

## APPEALS HANDLED IN THE YEAR 2004

- 1. 1/2004 : MARAK LTD –VS- MINISTRY OF HEALTH (KEMSA)**  
Review- Supply of Pharmaceutical Items – No alleged breaches sited- Appeal dismissed
- 2. 2/2004 : CHALLENGE INDUSTRIES LTD –VS- MINISTRY OF HEALTH (KEMSA)**  
Review- Supply of Non-Pharmaceutical Items- No alleged breaches sited- Appeal Dismissed.
- 3. 3/2004 : AWAL LTD –VS- TELCOM KENYA LTD98**  
Review-Supply of electronic signature devices-alleged breach of 4, 30(7)(8)(a)&(b), 33(1), 10(2)9b)-  
Appeal Succeeds- Re-tender.
- 4. 4/2004 : UNI-IMPEX (IMPORT & EXPORT) LTD –VS- MINISTRY OF HEALTH (KEMSA)**  
Review- Supply of Pharmaceutical Items - alleged breach of Reg. 24(2)(3)&26, 29(3), 42(2), 33(1)-  
Appeal dismissed- Alleged grounds fail
- 5. 5/2004 : UNI-IMPEX (IMPORT & EXPORT) LTD –VS- Ministry of Health (KEMSA)**  
Review- Supply of Non-Pharmaceutical Items- alleged breach of Reg. 24(2)(3)& 26, 29(3), 42(2)- PO-  
Whether the Applicant, not having submitted a bid, is competent to appeal- Appeal dismissed- Alleged  
grounds fail
- 6. 6/2004 : FORCES EQUIPMENT (K) LTD –VS- MINISTRY OF HEALTH (KEMSA)**  
Review- Supply of Non-Pharmaceutical Items- alleged breach of Reg. 13(1)(a), 30(8)- Appeal Succeeds-  
Re-tender on two items
- 7. 7/2004 : BDR PHARMACEUTICALS INTERNATIONAL LTD.–VS- MINISTRY OF  
HEALTH (KEMSA)**  
Review- Supply of Pharmaceutical Items- alleged breach of Regulation 33(1)-PO- Whether the Applicant is  
properly before the Board- Appeal dismissed- Appeal filed late.
- 8. 8/2004 : KENBRIGHT INSURANCE BROKERS LTD.–VS- OFFICE OF THE PRESIDENT  
(KENYA POLICE HQS)**  
Review- Supply of Aviation Insurance-
- 9. 9/2004 : ROADS INTO AFRICA – VS- OFFICE OF THE PRESIDENT DOD**  
Review- Supply of Milled Rice - alleged breach of Reg. 14(1) 9(2), 24(1), (2), (2)(j)- Appeal Succeeds- P.E  
breached regulations- Re-tender.
- 10. 10/2004 : UNISUPPLIES MARKETING (K) LTD.–VS- ROADS PUBLIC WORKS (SUPPLIES  
BRANCH)**  
Review- Supply of Foodstuff – No alleged breach of Regulations sited- Appeal Dismissed
- 11. 11/2004 : PABARI DISTRIBUTORS LTD –VS- ROADS PUBLIC WORKS, SUPPLIES  
BRANCH)**  
Review- Supply of Foodstuff - alleged breach of Reg. 30(5), 24(1)- Appeal succeeds- Tender annulled- Re-  
tender
- 12. 12/2004 : OFFICE TECHNOLOGIES LTD –VS- OFFICE OF THE PRESIDENT DOD**  
Review- Office Equipment - alleged breach of Reg. 13(1)(d), 16, 30(7)(8), 33(1)- Appeal Succeeds- Re-  
tender
- 13. 13/2004 : GOLDROCK INTERNATIONAL ENTERPRISE CO. LTD.–VS- KENYA PORTS  
AUTHORITY**  
Review- Design, Supply, Installation & Communication of a Trunked Radio System - alleged breach of  
Regulation 13(6) - Appeal Succeeds- Re-tender

