

APPEALS HANDLED IN THE YEAR 2007

- 1. 1/2007 : SIEMENS OSAKEYHTIO –VS- KENYA POWER & LIGHTING COMPANY LIMITED**
Review- Tender for Engineer, Procure, construct and Commission Ngong Road, Westlands, Karen & Nairobi South Substations –Alleged breach of Reg. 5, 6(3), 40 & 41- PO- touching on Boards Jurisdiction under Reg. 5- Appeal dismissed-
- 2. 2/2007 : LANTECH (AFRICA) LIMITED –VS- MINISTRY OF FINANCE**
Review- Supply, Installation and Commissioning of Optical Fibre Network, Government Common Core Network –Alleged breach of Reg. 30 and 33(1) - Appeal succeeds- Re-tender
- 3. 3/2007 : RAMJI SHAMJI & SONS LIMITED –VS- COAST WATER SERVICES BOARD**
Review- Tender for Construction of 1500 M3 Water Tank- Appeal Withdrawn
- 4. 4/2007 : AREVA TD-VISCAS CONSORTIUM –VS- KENYA POWER & LIGHTNING COMPANY**
Review- Tender for Replacement/Upgrade - alleged breach of Reg. 23(2)(j), 30(7)(8), 14(1)- Appeal Dismissed
- 5. 5/2007 : SOFT WISE (K) LIMITED –VS- CATERING & TOURISM DEVELOPMENT LEVY TRUSTEES**
Review- Service and Maintenance of LAN/WAN Connectivity, E-Mail/Internet, Website Update and Voice Communication - alleged breach of Reg. 15, 40 (2) (b)- Appeal dismissed
- 6. 6/2007 : SIEMENS AKTIENGSELLCHAFT –VS- KENYA POWER & LIGHTING COMPANY LIMITED**
Review- Tender for Replacement/Upgrade and Expansion of the SACDA/EMS- PO- touching on Boards Jurisdiction under Reg. 5- Appeal Dismissed
- 7. 7/2007 : KEWAL CONTRACTORS LIMITED –VS- MINISTRY OF LOCAL GOVERNMENT**
Review- Tender for Muthurwa Hawkers Market and Public Transport Terminus - alleged breach of Regulation 33(1) - Appeal dismissed
- 8. 8/2007 : KITEK (7) LIMITED –VS- MINISTRY OF YOUTH AFFAIRS**
Review- Proposed Completion of Stalled Structures and Re-roofing of 17 No. Type 'E' Block of Flats and Associated Civil Works at National Youth Service, Gilgil - Alleged breach of Regulation 30(2), 30 (7) & (8)& 33(1) - Appeal succeeds- Re-tender
- 9. 9/2007 : ARMICK LIMITED – VS- KENYA RAILWAYS CORPORATION**
Review- Sale Scrap Rolling and Permanent Way Materials - alleged breach of Reg. 10(1) (d), 12, 28(1) & (2), 42(4)- Appeal dismissed – Applicant failed to prove grounds
- 10. 10/2007 : TOTAL SECURITY SURVEILLANCE LIMITED & ANOTHER –VS- TELKOM KENYA**
Review- Provision of Security Services - alleged breach of Reg. 4, 32- PO- whether the appeal is incompetent & if filed out of time- PO fails- Appeal dismissed- all grounds fail.
- 11. 11/2007 : TOTAL SECURITY SURVEILLANCE LIMITED & ANOTHER –VS- TELKOM KENYA**
Review- Provision of Security Services - alleged breach of Reg. 4, 32, 38(8)(a)- PO- whether the appeal is incompetent & if filed out of time- PO fails- Appeal dismissed- all grounds fail.
- 12. 12/2007 : SYSTECH LIMITED –VS- MINISTRY OF FINANCE**
Review- Supply, Installation and Commissioning of Pensions Management Information System - Appeal Withdrawn

