

APPEALS HANDLED IN THE YEAR 2005

1. 1/2005 : BELRA CHORD INVESTMENTS –VS- POSTAL CORPORATION OF KENYA

Review- Provision for cleaning services in Postal Corporation of Kenya –PO- whether appeal is out of time contrary to Reg. 33(1)- whether contract has been executed- Appeal withdrawn- Outside the appeal window

2. 2/2005 : HURLINGHUM BUTCHERY LIMITED –VS- DEPARTMENT OF DEFENCE

Review- Supply of Meat – No alleged breach stated- Alterations noted on Applicants original tender documents-Applicant lowest bidder- Appeal succeeds- Tender annulled- Re-tender

3. 3/20065 : MITS ELECTRICAL CO. LTD –VS- OFFICE OF THE PRESIDENT

Review- Monthly maintenance of lifts in Government Buildings.-alleged breach of Reg. 10(2), 33(1), 30(8) (a)& (b)- Breach of Regulations- Appeal succeeds- Re-tender- Restricted tendering

4. 4/2005 : Laving ton Security guards limited –VS- Kenya pipeline Company limited

Review- Provision of security service for year 2005-2006- alleged breach of Reg. 33, 30(1), 11, 12- alleged unfair treatment of bidders & preferential treatment of some bidders- Breach of Reg. 30(8) & 33- Appeal succeeds- Re-tender

5. 5/2005 : FUELOMART(K) LIMITED –VS- MINISTRY OF ENERGY

Review- Provision for Petroleum fuels marking and tracing services - alleged breach of Reg. 13(5) 24(2)(i)(v),29(6) & 42(2)- No breach -Appeal dismissed- P.E ordered to award tender for 2yrs without any reference to extensions.

6. 6/2005 : MITS ELECTRICAL CO. LIMITED –VS- MINISTRY OF LANDS AND HOUSING

Review- Monthly maintenance of lifts in government Buildings - alleged breach of Reg. 10(2),33(1) 30(8) (a)& (b) - Breach of Regulations- Appeal succeeds- Re-tender- Restricted tendering

7. 7/2005 : MITS ELECTRICAL CO. LIMITED –VS- MINISTRY OF ROADS & PUBLIC WORKS

Review- Monthly Maintenance of Lifts in Government Buildings - alleged breach of Regulation 33(1) 30(8) (a)& (b)- Appeal dismissed- Upsetting the tender would not be in the public interest

8. 8/2005 : MITS ELECTRICAL COMPANY LIMITED –VS- MINISTRY OF FOREIGN AFFAIRS

Review- Replacement of passenger lifts - alleged breach of Regulation 10(2),33(1) 30(8) (a)& (b) - Breach of Regulations- Appeal succeeds- Re-tender

**9. 9/2005 : ALPHINE INVESTMENT – VS- GILGIL
TELECOMMUNICATIONS INDUSTRIES**

Review- Supply of Arsenic copper Chrome Oxide - alleged breach of Reg. 30(7),30(8),33(1)- Appeal succeeds- Tender re-awarded to the Applicant Ms. Alphine Investments

10. 10/2005 : PRECISION TUBE CO. LIMITED –VS- KENGEN

Review- Supply of steel casings for Olkaria Domes appraisal Drilling Programme - alleged breach of Reg. 30(7),30(8),24(2)- Appeal Succeeds- Re-tender- Inconsistencies in Tender document

**11. 11/2005 : MITS ELECTRICAL COMPANY LIMITED –VS- OFFICE OF THE
VICE PRESIDENT AND MINISTRY OF HOME AFFAIRS**

Review- Replacement of Two NO. Lifts at Jogoo House B-

**12. 12/2005 : TWAHMA BUILDING SERVICE –VS- KENYA TOURIST
DEVELOPMENT CORPORATION**

Review- Rehabilitation of Utalii house - alleged breach of Reg. 33(1), 11, 24,27,30(7)- Appeal succeeds- Process fatally flawed- Re-tender

13. 13/2005 : EAST COAST ENTERPRISES –VS- DEPARTMENT OF DEFENCE

Review- Supply of white sugar - No breach stated, alleged unfair evaluation& that applicant was lowest bidder - Appeal dismissed- Applicant was non-responsive