- 14. 14/2004 : SIFA INSURANCE BROKERS LTD.–VS- AFRICA PORTLAND CEMENT CO.**  
Review- Insurance Brokerage Services - alleged breach of Reg. 24(1) and (8)- PO- Whether the Board has jurisdiction- Appeal dismissed
- 15. 15/2004 : AQUATEC INTERNATIONAL LTD –VS- PYRETHRUM BOARD OF KENYA**  
Review- Design, Installation & Commissioning of a 50 Tonnes per day Pyrethrum Solvent Extraction Plant - alleged breach of Reg. 14,30(7), 30(8)- PO- Candidacy & qualification of Applicant – Competency of the Application for Review- PO succeeds- Appeal dismissed
- 16. 16/2004 : THEMES IMPLEMENT LTD.–VS- KENYA RAILWAYS CORPORATION**  
Review- Supply of Hardwood timber shippers - alleged breach of Regulation 30(8)(a)(b), 31(1), 33(1)- Appeal Succeeds- Re-tender
- 17. 17/2004 : TECHMASTER GENERAL SERVICE –VS- MARAGWA TOWN COUNCIL**  
Review- Tender for Roads Repairs - Alleged breach of Regulations 24(1)- Appeal Withdrawn by consent
- 18. 18/2004 : WANJOHI CONSULTANTS ENGINEERS – VS- ROADS & PUBLIC WORKS**  
Review- Consultancy - Alleged breach of regulations 30(1)(2)(3)- Appeal Succeeds- Tender awarded to Applicant in accordance with Sec. 42(5)(c) &(e)
- 19. 19/2004 : SIEMENS LTD –VS- KENYA POWER & LIGHTING**  
Review- Supply & Installation of Plant & Equipment- Alleged breach of Regulations 30(7),31(1),31(2)- Tender annulled- Appeal Succeeds
- 20. 20/2004 : LIFTING EQUIPMENT CO.LTD –VS- MIN.OF LIVESTOCK AND FISHERIES**  
Review- Supply of Boats –Alleged breach of Regulations 10 (2) - PO- Whether the Applicant is properly before the Board- Whether Board has jurisdiction-Appeal dismissed- Applicant not properly before the Board, no jurisdiction
- 21. 21/2004 : QUIVER INTERNATIONAL –VS- KENYA POWER AND LIGHTING CO**  
Review- Supply of single electronic energy meters – Alleged breach of Reg. 30(8), 14(3), 13(5) - Appeal Succeeds- Tender annulled- Re-tender- Process flawed
- 22. 22/2004 : CEABUD ENGINEERING –VS- MIN.OF ROADS AND PUBLIC WORKS**  
Review- Prequalification – Alleged breach of Reg. 11, 17 - Appeal dismissed albeit flawed because of public interest
- 23. 23/2004 : DISNEY INSURANCE BROKERS –VS- COUNTY COUNCIL OF NYANDARUA**  
Review- Provision of insurance cover – Alleged breach of Reg. 29(1), 33(1), 12(1) - Appeal Succeeds- Re-tender- process fatally flawed
- 24. 24/2004 : DAMEN SHIPYARDS –VS- KENYA FERRY SERVICES**  
Review- Supply of 2.No Ferry Vessels – Alleged breach of Reg. 13(1)(a) & tender Conditions – PO- whether one is an interested party having not submitted a bid- Appeal Succeeds- Re-tender- Entire process flawed
- 25. 25/2004 : TEMA HOMECARE –VS- KENYA AIRPORTS AUTHORITY**  
Review- Provision of cleaning services General areas JKIA –PO- whether Board can grant the Applicant access to the actual bid documents- Alleged breach of Reg. 24, 4- Appeal dismissed
- 26. 26/2004 : TEMA HOMECARE –VS- KENYA AIRPORTS AUTHORITY**  
Review- Provision of cleaning services General areas JKIA –PO- whether Board can grant the Applicant access to the actual bid documents- Alleged breach of Reg. 24, 4- Appeal dismissed