- 13. 13/2007 : PISU & COMPANY LIMITED –VS- MINISTRY OF YOUTH AFFAIRS**
Review- Supply of Furniture to Kitchen and Barracks for National Youth Service - Ruaraka - Appeal Withdrawn
- 14. 14/2007 : FACE TECHNOLOGIES (PTY) LIMITED –VS- MINISTRY OF FINANCE**
Review- Supply, Installation and Commissioning of a Pensions Management Information System – Alleged breach of Reg. 4, 11 and 30 (7) - Appeal dismissed
- 15. 15/2007 : METRO PETROLEUM LIMITED –VS- EAST AFRICAN PORTLAND CEMENT COMPANY LIMITED**
Review- Supply of Clinker - alleged breach of Reg. 27, 28(1), 30(4) (7)(8), 33 (1)- Appeal Succeeds- Re-tender- breaches by PE core of the tender process
- 16. 16/2007 : EAST AFRICAN CABLES LIMITED –VS- KENYA POWER & LIGHTNING COMPANY LIMITED**
Review- Supply of Cables and Conductors - alleged breach of Regulation 4, 24(2) (j), 30(7), 33(1) - Appeal Dismissed
- 17. 17/2007 : MACNAUGHTON LIMITED –VS- KENYA PORTS AUTHORITY**
Review- Supply of Drugs - Alleged breach of Regulations 30(5)- PO- whether appeal was out of time- PO dismissed as Appeal within appeal window- Appeal dismissed- Lack of merit
- 18. 18/2007 : LANET MEAT SUPPLIES – VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Meat (Beef) on Bone to Gilgil Units - Alleged breach of Regulations 30(7) & (8)– Appeal succeeds-Tender annulled
- 19. 19/2007 : TRAPEZOID CONSTRUCTION –VS- BOMET DISTRICT TENDER COMMITTEE**
Review- Construction of Proposed N.S.I.S Sub-regional Office at Bomet- Appeal Withdrawn
- 20. 20/2007 : PRINTING INDUSTRIES LIMITED –VS- ELECTORAL COMMISSION OF KENYA**
Review- Tender No. ECK/11/2006-07- Appeal stopped by a Court Order
- 21. 21/2007 : PROMACO LIMITED –VS- OFFICE OF THE PRESIDENT (GOVERNMENT PRESS)**
Review- Supply, Delivery and Installation of Five Colour Offset Lithographic Printing Press, Size B2 (With Coating Module)- Alleged breach of Reg. 4, 13, 24(2), 30 (7) & (8)- Appeal dismissed- All alleged grounds failed
- 22. 22/2007 : COMSAT TECHNOLOGIES LIMITED –VS- KENYA METEOROLOGICAL DEPARTMENT, MINISTRY OF TRANSPORT**
Review- Supply , Delivery, Installation and Commissioning of Partial Seismic Network Information System – Alleged breach of Reg. 12(2), 14(1)(2) & (3), 31(1) - Appeal dismissed
- 23. 23/2007 : SILVERLINE MULTI SERVICES LIMITED –VS- OFFICE OF THE PRESIDENT & MINISTRY OF HOME AFFAIRS**
Review- Provision of Professional Cleaning Services - Alleged breach of Reg. 4, 24(2) (j) and 30(7) - Appeal dismissed
- 24. 24/2007 : HURLING HAM BUTCHERY LIMITED –VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Meat (Beef) on Bone to DOD, CAU, CTS Kabete, AFMH, NDC, DSC – Alleged breach of Sec. 64, 66(2) & (3), Reg. 47, 49 & 50- Appeal dismissed