14. 14/2006 : EAST COAST ENTERPRISES –VS- DEPARTMENT OF DEFENCE

Review- Supply of milled rice - No breach stated, alleged unfair evaluation& that applicant was lowest bidder - Appeal dismissed- Applicant was non-responsive

**15. 15/2006 : MOHAMMED AND MUIGAI ADVOCATES –VS- NAIROBI
WATER SERVICES BOARD**

Review- Provision of legal services - alleged breach of Reg. 33(2), 17(6), 36(4), 30(7) - PO- jurisdiction of the Board- Appeal dismissed- Board has no jurisdiction

**16. 16/2005 : ORGANICS LIMITED –VS- THE PROCUREMENT & SUPPLY
CHAIN MANAGEMENT CONSOTIUM, PROCURING AGENT FOR
MINISTRY OF HEALTH**

Review- Supply and delivery of cash receipt- alleged breach of Regulation 14(3) (a) & (b) , 13(5)- alleged unfair tender evaluation- Appeal succeeds- Irregularities in the tender evaluation process

**17. 17/2005 : ABDULHAKIM AHMED BAYUSUF & SONS LIMITED –VS-
GALOLE CONSTITUENCY DEVELOPMENT FUND**

Review- Construction of 12 projects- Alleged breach of Regulations 30(1), 33,17(5), 11- Appeal succeeds- Procuring Entity to re-evaluate

18. 18/2005 : SYMPHONY – VS- KENYA REVENUE AUTHORITY

Review- Supply delivery installation & commissioning of computer hardware equipment & associated accessories- Alleged breach of reg. 30(1), 33,17(5), 1112- Process fatally flawed-Tender annulled- Re-tender

19. 19/2005 : GESTALT GILD LIMITED –VS- TELKOM KENYA LIMITED

Review- Supply Installation, testing & commissioning of IT infrastructure for Data centre & Disaster Recovery site - Alleged breach of Regulations 13(5) – Appeal succeeds- Tender annulled- Breach of Reg. 30(8) & 4 by P.E

20. 20/2005 : MTECH SYSTEMS PTY LIMITED –VS- KENYA METEOROLOGICAL DEPARTMENT, MINISTRY OF TRANSPORT

Review- Supply, delivery, installation & commissioning of automatic Weather observation systems
- Alleged breach of Regulations 30(8), 31(1)- Appeal dismissed- No breach

21. 21/2005 : EAST AFRICAN CABLES –VS- KENYA POWER AND LIGHTING COMPANY LIMITED

Review- Tender for supply of LV cables & Conductors - Appeal withdrawn

22. 22/2005 : MFI OFFICE SOLUTIONS –VS- DEPARTMENT OF DEFENCE

Review- supply of office equipment – Alleged breach of Reg. 30(8), 30(4) & 26- Appeal succeeds-Restricted re-tendering

23. 23/2005 : HALCROW GROUP LIMITED IN ASSOCIATION WITH UTMOST CONSULTANTS –VS- KENYA PORTS AUTHORITY

Review- Tender for design for strengthening & extension of berth 12-14 & traffic management flow of adjacent container stacking yard- Alleged breach of Reg. 4,30(8),13(4)- Appeal succeeds

24. 24/2005 : PELICAN INSURANCE BROKERS LIMITED –VS- KENGEN

Review- Tender for insurance Brokerage services 2005/2006-2006/2007- Appeal withdrawn

25. 25/2005 : LEON INSURANCE BROKERS LTD –VS- CITY COUNCIL OF NAIROBI

Review- Tender for provision of insurance services – alleged breach of regulations 13 (3)& (4),30(8),13- Appeal dismissed- no breach

26. 26/2005 : MANCHESTER OUTFITTERS LTD –VS- KENYA ELECTRICITY GENERATING COMPANY LTD

Review- Supply of measured staff uniforms and protective clothing.- Alleged breach of Reg.11 clause 1 & 12 of conditions of tender documents- Appeal succeeds- Re-tender

