

APPEALS HANDLED IN THE YEAR 2006

1. 1/2006 : ACHELLLIS MATERIAL HANDLING LTD –VS- NZOIA SUGAR COMPANY LTD

Review- Supply of tractors- Appeal withdrawn

2. 2/2006 : PRINTLINKS INTERNATIONAL LTD –Vs- GVT PRINTER, OFFICE OF THE PRESIDENT

Review- Installation & commissioning of security Equipment at Gvt Press Extension- alleged breach of Reg. 30(7),33(1) &2- PO- whether the Appeal was filed out of time- whether the Board had jurisdiction to hear the Appeal-Appeal Dismissed.

3. 3/2006 : AWAL LTD –VS- TELCOM KENYA LTD

Review-Supply of electronic signature devices-alleged breach of 33,13(4),29(2)-PO- Appeal dismissed.

4. 4/2006 : MANTRAC KENYA LTD –VS- NZOIA SUGAR COMPANY

Review- Supply of tractors - alleged breach of Reg. 29(8),33(1)&(2)-PO- whether the Board had jurisdiction when P.E has a contract in place-Appeal dismissed

5. 5/2006 : N.K BROTHERS LTD –VS- NATIONAL SOCIAL SECURITY FUND

Review- Completion of Social Security housing annex parking- alleged breach of Reg. 12,13(3),30(7)- Appeal Succeeds- Re-tender

6. 6/2006 : PRIMA PEST BINS CONTROL COMPANY LIMITED & INTERWASTE (PTY) LTD –VS- MOMBASA SOLID WASTE MANAGEMENT COMPANY LTD

Review- Strategic partnership in solid waste management- alleged breach of Reg. 6 & 36- PO-jurisdiction of Board- Appeal Succeeds- Re-tender

7. 7/2006 : DIMKEN (K) LTD –VS- NATIONAL SOCIAL SECURITY FUND

Review- Completion of Nyayo housing estate in Embakasi- alleged breach of Regulation 29(8), 33(1),24(2) (j)- Appeal Succeeds- P.E re-evaluate three bidders who qualified in technical evaluation

8. 8/2006 : EPCO BUILDERS LTD –VS- NATIONAL SOCIAL SECURITY FUND

Review- Completion of Nyayo housing estate in Embakasi- alleged breach of Regulation 29(8), 33(1),24(2) (j)- Appeal Succeeds- P.E re-evaluate three bidders who qualified in technical evaluation

9. 9/2006 : KAY CONSTRUCTION COMPANY LTD – VS- MINISTRY OF ROADS &PUBLIC WORKS

Review- Construction of St. Mary's- Nyakahura, Gitugu Road and Thogoto Gikambara- alleged breach of Reg. 13(1),(3) and (4), 30(7),4,33(1)30(8), - Appeal withdrawn.

10. 10/2006 : HOLMAN BROTHERS LTD –VS- MINISTRY OF ROADS AND PUBLIC WORKS

Review- Supply of Roller Vibrator self propelled 10 Ton- alleged breach of Reg. 30(8)(a), 13, 29(3), 33- Appeal Succeeds- P.E to award to the lowest bidder

11. 11/2006 : MAGNATE VENTURES LIMITED –VS- MOMBASA MUNICIPAL COUNCIL

Review- Proposal for partnering with the Municipal council of Mombasa in Management of Outdoor advertising- alleged breach of Reg. 7(4) 14, 34, 36- Appeal succeeds- Tender annulled- Re-tender

12. 12/2006 : UNIMED SUPPLIES AND SERVICES –VS- MINISTRY OF HEALTH

Review- Purchase of Medical Equipment- alleged breach of Reg. 10(1), 33(1), 24(2), 10(2 and 3,29(3)- Appeal dismissed

13. 13/2006 : DAVETRONIC COMPANY –VS- MINISTRY OF FINANCE

Review- Supply, Installation of Local Area Network in Harambee house- alleged breach of Regulation 30(7) & (8) - Appeal dismissed

14. 14/2006 : DAVETRONIC COMPANY –VS- MINISTRY OF FINANCE

Review- Supply, Installation of Local Area Network in Bima house- alleged breach of Reg. 30(7) and (8)- Appeal dismissed

15. 15/2006 : MITSUMINET CABLE VISION LIMITED –VS- KENYA POWER & LIGHTING COMPANY LIMITED

Review- Lease of KPLC distribution Network for TV signal Cable Network- alleged breach of Reg. 14,30(7), 30(8)- Appeal dismissed

