-evaluated the tender;
- On 21/01/2015, REB issued the provisional notification letters to all bidders related to the re-evaluation outcome;
- On 29/01/2015, REB received an initial appeal letter from KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD;
- On 06/02/2015, KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD received the REB's response to their initial appeal;
- On 12/02/2015, KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD introduced the appeal to NIRP;
- On 16/02/2015, NIRP requested REB to suspend procurement process and submit the re-evaluation report and provisional notification letters;
- On 18/02/2015, REB submitted the requested documents.

#### 4. OBSERVATIONS BY THE PANEL MEMBERS

NIRP members observed the following:

- Upon the NIRP's recommendation, REB re-evaluated all bids and found out that Bid submission Letter presented by KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD is neither signed nor stamped while the trade licence is not provided;
- The Bid submission, included in the copy of KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD's bid received by NIRP on 23/10/2014, is neither signed nor stamped, while the trade licence is not provided;
- The Bid submission initialled by members of REB's Internal tender committee, included in the copy of original bid of KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD received by NIRP on 18/02/2015, is neither signed nor stamped, while the trade licence is not provided;
- In the letter addressed to NIRP, KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD states that all documents causing their bid's rejection were provided and are genuine.



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## 5. COMMENTS BY THE PANEL MEMBERS

NIRP members consider that the second evaluation is legal and nullified the first evaluation in accordance, of the articles 29 para 2 & 3 and 40 & 41, para 2, 5<sup>o</sup> 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

Considering the article 44, para 2 of the Law N°12/2007 of 27/03/2007 on Public Procurement as modified and complemented to date, there wasn't a contract between KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD and REB on the above tender;

NIRP members do agree with REB corrections carried out in the second evaluation as the first evaluation breached the article 25, para 2 of the Law N°05/2013 of 13/02/2013 by qualifying responsive the invalid bid submission and the lack of the copy of Trade licence;

## 6. DECISION BY THE PANEL MEMBERS

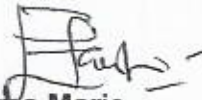
Basing on the above background and comment;

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 KIGALI GLOBAL SUPPLIERS AND CONTRACTORS LTD because it is unfounded.



**BAGILIZINA Emmanuel**  
Vice Chairperson



  
**BUGINGO Emma Marie**  
Chairperson



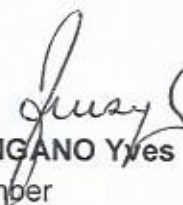
**MUNYURA Pierre**  
Member



**BIRANGWA Amri**  
Member



**MUKANTABANA Crescence**  
Member



**SANGANO Yves**  
Member