**27. 27/2006 : EMPEROR GENERAL SERVICES –VS- KENYA PORTS
AUTHORITY**

Review- Construction of parking facilities & related drainage works for one stop centre - Alleged breach of Regulations 30 (8)(a),30(1) and 33(1)– Appeal succeeds- Tender awarded outside validity period- Re-tender

**28. 28/2005 : LOG ASSOCIATES –VS- TANA & ATHI RIVERS
DEVELOPMENT AUTHORITY**

Review- Provision of valuation services - Alleged breach of Regulations 13 (3),30(1),30 (6)(c),31,30(7)& (8),33(1),24(2)- Appeal dismissed- No breach- Applicant non-responsive

29. 29/2005 : MASON SERVICES LIMITED –VS- OFFICE OF THE PRESIDENT

Review- Cleaning services at Harambee house and 19th floor at Nyayo house - Alleged breach of Regulations of 13 and 13 (5)– Appeal succeeds- Successful tenderer did not meet tender requirements- Re-tender

**30. 30/2005 : AQUACHEM TECHNOLOGIES LTD –VS- KENYA
ELECTRICITY GENERATING COMPANY**

Review- Supply of liquid drilling detergent for Olkaria domes appraisal program - Alleged breach of Reg.30 (7),(8) and (9)- Appeal succeeds- Re-tender

31. 31/2005 : WEB ENGINEERING LTD –VS- MINISTRY OF FINANCE

Review- Supply, installation and commissioning of local area network in Bima House- Alleged breach of Reg. 33 (1),24(2)(j),30(7) &(8)- Appeal succeeds- Evaluation not done satisfactorily- Re-tender

32. 32/2005 : WEB ENGINEERING LTD –VS- MINISTRY OF FINANCE

Review- Supply, installation and commissioning of local area network in Bima House- Alleged breach of Reg. 33 (1),24(2)(j),30(7) &(8)- Appeal succeeds- Evaluation not done satisfactorily- Re-tender

33. 33/2005 : LANTECH AFRICA LIMITED –VS- MINISTRY OF FINANCE

Review- Supply, installation and commissioning of local area network in Harambee House- Alleged breach of Reg. 33 (1),24(2)(j),30(7) &(8) - Appeal succeeds- Evaluation not done satisfactorily- Re-tender

**34. 34/2005 : REB-KIM INVESTMENTS –VS- AGRICULTURAL SOCIETY OF
KENYA**

Review- Licence to operate the fun fair at Jamhuri park, July 2005-June 2006- Alleged breach of Reg.10(2),13(a),33(1) & 33(3)- PO- whether the P.E is a public Entity- whether Board has jurisdiction- Appeal dismissed- Respondent not a P.E- Board has no jurisdiction

35. 35/2005 : SYSTECH LIMITED –VS- MINISTRY OF FINANCE.

Review- Supply, installation and commissioning of local area network in Ardhi House - Alleged breach of Reg. 33 (1),24(2)(j),30(7) &(8) - Appeal succeeds- Evaluation not done satisfactorily- Re-tender

36. 36/2005 : SYSTECH LIMITED –VS- MINISTRY OF FINANCE

Review- Supply, installation and commissioning of local area network in Treasury Building- Alleged breach of Reg. 33 (1),24(2)(j),30(7) &(8)- Appeal succeeds- Evaluation not done satisfactorily- Re-tender

37. 37/2005 : MITS ELECTRICAL COMPANY LTD –VS- MINISTRY OF ROADS & PUBLIC WORKS

Review- Proposed installation of 10 No. lifts at new Nyanza Provincial Kisumu- Alleged breach of Reg. 30 (6) (c) & 30 (8) (a)& (b)- PO- whether Board had jurisdiction when contract was signed- Appeal dismissed- No jurisdiction

38. 38/2005 : MOBILE PLANET LIMITED –VS- KENYA POWER & LIGHTING COMPANY LTD

Review- Provision of SMS premium services- Alleged breach of Reg. 4, 14, 9, 10, 17, 24(2), 23(e), 29, 30(8), 34- Appeal succeeds- P.E did not comply with the spirit of Reg. 4- Re-tender