- 25. 25/2007 : HURLING HAM BUTCHERY LIMITED –VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Meat (Beef) on Bone to Moi Airbase (Eastleigh) – alleged breach of Sect. 64, 66(2) & (3), Reg. 47, 49 & 50- Appeal dismissed
- 26. 26/2007 : HURLING HAM BUTCHERY LIMITED –VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Meat (Beef) on bone to Kahawa Garrison- Alleged breach of Sect. 64, 66(2) & (3), Reg. 47, 49 & 50- Appeal dismissed
- 27. 27/2007 : HURLING HAM BUTCHERY LIMITED –VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Meat (Beef) on Bone to Nanyuki Based Units - Alleged breach of Reg. 4, 30(1) – (5), 30((7) & (8) and 33– Appeal dismissed
- 28. 28/2007 : DONG MI ELECTRIC INDUSTRIAL COMPANY LIMITED –VS- KENYA POWER & LIGHTNING COMPANY LIMITED**
Review- Supply and Distribution of Transformers - Alleged breach of Regulations 26, 27, 30(7) & (8)- Appeal dismissed
- 29. 29/2007 : KITEK (7) LIMITED –VS- MINISTRY OF YOUTH AFFAIRS**
Review- Completion of Stalled Structures and Re-roofing of 17 No. Type ‘E’ Block Flats and Associated Civil works at National Youth Service- Gilgil - Alleged breach of Regulations of 30(1) and 30(2)- Appeal dismissed
- 30. 30/2007 : CRYPTO AG –VS- OFFICE OF THE PRESIDENT (POLICE DEPARTMENT)**
Review- Supply, Delivery, Installation, Testing and Commissioning of Secure End-To-End Communication Trunking System.- Alleged breach of Reg. 30 (4), 30 (6) (c) and 33 (1)- Appeal dismissed- All alleged grounds failed
- 31. 31/2007 : RIFT VALLEY MACHINERIES LIMITED –VS- NATIONAL WATER CONSERVATION & PIPELINE CORPORATION**
Review- Supply and Delivery of Submersible Pumps, Control Panels, cables and Borehole Casings- Alleged breach of Sect. 66(3), 66(5), Reg. 49(1), 50(1) and 51(1)- Appeal succeeds- Re-tender
- 32. 32/2005 : MFI OFFICE SOLUTIONS LIMITED –VS- KENYA PORTS AUTHORITY**
Review- Tender for Operation of Printing Shop- Alleged breach of Sect. 34, 53, Reg. 16(5) (a) & 49- Appeal succeeds- Re-tender- All alleged grounds of breach Succeed
- 33. 33/2007 : CAROL CONSTRUCTION ENGINEERING LIMITED –VS- MINISTRY OF LOCAL GOVERNMENT**
Review- Proposed Construction of Port Victoria and Funyula Markets at Port Victoria and Funyula Towns - Appeal Withdrawn by Applicant
- 34. 34/2007 : MIJUTO INVESTMENTS AND RENOVATORS LIMITED –VS- CATERING & TOURISM DEVELOPMENT LEVY TRUSTEES**
Review- Provision of Office Partitioning and Refurbishments - Alleged breach of Sect. 66(3), 66(5), 68, Reg. 49(1) and 50(1) – PO- whether board has jurisdiction- PO dismissed- Appeal succeeds- Re-tender- PE breached Sec. 68 and Reg. 11
- 35. 35/2007 : LITHOTECH EXPORTS (PTY) LIMITED –VS- ELECTORAL COMMISSION OF KENYA**
Review- Printing and Supply of Ballot Papers - Alleged breach of Sect. 64, 66, Reg. 47, 48, 49, 50, 50(3), 51& 52- Appeal succeeds- Re-tender

- 36. 36/2007 : OTTAWA CANADA GARDEN CONSULTANCY –VS- KENYA COLLEGE OF COMMUNICATION AND TECHNOLOGY**
Review- Ground Improvement and Landscaping Services- Alleged breach of Sect. 34(1), 52(3), 54 & 60(2)- Appeal dismissed
- 37. 37/2007 : SPENCON (K) LIMITED –VS- MINISTRY OF ROADS AND PUBLIC WORKS**
Review- Construction of Makutano-Kikima-Tawa-Road (D516/D517)- Alleged breach of Sec. 64(2)& Reg. 50- Appeal dismissed
- 38. 38/2007 : CORNERSTONE SERVICES LIMITED –VS- KENYA PIPELINE COMPANY LIMITED**
Review- Provision of Services limited - Alleged breach of Sect. 39, 66(2), 66(4), 67(2)- Appeal dismissed
- 39. 39/2007 : SUNRISE SECURITY SERVICES LIMITED –VS- MINISTRY OF FINANCE**
Review- Provision of Services - Alleged breach of Sections 2, 66(2), 66(4)- Appeal dismissed
- 40. 40/2007 : VESTERGAARD FRANSDEN (SA)–VS- PROCUREMENT AND SUPPLY CHAIN MANAGEMENT CONSORTIUM/ MINISTRY OF HEALTH**
Review- Supply and Delivery of Long Lasting Insecticidal treated bed nets (LLIN's -2)- Alleged breach of Sections 2, 66, 67 and 68- Appeal dismissed
- 41. 41/2007 : MFI OFFICE SOLUTIONS LIMITED –VS- ELECTORAL COMMISSION OF KENYA**
Review- Supply of PABX Machine - Alleged breach of Sect. 3 (c) & 140 of the Act & Sec. 41(9) of the Constitution of Kenya - Appeal dismissed
- 42. 42/2007 : ELDO-RO TSA CONSTRUCTION COMPANY LIMITED –VS- GOLF HOTEL KAKAKMEGA**
Review- Re-roofing of Hotels Rooms - Alleged breach of Reg. 64, 66(2) - Appeal dismissed
- 43. 43/2007 : DANCA TRADERS –VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Meat on Bone to Mombasa Units - Alleged breach of Sec. 66(4), Reg. 50(3), 51(1) (d), 52(2) & 66(2)- Appeal succeeds- Re-tender
- 44. 44/2007 : WAJIR CLEANERS –VS- TELKOM KENYA LIMITED**
Review- Provision of Cleaning, Gardening and Waste Management Services - Alleged breach of Regulation 41(4) - Appeal succeeds- Re-tender.
- 45. 45/2007 : GOLICHA GANGE OMAR –VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Meat on Bone to Eldoret Units - Alleged breach of Sec. 66(1), (2) & (4) - Appeal dismissed
- 46. 46/2007 : LOCKHART INTERNATIONAL LIMITED –VS- KENYA REVENUE AUTHORITY**
Review- Supply, Delivery, Installation and Commissioning of E-Cargo Tracking System - Alleged breach of Sections 67, 83 & 93- Appeal dismissed
- 47. 47/2007 : AVTECH SYSTEM LIMITED –VS- KENYA INSTITUTE OF EDUCATION**
Review- Tender for Procurement of Works to install a Digital Conference/Translation System (Public Address Enhanced) - Alleged breach of Section 66(4), 66 & 76(2)- Appeal Succeeds
- 48. 48/2007 : AFRINET COMMERCE LIMITED T/A E-SOKONI –VS- MINISTRY OF STATE FOR DEFENCE**
Review- Supply of Ground Sheet - Alleged breach of Sections 44(2), 45(2) &(3), 57(2)- Appeal dismissed
- 49. 49/2007 : H. YOUNG & COMPANY (E.A) LIMITED –VS- KENYA AIRPORTS AUTHORITY**