- 27. 27/2004 : BRIDGE STONE CONSTRUCTION COMPANY –VS- MIN.OF ROADS AND PUBLIC WORKS**  
Review- Prequalification – alleged unfair treatment of candidates – Appeal dismissed
- 28. 28/2004 : WANYOIKE BUILDING AND GENERAL CONTRACTORS –VS- PUMWANI SECONDARY SCHOOL**  
Review- Construction of hostel Block - Alleged breach of Reg. 30(8)(a), 33(1)- Appeal dismissed- Board has no jurisdiction- Contract already Signed as per Reg. 42(5)(a-f)
- 29. 29/2004 : WIGOT CONSTRUCTION COMPANY –VS- MIN.OF ROADS AND PUBLIC WORKS**  
Review- Prequalification - alleged breach of Reg. 13(4), 4, unfair treatment of candidates – PE to Re-tender
- 30. 30/2004 : CNC/ZTE/KENSIM (TAIFACOM)–VS- COMMUNICATION COMMISSION OF KENYA**  
Review- Tender for license to construct, install and operate fixed communication system, Second National Operator- Alleged breach of Reg. 13(3)(3)(b), 31(1) &(2), 30(1),27(1), 26, 25(2)- PO- Whether the Board has Jurisdiction- Whether Board should stay proceedings pending outcome of JR- Appeal Succeeds- Re-tender.
- 31. 31/2004 : ASEA BROWN BOVERI LTD.–VS- KENYA PORTS AUTHORITY**  
Review- Proposed modernization of port power supply distribution network - Alleged breach of Reg. 30(8)(a)&(b)- Appeal dismissed
- 32. 32/2004 : XENOCON ENGINEERING CONSULTANTS –VS- MIN. OF ROADS AND PUBLIC WORKS**  
Review- Consultancy services for preliminary and detailed of Kabati- Kagunduini-C70 Junction-Karuia Rd. - Alleged breach of regulations 38- Appeal dismissed- No remedy available from board other than High Court
- 33. 33/2004 XENOCON ENGINEERING CONSULTANTS –VS- MIN. OF ROADS AND PUBLIC WORKS:**  
Review- Consultancy services for preliminary and detailed of kithimani-Mwala Makutano Rd (C100)- Alleged breach of Regulations 38- Appeal dismissed- No remedy available from board other than High Court
- 34. 34/2004 : WANJOHI CONSULTING ENGINEERS –VS- MIN. OF ROADS AND PUBLIC WORKS**  
Review- Consultancy services for preliminary and detailed of Nanyuki B5 Junction-Nyahururu Rd (C76)- Alleged breach of Regulations 38 - Appeal Succeeds- Tender awarded to Applicant
- 35. 35/2004 : EAST AFRICA ELEVATOR CO.–VS- KENYA PORTS AUTHORITY**  
Review- Supply of 4 No. Passenger Lifts – PO- whether Applicant is properly before the Board- Alleged breach of Reg. 29(1)(2), 30(7)(8)- Appeal dismissed- All grounds failed
- 36. 36/2004 : MOMENTUM INSURANCE BROKERS –VS- OFFICE OF THE PRESIDENT**  
Review- Provision of Insurance aviation - Alleged breach of Reg. 30(4)- Appeal dismissed
- 37. 37/2004 : LANET GOLDEN VERITIES LTD –VS- MUNICIPAL COUNCIL OF NYAHURURU**  
Review- Supply &Delivery of a refuse truck ISUZU FVR 23 M - Alleged breach of Reg. 29(1), 30(8), 33(1)(3), 32 - Tender process annulled- Re-tender- process fatally flawed
- 38. 38/2004 : AFFILIATED BUSINESS CONTACTS –VS- TELKOM KENYA LTD**  
Review- Supply & delivery of access network repair tools and test gears - Alleged breach: new criteria used –PO- Whether the appeal is out of time- Appeal dismissed- Appeal out of time

**39. 39/2004 : KEMA INVESTMENTS –VS- KENGEN**

Review- Supply of protective clothing and foot wear - Alleged breach of Reg. 29(3), 30(6), 14(1)(2), 27(1)-  
Appeal dismissed-m Applicant failed to prove any ground

**40. 40/2004 : ZADOCK FURNITURE SYSTEMS –VS- KENYA AIRPORTS AUTHORITY**

Review- Supply, delivery and installation of passenger terminal seats and JKIA - Alleged breach of Reg.  
14, 30(8)(b), 32, 33(1)(2) – Appeal Succeeds- Re-Tender

**41. 41/2004 : KENYA TENTS LIMITED –VS- DEPARTMENT OF DEFENSE**

Review- Supply of tents to various armed forces- Alleged breach of Reg. 23, 24(2), 25– Appeal Succeeds-  
Re-Tender

**42. 42/2004 : PRUDENTIAL FARMERS BUTCHERY –VS- DEPARTMENT OF DEFENCE**

Review- Supply of Meat – Alleged breach of Reg. 4, 13(4)(5), 30(8)(a), 11, 10(1)(b) - Appeal Succeeds-  
Re-tender

**43. 43/2004 : MITS ELECTRICAL CO.LTD –VS- NATIONAL ASSEMBLY**

Review- Monthly maintenance of Lifts - Alleged breach of Reg. 30(8)(a0(b), 10(2)(b)&10(1)(c)- Appeal  
succeeds- Re-tender.

**44. 44/2004 : MITS ELECTRICAL CO.LTD –VS- OFFICE OF THE VICE PRESIDENT AND  
MIN. OF HOME AFFAIRS**

Review- Monthly Maintenance of Lifts - Alleged breach of Reg. 30(8)(a0(b), 10(2)(b)&10(1)(c)- Appeal  
succeeds- Re-awarded to the lowest evaluated bidder.

**45. 45/2004 : VULCAN LIMITED –VS- MIN.OF HEALTH**

Review- Supply of non pharmaceutical supplies - Alleged breach of Regulation 4, 10(2) and 33(1) –PO-  
whether Applicant can be furnished with all the available tender documents for the hearing- whether the  
Applicant is properly before the Board- Appeal succeeds only on 3 tenders complained of- Re-tender of 3

**46. 46/2004 : SEVEN SERVING CIVIL SERVANTS –VS- MIN.OF LANDS AND HOUSING**

Review- Sale of Non strategic Government owned houses - Alleged breach of Reg. 4, 6(2),  
13(3)(4)(11)(7)- PO- whether Board has jurisdiction- Process to continue with qualified civil servants being  
given a fair opportunity