39. 39/2005 : PATRIOTIC GUARDS –VS- THE JUDICIARY

Review- Provision of security services for the Judiciary - Alleged breach of Reg. 27, 29 & 30- Appeal dismissed- No breach

40. 40/2005 : MUGOYA CONSTRUCTION & ENGINEERING LTD –VS- TEACHERS SERVICE COMMISSION

Review- Proposed Teachers Service Commission Headquarters building- Alleged breach of Reg. 24(2),30(1),(7) & (8) and 33(1)- Appeal succeeds- Re-tender

41. 41/2005 : ENERGY SUPPORT GmbH –VS- KENYA POWER AND LIGHTING COMPANY

Review- Supply of Dissolved Gas Analyser for Transformer Oil- Alleged breach of Reg. 30 (8) (b) and 33(1)- Appeal dismissed

42. 42/2005 : EAST AFRICAN COMPANY ELEVATOR COMPANY LIMITED – VS- KENYATTA INTERNATIONAL CONFERENCE CENTRE

Review- Procurement of new lifts - Alleged breach of Reg. 30 (6) (c) and 30 (8) (a) & (b)- Appeal dismissed- no breach of Regulations.

43. 43/2005 : NEW BARON & LEVEQUE INTERNATIONAL –VS- EAST AFRICAN PORTLAND CEMENT

Review- Supply and installation of new cement mill- Alleged breach of Reg. 30 (7) & (8),33(1),31(2)- Appeal succeeds- Re-tender- Procurement process flawed.

44. 44/2005 : MANCHESTER OUTFITTERS LTD –VS- KENYA PRISONS SERVICE

Review- Supply of staff uniforms and insignia- Alleged breach of Regulation 30(8) (a)- Appeal succeeds- winning bid should have conformed to the sample.

45. 45/2005 : AVTECH SYSTEMS –VS- KENYA INSTITUTE OF EDUCATION

Review- Installation of equipment plus in the TV OB Van- Alleged breach of Regulation 27(1)- Appeal dismissed

46. 46/2005 : DELF SYSTEMS LIMITED –VS- STIMA SACCO SOCIETY LIMITED

Review- Supply, Installation, Customisation and Commissioning of SACCO operations software- Alleged breach of Reg. 33(1) and 14 (2)- Appeal dismissed

47. 47/2005 : WINDSOR INDUSTRIAL HOLDING –VS- KENYA MEDICAL SUPPLIES AGENCY

Review- Supply of Dispensary Kit 1- Alleged breach of Reg. 30 (8) (a) & (b)- Appeal dismissed

48. 48/2005 : WINDSOR INDUSTRIAL HOLDING –VS- KENYA MEDICAL SUPPLIES AGENCY

Review- Supply of Dispensary Kit 1- Alleged breach of Regulations 30 (a) and (b)- Appeal dismissed-

49. 49/2005 : WINDSOR INDUSTRIAL HOLDING –VS- KENYA MEDICAL SUPPLIES AGENCY

Review- Supply of Pharmaceutical drugs - Alleged breach of Regulations 30 (a) and (b)- Appeal dismissed

50. 50/2005 : ACHELIS MATERIAL HANDLING LIMITED –VS- NZOIA SUGAR COMPANY LIMITED

Review- Supply and Delivery of Tractors - Alleged breach of Reg. 30(8) and 33(1)- Appeal dismissed- Lack of merit

51. 51/2005 : CIRCUIT BUSINESS SYSTEMS –VS- GJLOS REFORM PROGRAMME KPMG KENYA

Review- Supply of security related equipment- Alleged breach of Reg. 29(3) and 30 (8)- Appeal dismissed

52. 52/2005 : PROFESSIONAL TRAINING CONSULTANTS –VS- MOMBASA WATER AND SEWERAGE COMPANY LIMITED

Review- formulation of the Mombasa water and sewerage Company Limited's strategic Plan- Alleged breach 22(2), 30(7) and (8), 6(2,3), 32 and 33- PO- whether respondent is a Public Entity- whether Board has jurisdiction- Appeal dismissed- Board has no Jurisdiction.