Review- Expansion of Cargo Apron and Associated Access Road/ Car Parks at Jomo Kenyatta International Airport - Alleged breach of Sec. 52 (3) (h), 54(1), 64 & 66- Appeal dismissed

50. 50/2007 : MRUTTU SALMANN & ASSOCIATES AND SYMBION INTERNATIONAL –VS- CATERING AND TOURISM DEVELOPMENT LEVY TRUSTEES

Review- Expression of Interest (EOI) for Consultancy Services for Construction of Headquarters and Office Block- Alleged breach of Sec. 81(2) (e) (iii), Reg. 47 & 57- Appeal Succeeds

51. 51/2007 : MRUTTU SALMANN & ASSOCIATES AND SYMBION INTERNATIONAL –VS- CATERING AND TOURISM DEVELOPMENT LEVY TRUSTEES

Review- Expression of Interest (EOI) for Consultancy Services for Construction of Headquarters and Office Block - Alleged breach of Sec. 38(1), 82(4) Reg. 7 & 10- Appeal Succeeds

52. 52/2007 : 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.

53. 53/2007 : PIONEER PLUMBERS LIMITED –VS- NATIONAL SOCIAL SECURITY FUND

Review- Completion of Phase II Nyayo Housing Estate Embakasi (Plumbing and Drainage Installations)- Alleged breach of Sec. 44, 45 ,60, 64(2), 66(2) & (3), Reg. 47(1) (d), 47(2) & 49(2)- Appeal succeeds and Tender annulled

54. 54/2007 : M.J. VEKARIA ELECTRIC LIMITED –VS- NATIONAL SOCIAL SECURITY FUND

Review- Completion of Phase II Nyayo Housing Estate Embakasi (Electric Installations and Associated Services)- Alleged breach of Sec. 44, 45, 62(1), 64(4), Reg. 73- Appeal dismissed

55. 55/2007 : ZTE CORPORATION EAST AFRICA –VS- MINISTRY OF INFORMATION & COMMUNICATIONS

Review- procurement procedure for Phase II of Government CDMA Rural Telecommunications Project - Alleged breach of Sections 3(1), 93(1) and 93(2)- Appeal dismissed

56. 56/2007 : PEWINS SUPPLIES LIMITED –VS- MINISTRY OF ROADS & PUBLIC WORKKS

Review- Supply of Fire Fighting Equipment AFF. Foam Compound Safety & Emergency Equipment - Appeal Withdrawn

57. 57/2007 : MEREKA & COMPANY ADVOCATES –VS- KENYATTA NATIONAL HOSPITAL

Review- Pre-qualification of legal services - Appeal Withdrawn

58. 58/2007 : KENROOF COMPANY LIMITED –VS- KENYA AIRPORTS AUTHORITY

Review- Rehabilitation of Flat Roofs Building at Eldoret International Airport - Alleged breach of Sec. 34(1) & (2) & 52(2)- Appeal dismissed

59. 59/2007 : SELEX SISTEMI INTERGRATI –VS- KENYA CIVIL AVIATION AUTHORITY

Review- Modernization and Upgrading of Air Navigation Equipment- Alleged breach of Sec. 2, 36, 68(3) & 93 (2) (b), Reg. 77- Appeal dismissed.