16. 16/2006 : HITECH PRINT SYSTEMS LIMITED –VS- KENYA REVENUE AUTHORITY

Review- Supply and delivery of cash receipt- alleged breach of Regulation 30- PO- jurisdiction of the Board- Appeal dismissed

17. 17/2006 : BRINKS SECURITY SERVICES LIMITED –VS- TELKOM KENYA LIMITED

Review- Provision of security services- Alleged breach of Regulations 4, 30(5) & 30(7)- Appeal succeeds- Procuring Entity to re-evaluate

18. 18/2006 : BUELICON ASSOCIATES – VS- NYAYO TEA ZONE DEVELOPMENT AUTHORITY

Review- Expression of interest for the provision of consultancy services for kipchabo tea- Alleged breach of regulations 24 (2) j, and or 36 (1), 36 (2) (b) and (d), 33(1)- Tender annulled- Re-tender

19. 19/2006 : HOWARD HUMPHREY'S EA LIMITED –VS- LAKE VICTORIA SOUTH WATER SERVICES BOARD

Review- Proposal for consultancy services design of construction of Asembo Bay _ Ndori Water Project in Bondo district- Alleged breach of Regulations 36(5), 4- Tender annulled- Re-award to the Applicant

20. 20/2006 : N. K. BROTHERS LIMITED –VS- NATIONAL SOCIAL SECURITY FUND

Review- Completion of the Social Security House Annexe Parking silo- Alleged breach of Regulations 13(3), 30(7), 4,13(1) - Appeal dismissed

21. 21/2006 : UNIVERSAL SAT SPACE (NORTH AMERICA) LLC –VS- POSTAL CORPORATION OF KENYA

Review- Provision of VSAT bandwidth and Network Management for Postal Corporation of Kenya- No breaches quoted- PO- Board's jurisdiction- Appeal dismissed

22. 22/2006 : PETRONET EAST AFRICA CONSORTIUM –VS- THE JOINT COORDINATION COMMITTEE , MINISTRY OF ENERGY

Review- Extension of the Kenya Uganda Pipeline- Appeal before evaluation had been conducted- PO- Board's jurisdiction- Appeal dismissed

23. 23/2006 : WANJOHI CONSULTING ENGINEERS –VS- NATIONAL IRRIGATION BOARD

Review- Provision of consultancy services for feasibility study for expansion and Development of Ahero & west Kano irrigation schemes- Alleged breach of Reg. 4, 24(1) 30(7) & (8), 33 & 47- Appeal dismissed

24. 24/2006 : KINYUA KOECH LIMITED –VS- LOCAL AUTHORITIES PENSION TRUST

Review- Property valuation- Alleged breach of Reg. 30(1)(8)- PO- whether the Appeal bad in law- Appeal dismissed

25. 25/2006 : APEX SECURITY SERVICES –VS- NEW KENYA COOPERATIVE CREAMERIES

Review- Provision of security services- No breach stated- Applicant contesting use of the wrong method of procurement- PO- whether the Applicant was properly before the Board- Appeal dismissed

26. 26/2006 : POTTERMARK ENTERPRISES –VS- KENYA INSTITUTE OF SPECIAL EDUCATION

Review- Supply of Braille Equipment and Materials- Alleged breach of Regulations 29, 24, 14- Appeal dismissed

27. 27/2006 : SPORTLIGHT INTERCEPTS KENYA LIMITED –VS- KENYA WILDLIFE SERVICE

Review- Provision of Auctioneer Services- Alleged breach of Regulations 18, 34,4,13 & 2 – Appeal dismissed

28. 28/2006 : MFI OFFICE SOLUTIONS –VS- OFFICE OF THE PRESIDENT- POLICE DEPARTMENT

Review- Supply and delivery of printers- Alleged breach of Regulations 30(1), 30(7), 30(8)(2)- Appeal Succeeds- Re-tendering

29. 29/2006 : SYNER- MED PHARMACEUTICAL KENYA LIMITED –VS- KENYA MEDICAL SUPPLY AGENCY (KEMSA)

Review- Supply of pharmaceutical drugs- Alleged breach of Regulations of 13(1), 27(1), 30(5) & 30(7) – Applicant not responsive- Appeal dismissed

30. 30/2006 : SAAB GRINTEK DEFENCE (PTY) –VS- DEPARTMENT OF DEFENSE

Review- Supply of Combat Net Radios, Combat Net Interface Units, Field Computers & Rechargeable batteries- Alleged breach of Regulations 13, 30(8) and 38- PO- whether the Applicant was properly before the Board- filed out of time- Appeal dismissed