60. 60/2007 : PATRIOTIC GUARDS SECURITY SERVICES LIMITED –VS- KENYA POSTS OFFICE SAVINGS BANK

Review- Provision of Security Services - Alleged breach Sections 52(3) (i), 66, 67(20), Reg. 38 (d), 46, 47, 50 & 73(2)(c) - Appeal dismissed

61. 61/2007 : ROSENBAUER INTERNATIONAL A.G –VS- KENYA AIRPORTS AUTHORITY

Review- Supply of Airport Fire Fighting and Rescue Vehicles- Alleged breach of Sec. 64(1) & (3), 66 (2) & (3), Reg. 48(2) & 73(2) (b)- Appeal dismissed

62. 62/2007 : CENTRAL MICROFILM OPERATIONS (1990) LIMITED –VS- OFFICE OF THE PRESIDENT, MINISTRY OF HOME AFFAIRS

Review- Supply and Delivery of Number Plates Raw Materials - Alleged breach of Sec. 31, 32, 34 & 89(2), Reg. 73(2) (c) - Appeal dismissed

63. 63/2007 : N. K. BROTHERS LIMITED –VS- NATIONAL SOCIAL SECURITY FUND

Review- Proposed Completion of Social Security House Annexe-Parking Silo, Nairobi.- Alleged breach of Sections 39(1), 66(2), (3) & (4)- Appeal dismissed

64. 64/2007 : WEB ENGINEERING LIMITED –VS- MINISTRY OF ENERGY

Review- Supply, Installation, Testing and Commissioning of Solar Power System to 29 No. Dispensaries and Health Centres in ASAL Districts of Mandera and Wajir- Alleged breach Sec. 59(2), 66(2), 66(3) & 66(4)- Appeal Succeeds- Tender Annulled

65. 65/2007 : WEB ENGINEERING LIMITED –VS- MINISTRY OF ENERGY

Review- Supply, Installation, Testing and Commissioning of Solar Power System to 15 No. Schools, Dispensaries and Health Centres in ASAL Districts of Marsabit - Alleged breach Sec. 66(2), 66(3) & 66(4)- Appeal Succeeds- Tender Annulled.

66. 66/2007 : CASCA TRADERS LIMITED –VS- GOVERNMENT TRAINING INSTITUTE, MATUGA

Review- Proposed Erection and Completion of New Hostel Block and Associated External Works - Alleged breach of Sec. 44, 45, 60, 64 & 66(4), Reg. 47 & 48- Appeal dismissed

67. 67/2007 : ALLIANCE MEDIA (K) LIMITED –VS- UNIVERSITY OF NAIROBI

Review- Lease of billboard advertising space within the premises bordering Uhuru Highway, Museum Hill Roundabout, Chiromo Road and Riverside Drive- Alleged breach of Sections 2, 5, 62, 64 & 66, Sec. 80 & 82 of the Constitution of Kenya - Appeal dismissed

68. 68/2007 : DELARUE INTERNATIONAL LIMITED –VS- KENYA REVENUE AUTHORITY

Review- Printing, Supply and Delivery of Self Adhesive Stamps for Wines and Spirit - Alleged breach of Sections 61, 66, 67 and Regulation 77- Appeal Succeeds- Tender Annulled

69. 69/2007 : SANBIAN SCI- TECH CO. LIMITED –VS- KENYA ELECTRICITY GENERATING COMPANY LIMITED

Review- Supply of One 85 MVA, 15Kv, 50Hz, 3 –Phase Step up Generator for Gitaru Power Station - Alleged breach of Section 66- Appeal dismissed.

70. 70/2007 : OTIENO ODONGO & PARTNERS –VS- MINISTRY OF WATER & IRRIGATION

Review- Consulting Services for the Engineering Design and Construction Supervision of Intake ells for Garisa Water - Alleged breach of Sections 81(2) (e) 1(iii), 82(1) & 82(2)- Appeal Succeeds- Tender annulled