31. 31/2006 : TADECO LIMITED –VS- DTC TANA RIVER

Review- Construction of an outpatient Block at Ngao Sub-District Hospital- Alleged breach of Reg. 33(1), 29(1), 12(1) & 26- PO- whether Board has jurisdiction after a contract has been signed- Appeal dismissed

32. 32/2006 : MFI OFFICE SOLUTIONS LIMITED –VS- KENYA POWER AND LIGHTING COMPANY LIMITED

Review- Supply, installation, testing & commissioning of a production billing printer- Alleged breach of regulations 30(7), (8)- Appeal dismissed

33. 33/2006 : SHIKA SHIKA SECURITY ALARMS LIMITED –VS- KENYA SUGAR RESEARCH FOUNDATION

Review- Supply for provision of security services - Alleged breach of Regulations 13,27,30(7) and 33(1)- Appeal dismissed- No breach of Regulations.

34. 34/2006 : KIBE KIMANA CONTRACTORS –VS- MUNICIPAL COUNCIL OF MACHAKOS

Review- Construction of Ngei Road Shopping Center - Alleged breach of Regulations 13,30(7) and 30(8)- Appeal dismissed- Appeal has no merit

35. 35/2006 : RIVA OIL COMPANY LIMITED –VS- EAST AFRICAN PORTLAND CEMENT.

Review- Supply and delivery of fuel oil- Alleged breach of Regulations 15(3), 30(8) and 11- Appeal dismissed- under Reg. 40(2)(b) Board has no jurisdiction to hear matters filed under Reg. 15

36. 36/2006 : BALLANTINES CONSULTING LIMITED –VS- NATIONAL ECONOMIC AND SOCIAL COUNCIL

Review- Consultancy for development of Brand Kenya master Plan- Alleged breach of Reg. 36(2),(5), 30(6) and (7)- Appeal succeeds- Tender annulled- Re-tender

37. 37/2006 : CORNERSTONE SECURITY SERVICES LIMITED –VS- NATIONAL CEREALS & PRODUCE BOARD

Review- Provision of security of services- Alleged breach of Regulations 11, 13, 30, 33, 4- Appeal dismissed

38. 38/2006 : LEON INSURANCE BROKERS –VS- CITY COUNCIL OF NAIROBI

Review- Provision of insurance services- Alleged breach of Reg. 27, 30 (8)(a), 30(6) (c), 10(1) & (2), 30 (7), 31 (2)- Tender annulled- Re-tender

39. 39/2006 : AON MINET INSURANCE BROKERS LIMITED –VS- THE JUDICIARY

Review- Appointment of a broker for the judiciary medical insurance Scheme- Alleged breach of Reg. 24, 4- Appeal dismissed

40. 40/2006 : TOTAL SOFT BANK (K) LIMITED –VS- MOMBASA WATER & SEWERAGE COMPANY LIMITED

Review- Supply of cold water meters- Alleged breach of Regulations 30(8), 30(7)- PO- whether Board has jurisdiction to hear Review- whether Review should be struck out- Appeal succeeds- Re-tender

41. 41/2006 : KITEK (7) LIMITED –VS- MOI TEACHING AND REFERRAL HOSPITAL

Review- Proposed erection to completion of Ampath Satellite clinic at Kitale, Completion of Ampath Food Store at MTRH- Alleged breach of Regulations 30(8), 30(1)- P.E to re- evaluate the bids after the Applicant submits afresh bid bond
Review- Completion of Heart Unit at MTRH in Uasin Gishu, Completion of Histopathology at MTRH in Uasin Gishu District- Alleged breach of Regulations 30(8), 30(1)- Appeal dismissed- The P.E decided to re- tender.

42. 42/2006 : SILANGA RELIABLE SECRETARIES LIMITED –VS- NATIONAL SECURITY INTELLIGENCE SERVICES

Review- Supply and delivery of communication equipments- Alleged breach of Reg. 29- Appeal dismissed- no breach of Regulations.

43. 43/2006 : MUTISO MENEZES INTERNATIONAL –VS- KENYA SUGAR RESEARCH FOUNDATION

Review- Provision of Consulting Services for design and construction of works- Alleged breach of Regulation 10(2), 30(7)&(8)- Appeal succeeds- Re-tender- Procurement process flawed.

44. 44/2006 : PRUDENTIAL FARMERS BUTCHERY LIMITED –VS- DEPARTMENT OF DEFENCE

Review- Supply of meat- Alleged breach of Regulation 30(7), 30(8) & 33(1)- PO- whether Board had jurisdiction to hear Appeal- Appeal dismissed- No jurisdiction as contract already signed- Board observed serious flow of Regulations.

45. 45/2006 : BRINKS SECURITY SERVICES LIMITED –VS- KENYA POWER AND LIGHTING AND COMPANY LIMITED

Review- Provision of security services- Alleged breach of Regulation 13(3), 13(4), 24(2)- PO- whether Board has jurisdiction- Board has Jurisdiction as contract not fully signed- Appeal succeeds- Re-tender

46. 46/2006 : LAVINGTON SECURITY GUARDS LIMITED –VS- MINISTRY OF AGRICULTURE

Review- Provision of security services- Alleged breach of Regulation 4,15, 26, 29& 30- Appeal dismissed

47. 47/2006 : ARPRIM CONSULTANTS –VS- NYAYO TEA ZONES DEVELOPMENT AUTHORITY

Review- Consultancy services for the proposed Kipchabo Tea Factory- Alleged breach of Reg. 24(2), 14(1), & (2), 30(8)(b), 31(1)- Tender annulled- Re-tender

48. 48/2006 : MASHUDU SUPPLIES LIMITED –VS- MINISTRY OF ROADS AND PUBLIC WORKS

Review- Provision of food stuffs- Alleged breach of Regulations 4, 26, 11- Appeal dismissed- no merit

49. 49/2006 : MOHAMMED MUIGAI ADVOCATES –VS- KENYA RE-INSURANCE CORPORATION

Review- Provision of legal services- Alleged breach of Regulations 30(7), (8), (9), 10(2), 33(1)- PO- Appeal dismissed

50. 50/2006 : HATARI SECURITY GUARDS LIMITED –VS- KENYATTA UNIVERSITY

Review- Provision of legal services- Alleged breach of Regulations 30(8), 24(2j), 29, & 33- Parties agree to withdraw the appeal & re-tender.

51. 51/2006 : AMIRAN COMMUNICATIONS LIMITED –VS- EGERTON UNIVERSITY

Review- Supply Installation and Commissioning of PABX- Alleged breach of Regulation 33(1), 30(8)- Appeal dismissed- no breach

52. 52/2006 : TOURISM PROMOTION SERVICES –VS- KENYA WILDLIFE SERVICES

Review- Lease Development and Management of Meru Mulika and Fig Tree in Meru National Park, Alleged breach 12,13,24, 30 & 33- PO- whether Applicant is competent to file the Appeal- Appeal dismissed- Applicant not a candidate.

**53. 53/2006 : DALY & FIGGS ADVOCATES, MURIU MUNGAI & CO.
ADVOCATES –VS- KENYA RE-INSURANCE CORPORATION**

Review- Provision of legal services- Alleged breach of Reg. 26,13(1), 30(4), 4,14, 24,26,30(5), 30(1)- PO- Appeal dismissed

54. 54/2006 : AVERY KENYA LTD –VS- NATIONAL CEREAL & PRODUCE BOARD

Review- Maintenance Services for Weighbridges & Weighing Scales- PO- whether Board lacks Jurisdiction as appeal was allegedly brought in violation of Reg. 40(3)- Appeal dismissed- Board has no jurisdiction

55. 55/2006 : CAROL CONSTRUCTION ENGINEERS –VS- MINISTRY OF LOCAL GOVERNMENT

Review- Proposed construction of Matatu/Bus Park and rehabilitation of Roads at Eldama Ravine- Alleged breach of Reg. 4, 30(1), 30(8)(b), 30(4), 30(5), 30(6)(c), 36(5),33(1)- Appeal dismissed- no breach of Regulation

56. 56/2006 : HIGHLAND SURVEYORS –VS- KENYA WILDLIFE SERVICES

Review- Provision of surveying services- Appeal withdrawn

57. 57/2006 : MURINGA HOLDINGS LIMITED –VS- TELKOM KENYA LIMITED & MINISTRY OF INFORMATION & COMMUNICATION

Review- Joint Venture for Gilgil Telecommunications Industries- Alleged breach of Regulations 13, 30(7), 33(1)- PO- whether Board lacks jurisdiction- Appeal dismissed for want of prosecution

58. 58/2006 : SIMBA ENERGY LIMITED –VS- KENYA POWER & LIGHTNING COMPANY LTD.

Review- Supply of an 80-90 MW power generating plant to be located in Rabai, Mombasa- Alleged breach of Reg. 10(2),30(1) & 36(5)- Appeal Dismissed- Breach of Reg. 10(2) but this does not prejudice the Applicant